Notice and Agenda

Regular Meeting
of the
La Cañada Flintridge Planning Commission

Thursday, June 25, 2026 at 6:00 PM

City Hall
One Civic Center Drive
La Cañada Flintridge, CA 91011

Henry Oh, Chair
Samir Mehrotra, Vice-Chair
Nerses Aposhian, Planning Commissioner
Argam DerHartunian, Planning Commissioner
Ernest Koeppen, Planning Commissioner

How to View the Meeting Remotely
Regular Planning Commission meetings are streamed live for public viewing. However, please note that not all Special Planning Commission meetings are available for live streaming.

City Website Live Streaming at https://lcf.ca.gov/city-clerk/agenda-minutes/.

Comments from the Public
The public is encouraged to address the Planning Commission on any matter posted on the agenda or on any other matter within its jurisdiction. If you wish to address the Planning Commission, you may do so during the **Comments from the Public** period noted on the agenda. Each person is allowed 3-minutes speaking time.

Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.

Agenda Materials
Copies of staff reports and supporting documentation pertaining to agenda items are available for public viewing and inspection at City Hall, 2nd Floor Lobby Area, during regular business hours, and on the City's website https://lcf.ca.gov. For further information regarding agenda items, please contact the Community Development Department at (818) 790-8881.

SB 343 – Any writings relating to an agenda item distributed to a majority of the Planning Commission less than 72 hours prior to the meeting will be available for public review in the City Clerk's Office during normal business hours and/or posted on the City's website.

Levine Act - To promote transparency and fairness in government decision-making, the Levine Act imposes contribution prohibitions and disclosure requirements. Specifically, any elected or appointed City officer is prohibited from making or attempting to influence a decision in a proceeding involving a license, permit, or other entitlement for use if the officer received a contribution of more than $500 within the preceding 12 months from a party or their agent. (Gov. Code § 84308(c)(1).) Additionally, parties to proceedings involving a license, permit, or other entitlement for use pending before any elected or appointed City officer must disclose any campaign contributions exceeding $500 that they made within the preceding 12 months. (Gov. Code § 84308(e)(1).) For more information please visit: https://lcf.ca.gov/city-clerk/levine-act/.

Reasonable Accommodations
In compliance with the Americans with Disabilities Act and Government Code Section 54953(g), the City Council has adopted a "reasonable accommodations" policy to expedite accommodation requests. The policy can also be found on the City's website. Please contact the City Clerk's Office, (818) 790-8880 to make an accommodation request, or to obtain an electronic or printed copy of the policy.

6:00 PM Planning Commission Regular Meeting

Preliminary Business

Call to Order **Next Resolution: 26-26**

Roll Call
Commissioner Aposhian
Commissioner DerHartunian
Commissioner Koeppen
Vice-Chair Mehrotra
Chair Oh

Pledge of Allegiance

Selection of Chair and Vice-Chair of the Planning Commission

Selection of Administrative Meeting Officer

Comments from the Public - Public Comment cards are in the holder on the wall in the lobby. Limited to 3 minutes per speaker for items on the Consent Calendar, items not on the Agenda, or any issue within the subject matter jurisdiction of the City Council. Public comment is limited to a maximum of 20 minutes. Speakers not able to speak due to the 20-minute time limit will be provided with the opportunity to speak at the end of the meeting. Please give a completed Public Comment Card to the City Clerk prior to the conclusion of this item. Speakers will be called in the order that public comment cards are received.

If the matter on which you wish to speak is an Agenda item (other than a Consent Calendar item), you will be provided the opportunity to address the City Council when the matter is considered. Please give a completed Public Comment Card to the City Clerk prior to the beginning of the item.

Reordering of and Additions to the Agenda

Consent Calendar - No Items

Continued Public Hearings

1) **Zone Change 14-02; Zoning Code and Zoning Map Update, Impacting Properties Citywide within the City of La Cañada Flintridge:** A request to repeal and replace in its entirety Title 11 (Zoning) of the City of La Cañada Flintridge Municipal Code and the associated Zoning Map. The Planning Commission will make a recommendation to the City Council on adoption of the proposed Zone Change.

   Recommendation: Review and provide direction to staff on any additional amendments to be incorporated into the Zoning Code Update and associated Zoning Map.

Public Hearings

2) Conditional Use Permit (USE-2025-0664) / Second-Floor Review (DEV-2025-0090) at 4254 Chevy Chase Drive: A request to allow demolition of an existing two-story residence and guest house and construction of a new two-story residence and attached garage comprising approximately 13,000 square feet on a 56,758 square-foot lot.

Recommendation: 1) Adopt Planning Commission Resolution No. 26-xx finding the project Categorically Exempt from the California Environmental Quality Act and approving Conditional Use Permit (USE-2025-0664) for a new two-story residence and attached garage that would comprise more than 10,000 square feet at 4254 Chevy Chase Drive and; 2) Adopt Planning Commission Resolution No. 26-xx approving Second-Floor Review (DEV-2025-0090) for construction of a new two-story residence at 4254 Chevy Chase Drive.

Other Business

3) Director's Reviews:

a. Hillside Development Permit (HILL-2026-0004); 334 Starlight Crest Drive: A request to allow a 594 square-foot attached patio cover on a hillside lot.
b. Hillside Development Permit (HILL-2025-0042); 4169 Hampstead Road: A request to allow a 198 square-foot first-floor addition to an existing one-story residence on a hillside lot.
c. Director's Miscellaneous Review-Pool Equipment (DIR-2026-0007); 4239 Encinas Drive: A request to allow new pool equipment to encroach five feet and ten feet into the required side and rear yard setbacks, respectively.
d. Director's Review - Setback Modification (DIR-2026-0006); 4762 La Canada Boulevard: A request to allow a 5'-6" outward-facing retaining wall and new pool/spa equipment to encroach into the required south side yard setback.
e. Hillside Development Permit (HILL-2026-0010); 4545 La Granada Way: A request to allow construction of a new pool and spa on a hillside lot.
f. Director's Review - Setback Modification (DIR-2023-0033)(Amendment); 5112 Alta Canyada Road: A request to allow relocation of previously approved pool equipment within the required rear yard setback.
g. Director's Miscellaneous Review-Pool Equipment (DIR-2026-0010); 1250 Descanso Drive: A request to allow new pool equipment to encroach six feet into the required north side yard setback.

4) Discussion and Direction Regarding the 2026 Planning Commission Meeting Schedule

Concluding Business

- Commissioners' Comments
- Staff Comments

Adjournment

Motion to Adjourn

I certify under penalty of perjury that the agenda was posted on the City Hall bulletin board at One Civic Center Drive at least **72 hours** prior to the meeting, in accordance with Government Code Section 54954.2.

Susan Koleda, AICP
Director of Community Development

CITY OF LA CAÑADA FLINTRIDGE

Planning Commission Agenda Report

Meeting Date: June 25, 2026

Subject: **Zone Change 14-02; Zoning Code and Zoning Map Update, Impacting Properties Citywide within the City of La Cañada Flintridge:** A request to repeal and replace in its entirety Title 11 (Zoning) of the City of La Cañada Flintridge Municipal Code and the associated Zoning Map. The Planning Commission will make a recommendation to the City Council on adoption of the proposed Zone Change.

Presenter: Susan Koleda, Director of Community Development

Proposed Action: Review and provide direction to staff. If no additional amendments are required, a draft Resolution with a recommendation from the Planning Commission to the City Council will be prepared and placed on an upcoming Planning Commission agenda.

Environmental Impact: The Zoning Code and Zoning Map Update is to implement the City's adopted 2013 General Plan, for which a Program Environmental Impact Report (SCH. No. 2009061012) was certified by the City Council in January 2013. Prior to action by the City Council on the adoption of the Zoning Code Update, review of the project pursuant to the California Environmental Quality Act will be completed as required per state law.

Background:

The Planning Commission reviewed the draft Zoning Code update on January 22, 2026, and February 12, 2026. There are various minor items to confirm prior to the Commission's formal recommendation to City Council, as outlined below.

Discussion/Analysis:

Pre-Zoned Areas (Section 11.3.01.003.E):
The city's Sphere of Influence, as established by the Los Angeles County Local Agency Formation Commission (LAFCO), does not fully align with the current city boundary. This can be corrected through future annexation of areas that fall within the city's Sphere of Influence but remain outside the city limits. However, those parcels must be assigned a General Plan Land Use designation and be pre-zoned before they can be annexed. As previously directed by the Planning Commission, these pre-zoned areas will be reflected on the updated Zoning Map.

To support this requirement, staff has added a new “Pre-Zoned Areas” section to the zoning code. This section states:

> *A pre-zone shall specify the intended zoning for areas within the city's Sphere of Influence but not yet annexed and within the official city boundary. The official zoning map shall identify each zone applicable to the property with the label "PZ" in addition to such other zone designation as may be applicable.*

Land Use Permit Table for All Zones (Table 11.3.02-1):
The previous consultant added a footnote stating that, within the Public/Semi-Public, Parks and Recreation, and Open Space zones, any new use established after a certain date on sites exceeding a specified acreage would require a zone change. However, the dates and acreages were left blank. City staff could not identify any policy basis or historical record supporting the need for this requirement.

If a use is already established, it would be governed by the Nonconforming Uses and Structures provisions. If a use has not yet been established and the property needs to be zoned P-SP, PR, or OS, the applicant would pursue a General Plan Amendment and Zone Change through the standard process.

Because the footnotes do not serve a necessary regulatory purpose and lack justification, they have been removed.

Retaining Walls (Section 11.3.03.005.G.5.b.iii):
The current code permits an outward-facing retaining wall of up to three feet, six inches (3'-6") high when the adjacent property owners provide written acceptance. Staff has added an alternative path that allows applicants to obtain a Director’s Development Review Permit (DDRP) if neighbor approval cannot be secured. This option would provide flexibility and streamline the approval process when obtaining a signature is not feasible.

Lot Coverage (Section 11.3.06.004):
Table 11.3.06-1 outlines the Commercial Zone Development Standards. Staff has deleted the footnote for Lot Coverage Maximum, which states:

> *For the purposes of this section, lot coverage excludes a parking area or the portion of a parking structure with a roof which is (4) feet or more above natural grade and which is enclosed on not more than two sides.*

Other development standards, such as height, already address the issue.

Accessory Dwelling Units (Section 11.4.02):
Staff has added the proposed text from the updated Accessory Dwelling Unit ordinance for consistency. The City Council conducted the first reading and introduction of the ADU ordinance update on June 16, 2026.

Affordable Housing Density Bonus Chapter Updates (Section 11.4.02):
This section is reserved, pending review of proposed updates by the city attorney's office. This item will be brought before the commission at a later date and incorporated into the final draft Zoning Code prior to City Council review. Required public hearing noticing of that meeting will occur once a date has been scheduled.

Roof Decks (Section 11.5.13.003.d):
Staff has added a general prohibition to the Objective Design Standards regulating roof decks and

terraces. Updated language states:

> *Rooftop terraces or decks are prohibited on any portion of a building above the second story. No buildings abutting a single-family zone have rooftop terraces and decks. An exception is permitted where the rooftop is designed and utilized for rooftop vehicle parking.*

The intent of this regulation is to protect privacy and preserve views by preventing roof decks on higher building levels. In addition, because many multi-family and commercial properties directly abut single-family neighborhoods, the regulation is also designed to limit potential adverse impacts by prohibiting roof decks where the two zones meet.

Permits and Role of Decision-Making Authority (Table 11.6.02-1): Permits Associated with Historic Preservation:
Staff has updated the Land Use and Development Permit table to include two historic preservation review permits, previously omitted, under the Special Permits section:

1. Certificate of Appropriateness: Issued by the Planning Director, who holds final decision-making authority.
2. Historic Designation and Mills Act: With recommendation authority assigned to the Planning Commission and final approval authority vested in the City Council.

Master Conditional Use Permits (Section 11.6.06.006):
Staff has removed the three-year expiration period for Master Conditional Use Permits (MCUPs). These permits typically govern large, phased, campus-style projects that unfold over much longer timelines than standard CUPs, making a fixed three-year limit impractical. Allowing the approval authority to set the expiration period, unless a specific timeline is written into the MCUP conditions, provides the flexibility needed to match the permit's duration to the scale and sequencing of each project.

Additionally, staff has increased the time extension limit from 1 year to 2 years to provide additional flexibility for applicants.

Zoning Map:
The Zoning Map has been updated to align with land-use changes consistent with the Zoning Code and other regulatory documents. These updates include:

1. Adding the Emergency Shelter (ES) Overlay Zone (consistent with Chapter 11.3.09)
2. Adding the Housing Element Implementation (HEI) Overlay (consistent with Chapter 11.3.10)
3. Adding the Office Overlay (consistent with the Downtown Village Specific Plan (DVSP) Chapter 6)
4. Updating DVSP Mixed Use zones, including:
    a. Mixed Use 1 Zone and Mixed Use 2 Zone (shown on 2020 map)
    b. Mixed Use 12 and Mixed Use 25 (adopted in 2023 to implement the Housing Element)
5. Adding Pre-Zoned (PZ) designations (PZ-Public/Semi-Public, PC-R-1-15,000, and PZ-FSHA-Specific Plan) to show parcels that are within the city's sphere of influence, but outside the jurisdictional boundary
6. Rezoning from CN to R-3 in multiple locations consistent with previous ordinance adoptions by the City Council to implement the Housing Element
7. Other minor zone changes for consistency

General Plan Amendments:
Proposed updates to the Zoning Code and Zoning Map will require multiple General Plan Amendments, including updates to:

1. Update of Floor Area Ratio (FAR) of Special Purpose Zone P-SP (Public and Semi-Public) Zone from 0.35:1 to 0.5:1 (Zoning Code Table 11.3.08-1)
2. New pre-zoned areas on Zoning Map (Zoning Code Section 11.3.01.003.E) will need to be reflected on the General Plan Figure LUE-1 Land Use Policy Map

Additionally, elements of the final zoning map may require General Plan Amendments to approve any deviations from the land uses approved in the General Plan Land Use Map, ensuring consistency.

Recommendation:
It is recommended that the Planning Commission review and provide direction to staff on any additional amendments to be incorporated into the Zoning Code Update and associated Zoning Map.

Attachments:
1. Part 1 - General Provisions
2. Part 2 - Administration
3. Part 3 - Zones, Allowable Land Uses and Standards
4. Part 4 -Special Regulations
5. Part 5 - General Regulations
6. Part 6 - Land Use and Development Permits
7. Part 7 - Definitions
8. Draft Zoning Map

PART 11.1 GENERAL PROVISIONS

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Chapter 11.1.01 Zoning Code Adoption and Applicability

§11.1.01.001 Adoption.

Adopted herein is the "La Cañada Flintridge Zoning Code," a copy of which is available in the office of the City Clerk. This Zoning Code, as adopted, is consistent with the city of La Cañada Flintridge General Plan and is adopted by the City Council pursuant to applicable laws of the State of California. The Zoning Map, a copy of which is available in the office of the City Clerk, is hereby incorporated into this Zoning Code by reference as though it were fully included here.

§11.1.01.002 Title – Citation – Reference.

This Title 11 of the La Cañada Flintridge Municipal Code (LCFMC) shall be known and cited as the "La Cañada Flintridge Zoning Code," or "this Zoning Code," or "the Zoning Code," or "this Title."

A. It shall be sufficient to refer to Title 11 as the "LCFZC" in any prosecution for the violation of any provision of this Zoning Code or in any proceeding at law or equity.

B. It is sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion of this Zoning Code as an addition to, amendment to, correction, or repeal of the La Cañada Flintridge Zoning Code.

C. References may be made to the Title, Chapters, Sections, and Subsections of the Zoning Code and such references shall apply to those Titles, Chapters, Sections, or Subsections as they appear in this Zoning Code.

D. Whenever a reference is made to this Zoning Code as the La Cañada Flintridge Zoning Code or to any portion thereof, or to any ordinance of the City of La Cañada Flintridge, codified herein, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

E. The provisions of this Zoning Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances that are therein specifically designated by number or otherwise and that are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Zoning Code.

F. References in City forms, documents, and regulations to the Chapters, Sections, and Subsections of the former Zoning Code shall be construed to apply to the corresponding provisions contained within this Zoning Code.

§11.1.01.003 Structure of Regulations.

A. This Zoning Code consists of seven (7) Parts:

1. Part 1: General Provisions;

2. Part 2: Administration;

3. Part 3: Zones, Allowable Land Uses, and Zone-Specific Standards;

4. Part 4: Special Regulations;

5. Part 5: General Regulations;

6. Part 6: Land Use and Development Permits and Procedures;

7. Part 7: Definitions

G. This Zoning Code is further structured as described in Subsections 1 – 4 below, and as shown in the diagram in Subsection 5:

1. Each Part is divided into Chapters. Chapters within each Part are numbered consecutively, starting with the Title number, followed by the Part number, followed by .01, .02, .03, and so on. Within each new Part, the Chapter numbers reset to .01. For example, the first Chapter of Part 1 of the Zoning Code is numbered "Chapter 11.1.01." The first Chapter of Part 2 is numbered "Chapter 11.2.01."; the first Chapter of Part 3 is numbered "Chapter 11.3.01."; and so on.

2. Each Chapter is further divided into Sections. Sections within each Chapter are numbered consecutively, starting with the Title number, followed by the Chapter number, followed by .001, .002, .003, and so on. Rather than the word "Section," the symbol "§" is used in the numbering scheme for sections. For example, the first Section of the first Chapter of Part 1 of the Zoning Code is numbered "§11.1.01.001."; the first Section of the first Chapter of Part 2 is numbered §11.2.01.001."; the first Section of the first Chapter of Part 3 is numbered §11.3.01.001."; and so on.

3. Each Section may be divided further into multi-level Subsections, as follows: A.1.a.i.(a).

4. This Zoning Code also includes tables and figures. The information provided in the tables and figures has the same regulatory authority as the text. The numbering of the tables and figures corresponds to the Part and Chapter, and each is further numbered consecutively by following the Title number, Part number, and Chapter number by a "–" followed by 1, 2, 3, and so on. For example, the first table in the first Chapter of Part 3 is numbered Table 11.3.01-1.

5. Diagram of numbering structure of the Zoning Code:
Title 11
Part 1
Chapter 11.1.01
§11.1.01.001
A.
1.
a.
i.
(a)

§11.1.01.004 Authority.

This Zoning Code is adopted pursuant to the authority vested in the City of La Cañada Flintridge by Planning and Zoning Law (Government Code §65800 et seq.), the Subdivision Map Act (Government Code §66410 et seq.), and the Health and Safety Code, as may be amended from time to time as provided for in Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

§11.1.01.005 Purpose.

The purpose of this Zoning Code is to protect and promote the public health, safety, and general welfare by classifying and regulating the uses of land and structures within the city in accordance with the goals, objectives, and policies of the city's General Plan. More specifically, the purpose of this Zoning Code is to establish standards and guidelines for the continued orderly growth and development of the city that will:

A. Provide the legislative framework for implementation of the General Plan;

B. Provide consistency between zoning and General Plan land use designations;

H. Protect and preserve the existing community character;

I. Continue an orderly use of land;

J. Encourage compatibility between different types of development and land uses;

K. Maintain and protect the value of property;

L. Protect and preserve valuable resources;

M. Reduce hazards to the public; and

N. Enable flexibility in development type, scale, and use by location to respond to emerging economic and social trends that benefit the city.

§11.1.01.006 Applicability.

The applicability described in this Section is not a comprehensive list; the Director shall decide the specific applicability of the Zoning Code to all projects and applications within the City. This Zoning Code applies to all land uses, activities, structures, subdivisions, and development within the city of La Cañada Flintridge as follows:

A. **Permissive Zoning Code.** This Zoning Code is a permissive Zoning Code, such that if a specific use is not enumerated, then that use is presumptively prohibited, except as otherwise provided in Section 11.1.02.004.

B. **New or Altered Land Uses or Structures.** Compliance with this Zoning Code is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

C. **Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this Zoning Code. See Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels) for more details.

D. **Minimum Requirements.** The provisions of this Zoning Code shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, City officials or bodies have the discretion to impose more stringent requirements than set forth in this Title as may be necessary to promote orderly land use and development.

E. **Land Use Permit or Entitlement Required – Limitation on Subsequent Permits.** Land use permits or entitlements are required when a development, as defined in this Zoning Code, is proposed. No person shall begin construction, occupy, or conduct a use or operation within the city, and the City shall not issue any other permit related to the development, until any required land use permits or entitlements have been approved and all applicable appeal periods have expired.

F. **Other Requirements and Permits.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of Los Angeles County or any regional, State, or federal agency.

G. **Permit Consistency.** All certificates, permits, and licenses issued in compliance with this Zoning Code shall conform to the provisions of this Zoning Code. Any certificate, permit, or license conflicting with the provisions of this Zoning Code shall be null and void.

H. **Effect of Zoning Code Changes on Projects in Process.** The enactment of this Zoning Code, or any amendments thereto, may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this Title, the following provisions shall apply. Successive amendments to this Zoning Code shall specify their applicability to pending applications and projects not yet or under construction; in the event an amendment is silent on this matter, the following shall apply:

1. **Building permits issued prior to effective date.** Any current building permit(s) issued prior to the effective date of this Zoning Code shall be permitted to be exercised even if contrary to the provisions of this Zoning Code.

2. **Pending applications.** All land use permit applications that are active and that have been decided by the Director to be complete before the effective date of this Title, or any amendments thereto, will be processed according to the regulations in effect when the application was deemed complete.

3. **Approved projects not yet under construction.** Any structure authorized by a land use entitlement for which construction has not begun as of the effective date of this Zoning Code, or any amendment thereto, may still be constructed in compliance with the approved permit, as long as a building permit has been issued prior to expiration of the land use entitlement and construction is completed prior to the expiration of the building permit or, where applicable, before the expiration of any approved time extension.

4. **Rights under existing approval not affected.** No rights given by any permit, license, certificate, or other approval under any ordinance repealed by the ordinance codified in this Zoning Code are affected by such repeal, but such rights shall hereafter be exercised according to the provisions of this Zoning Code.

I. **General Prohibition.** A person shall not use or cause or permit to be used any building, structure, improvement or premises located in any zone described in this Code contrary to the provisions of this Code.

§11.1.01.007 Responsibility for Administration.

This Zoning Code shall be administered by the City's Planning Agency, which is established pursuant to Government Code §65100 et seq., in compliance with Title 2 (Administration and Personnel) of the LCFMC, and as further provided for in Chapter 11.2.01 (Administrative Authority and Responsibility) of this Zoning Code. For the purposes of administration of this Zoning Code, the City's Planning Agency shall be the City's Community Development Department.

§11.1.01.008 Replacement of Other Ordinances.

The provisions of this Zoning Code shall not be deemed or construed to repeal, amend, modify, alter, or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered, or changed herein, except in such particulars or matters as this Zoning Code is more restrictive than such other ordinances or part thereof; and that in all particulars wherein this Zoning Code is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

§11.1.01.009 Continuation of Existing Law.

The provisions of this Zoning Code, insofar as they are substantially the same as the provisions of any ordinance or portions of any ordinance repealed by the ordinance codified in this Zoning Code, shall be construed as restatements and continuations thereof, and not as new enactments.

§11.1.01.010 Ordinance Amendments Included.

Whenever reference is made to any portion of this Zoning Code or of any other law or ordinance, the reference applies to all amendments and additions now or hereafter made.

§11.1.01.011 Severability.

If any Chapter, Section, Subsection, sentence, clause, or phrase of this Zoning Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Zoning Code.

Chapter 11.1.02 Interpretations and Rules

§11.1.02.001 Purpose.

This Chapter specifies the authority and procedures to ensure consistent interpretation and application of the Zoning Code.

§11.1.02.002 Abbreviations.

The following phrases, personnel, and document titles are shortened in this Zoning Code:

A. Director of Community Development = Director;

B. City Council of the city of La Cañada Flintridge = City Council;

C. Community Development Department = Department;

D. La Cañada Flintridge Municipal Code = LCFMC or Municipal Code;

E. State of California = State;

F. County of Los Angeles = County;

G. Los Angeles County Fire Department = Fire Department;

H. Los Angeles County Sheriff's Department = Sheriff's Department

I. Any reference to the Government Code, Health and Safety Code, Penal Code, Public Resources Code, Public Utilities Code, or any other State code in this Zoning Code shall mean the particular code of the State, unless otherwise specified.

§11.1.02.003 Terminology.

The following rules apply to all provisions in this Zoning Code:

A. **Language.** The words "shall," "will," "must," "is to," and "are to" and similar words and phrases are always mandatory. "Should" is not mandatory but is strongly recommended. "May" is permissive. The words "include," "includes," and "including" mean "including but not limited to…" The word "and" means that all connected words or provisions apply; the word "or" means that the connected words or provisions shall apply singly or in any combination. The phrase "either/or" indicates that the connected words or provisions shall apply singly, but not in combination.

B. **Tenses.** The present tense includes the past and future tenses; and the future the present.

C. **Plural or Singular.** The singular number includes the plural, and the plural the singular.

D. **Days.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, unless business days are specified. A day ends at 5:00 p.m. Pacific Standard Time. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business except as otherwise provided for by the State Subdivision Map Act.

§11.1.02.004 Interpretations.

A. **Interpretation of Regulations.** Whenever there is any question regarding the interpretation of the provisions of the Zoning Code or their application to any specific case or situation, the Director, or his or her designee, shall have the authority and responsibility to interpret, administer, and enforce this Zoning Code pursuant to §11.2.01.003. Interpretations by the Director are final. The Director shall have the authority to forward to the Planning Commission any question regarding interpretation. Interpretations include, but are not limited to, the following:

1. **Zoning code interpretation.** The Director has the authority and responsibility to issue Zoning Code interpretations when, in his or her opinion, the meaning or applicability of any provision of this Zoning Code is ambiguous or otherwise subject to interpretation. The purpose of such interpretations is to disclose the manner in which the Zoning Code shall be applied in future cases, provided that any interpretation may be superseded by a later interpretation when the Director decides that the earlier interpretation was in error or is no longer applicable under the current circumstances.

2. **Zone boundary interpretation.** If there is uncertainty about the location of any zone boundary or other feature shown on the Zoning Map, the precise location of the zone boundary shall be decided by the Director.

    a. Zone boundaries shown as approximately following the property line of a lot shall be construed to follow the lot line.

    b. If a zone boundary is not coterminous with a lot line, the location of the zone boundary shall be decided by using the scale appearing on the Zoning Map, unless the boundary location is indicated by dimensions printed on the map.

    c. Zone boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.

    d. Zone boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.

3. **Development on lots divided by zones.** Where a zone divides a lot in single ownership and of record prior to and continuously since the time the zone was established, the regulations applicable to each zone shall be applied to the area within that zone and no use other than parking serving a principal use on the site shall be located in a zone in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a zone in which the use is not a permitted or conditional use unless otherwise provided for in this Zoning Code.

4. **Similar use decision.** The Land Use Permit Table (Table 11.3.02-1) in the Zoning Code may not include all possible uses and/or address unforeseen circumstances. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a use permit, or not permitted, the Director has the authority and responsibility to decide whether or not a proposed use is similar to a listed use and whether it may be permitted, permitted with a use permit, or not permitted in a particular zone.

B. **Standards and Guidelines.** Standards are regulations and shall be interpreted literally. Guidelines represent the general spirit of the regulations, including, but not limited to, design, scale, site organization, aesthetics, and may be interpreted literally.

C. **Figure Disclosures.** Figures are intended to demonstrate the associated regulations and shall be interpreted literally, with exceptions for encroachments and modifications, as provided for in this Zoning Code.

§11.1.02.005 Conflicting Requirements.

A. **General Plan and Zoning Code.** If instances of inconsistency arise between the General Plan and this Zoning Code, the standards and language of the General Plan shall apply.

B. **Zoning Code and City Code Provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and other regulations of the City, including approved Final Subdivision Maps, the most restrictive shall apply, unless specifically stated otherwise.

C. **Specific Plans or Development Agreements.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of an adopted Specific Plan, other similarly adopted Plan, or any Development Agreement, the requirements of the adopted Plan or adopted Development Agreement shall apply, unless specifically stated otherwise.

D. **Private Agreements.** The City shall not recognize or enforce any private covenant, private conveyance, or private agreement unless it is a party to the covenant, conveyance, or agreement. No regulation in this Zoning Code shall be construed to supersede more restrictive use or development standard regulations contained in the Conditions, Covenants, and Restrictions of any property. However, in no case shall uses be allowed beyond those allowed by the Zoning Code.

§11.1.02.006 Discretion.

When this Zoning Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose conditions on the issuance of any City permit, entitlement, certificate, or any other approval, consistent with Part 2 (Administration).

§11.1.02.007 Requirements as Minimums.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

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Chapter 11.1.03 General Provisions and Area Requirements

§11.1.03.001 Buildings Moved.

No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this Code relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved, and shall be made to conform to the general character of the existing buildings in the neighborhood or better.

§11.1.03.002 Temporary Housing in Disaster Areas.

Notwithstanding any other provision of this Zoning Code, where an existing residence is damaged or destroyed by a major disaster such as fire, flood, or earthquake so declared by the Governor of the state of California during the previous six (6) months, a mobile home may be used as a residence on the same lot or parcel of land by the owner and his or her family for a period not to exceed one (1) year. This Section authorizes only the temporary effect of code on past of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property.

§11.1.03.003 Area or Width Reduced by Public Use.

Where a building or structure is lawfully located on property acquired for public use (by condemnation, purchase, or otherwise), such building or structure may be relocated on the same lot or parcel of land, although such building or structure is existing as a nonconforming use or although the area or width regulations of this Zoning Code or both cannot be complied with. Where any part of such building or structure is acquired for public use, the remainder of such building or structure may be repaired, reconstructed, or remodeled, with the same or similar kind of materials as used in the existing buildings.

§11.1.03.004 Reduction of Lot Area or Width.

Except a conveyance for public use or as otherwise provided in this chapter, a person shall not divide any lot or parcel of land, and shall not convey any lot or parcel of land or any portion thereof, if as a result of such division or conveyance the area or average width of any lot or parcel of land is so reduced, or a lot or parcel of land is created, which lot or parcel of land has an area or average width less than:

A. Sufficient so that the number and type of structures on such resulting lot or parcel of land comply with the provisions of this chapter;

B. The required area or required width of the applicable zone.

§11.1.03.005 Rescission.

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his or her heirs,

personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of execution of the deed of conveyance, sale, or contract to sell, but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, his or her assignee, heir, or devisee.

§11.1.03.006 Multifamily Residential Air Quality.

New multifamily residential development or redevelopment that is located within 1,500 feet of the Interstate 210 or State Route 2 freeways, or Foothill Boulevard, shall include the following mitigation measures to address potential air quality health risks exist for future residents of those developments:

A. Vegetation barriers at least ten feet wide shall be planted between residential development and freeways. The design and species of plants used in the vegetation barriers shall follow guidance described in the Environmental Protection Agency's July 2016 document "Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality."

B. Fixed windows shall be installed on the side of residential buildings facing freeways or Foothill Boulevard, as allowed by the Building and Fire Code.

C. Central heating, ventilation, and air conditioning (HVAC) systems shall include high efficiency particulate air (HEPA) filters (MERV-13 or higher). Property owners shall develop a maintenance plan to ensure the filtering system is properly maintained.

D. Outdoor air intake systems for HVAC systems shall be located as far away as possible from freeways and Foothill Boulevard.

E. Balconies shall be avoided or limited on the side of residential buildings facing the freeways and Foothill Boulevard.

F. Multifamily residential developments or mixed-use developments that include multifamily units located immediately adjacent to freeways shall include sound walls along the property line adjacent to the freeway.

§11.1.03.007 Permitted Lower Income Housing.

A. The Director shall prepare and maintain an official list of lots that meet the requirements of California Government Code §65583.2(c) and (h), a copy of which shall be available in the office of the Director and on the City's website.

B. Residential development that includes at least twenty percent (20%) of the units as housing affordable to lower income households shall be permitted on lots that meet the requirements of California Government Code §65583.2(c) or (h).

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Chapter 11.2.01 Administrative Authority and Responsibility

§11.2.01.001 Purpose.

This Chapter establishes the authority and responsibility of the City's Planning Agency to perform all of the functions as provided for in Government Code §65103.

§11.2.01.002 Duties and Functions of the Planning Agency.

The land use and planning duties and functions of the City's Planning Agency shall be performed by the City Council, City Manager, Planning Commission, Zoning Hearing Officer, Design Commission, Director, the Department, and any other departments, commissions, bodies, or City officials or personnel as identified in this Zoning Code or as otherwise directed or established by the City Council, in compliance with, and under the authority of, Government Code §65100 et seq., Title 2 (Administration and Personnel) of the City's Municipal Code, and as further provided for in the LCFMC. Specific authority and responsibility for carrying out the functions of the City's Planning Agency are further defined in this Chapter. In the absence of an assignment, the City Council shall retain responsibility and authority as the legislative body of the City.

§11.2.01.003 Director of Community Development.

The Director, or his or her designee, shall have the authority and responsibility to interpret, administer, and enforce this Zoning Code, as follows:

A. Perform all the functions designated by Government Code §65103.

B. Make interpretations and determinations and advise the public on the meaning and applicability of all provisions and requirements of this Zoning Code. Said interpretations and determinations shall be generally applicable to all situations of the same type and shall not be limited or directed to specific parcels or circumstances thereon.

C. Perform duties and functions prescribed in this Zoning Code, including the following:

1. Prepare, update, and administer all applications for development pursuant to this Zoning Code.

2. Process all applications for development pursuant to this Zoning Code. Processing includes, but is not limited to:

a. Certifying completed applications;

b. Establishing a permanent file;

c. Posting and mailing public notices;

d. Collecting applicable fees;

e. Preparing reports;

f. Processing appeals; and

g. Presenting staff reports to the Design Commission, Zoning Hearing Officer, Planning Commission, other commissions as appropriate, and City Council.

3. Review proposed activities and determine the applicability of CEQA and the City's Local CEQA Guidelines. The Director shall:

a. Coordinate internal review of environmental documentation with other City Departments, as necessary;

b. Coordinate the preparation and processing of environmental documentation through the public review and decision-making process;

c. Determine whether a project is exempt from CEQA review;

d. Determine the adequacy of any level of documentation prepared to satisfy the legal requirements of CEQA review;

e. Coordinate the preparation of required noticing and circulation of environmental documents, including the circulation of documents through the State Clearinghouse or other agencies with reviewing and/or approving authority;

f. File Notices of Determination (NOD), and Fish and Game Fees or Certificates of Fee Exemption with the Los Angeles County Clerk;

g. Electronically file applicable notices with the State through CEQAnet for both City and private development projects;

h. Serving as a central repository for Notice of Exemptions, Negative Declarations (ND), Mitigated Negative Declarations (MND), and Environmental Impact Reports (EIRs) and related documents;

i. For City projects, determine environmental scope of work, schedule and budget; coordinate preparation of environmental documents and required noticing; retain environmental consultants if necessary; and oversee and direct consultant work products;

j. Ensure Mitigation Monitoring and Reporting Programs are enforced for projects where La Cañada Flintridge is the Lead Agency, or for those specific mitigation measures applicable where La Cañada Flintridge is a Responsible Agency. Coordinate with other City departments regarding the adequacy and monitoring of mitigation measures;

k. Coordinate internal review and comment by La Cañada Flintridge upon environmental documentation circulated by other local jurisdictions and agencies;

l. Update the Local CEQA Guidelines and internal procedures as necessary to ensure consistency with CEQA and State CEQA Guidelines.

4. Initiate action for amendment of this Zoning Code where it is determined that such amendment would better implement the General Plan goals, policies, and objectives and increase its effectiveness and/or improve or clarify the contents of this Zoning Code.

5. Serve as the decision-making authority for land use and development permits as provided for Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as may be authorized elsewhere in this Zoning Code.

6. Make a determination of substantial conformance pursuant to §11.6.14.002.

7. Refer and coordinate matters related to the administration of this Zoning Code with other agencies and City departments and provide information on the status of all development permits.

8. Report on the progress of the implementation of the General Plan on a regular basis.

9. Make determinations of Public Convenience and Necessity as provided for in Chapter 11.4.12 (Alcoholic Beverage Sales) for alcoholic beverage sales requiring a Director's Use Permit as provided for in Table 11.3.02-1 (Permits and Role of Decision-Making Authority), pursuant to Business and Professions Code §23958.4.

10. Enforce the requirements of this Zoning Code and any violations of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to the Zoning Code, as authorized in Chapter 11.2.04 (Enforcement) of Title 11 (Zoning), and as authorized in Chapter 1.04 (Penalty Provisions), Chapter 1.07 (Administrative Citations), and Chapter 11.10 (Enforcement of the Code) of Title 1 (General Provisions).

D. In making decisions on discretionary permits over which he/she has authority, the Director may impose conditions he/she deems necessary to implement the General Plan and Zoning Code standards that apply to development and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.

E. Except where otherwise provided by this Zoning Code, the Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director in addition to those provided for in this Zoning Code, as appropriate to the personnel title of the designee. Whenever the Director is referenced in this Zoning Code, it shall also mean the Director's designee.

§11.2.01.004 Zoning Hearing Officer.

The Zoning Hearing Officer shall have the authority and responsibility to administer and enforce this Zoning Code as follows:

A. Serve as the decision-making authority for land use and development permits as provided for in Part 6 and as may be authorized elsewhere in this Zoning Code.

B. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Zoning Hearing Officer is the decision-making authority.

C. Hear and decide appeals of the Director in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).

D. In making decisions on applications, the Zoning Hearing Officer may impose conditions he/she deems necessary to implement the General Plan and Zoning Code standards that apply to development and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.

§11.2.01.005 City Manager.

The City Manager is the chief executive of the City government and shall have all the authority and responsibility to administer and enforce this Zoning Code as provided for in Title 2, Chapter 2.04 (Manager) and as follows.

A. Oversee the work of the Director.

B. Hear and decide appeals of the Director in accordance with Chapter 11.2.3 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as otherwise provided by this Zoning Code.

C. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the City Manager is the decision-making authority.

D. Enforce the requirements of this Zoning Code and any violations of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to the Zoning Code, as authorized in Chapter 11.2.04 (Enforcement) of Title 11 (Zoning), and as authorized in Chapter 1.04 (Penalty Provisions), Chapter 1.07 (Administrative Citations), and Chapter 1.10 (Enforcement of the Code) of Title 1 (General Provisions).

E. Exercise such other powers and duties as are prescribed by State law, local ordinance, this Zoning Code, or as directed by the City Council.

§11.2.01.006 Planning Commission.

The Planning Commission shall have the authority and responsibility to administer and enforce this Zoning Code pursuant to Chapter 2.12 (Planning Commission) of Title 2 and as follows:

A. Serve as the decision-making authority for land use and development permits as provided for in Part 6 and as authorized elsewhere in this Zoning Code.

B. Hear and decide appeals of the Director and Zoning Hearing Officer in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).

C. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Planning Commission is the decision-making authority.

D. In making decisions on discretionary permits over which it has authority, the Planning Commission may impose conditions it deems necessary to implement the General Plan, to ensure that the findings and development standards of this Zoning Code are met, and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.

E. Appoint one (1) member of the Planning Commission and one (1) alternate to serve as the Zoning Hearing Officer to serve a one (1) year term, pursuant to §11.2.01.004 of this Chapter.

F. Hear and make recommendations to the City Council on applications for zoning amendments, the General Plan and amendments thereto, the Zoning Code and amendments thereto, Specific Plans, pre-zoning, and other related planning permits and procedures.

G. Initiate studies of amendments to this Zoning Code and make recommendations to the City Council for amendments as provided in Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map) and in Government Code §65852.

H. Review the capital improvement program of the City and the local public works projects of other local agencies within the corporate boundaries of the city for their consistency with the city's General Plan, pursuant to Government Code §65401 et. seq.

I. Determine Public Convenience and Necessity finding(s) as provided for in Chapter 11.4.12 (Alcoholic Beverage Sales) for alcoholic beverage sales, pursuant to Business and Professions Code §23958.4.

J. Exercise other powers and duties as prescribed by State law, Title 2 of the LCFMC or other local ordinance(s), this Zoning Code, or as directed by the City Council.

§11.2.01.007 Design Commission.

The Design Commission shall have the authority and responsibility to administer this Zoning Code pursuant to Chapter 2.14 (Design Commission) of Title 2, as provided for in Chapter 11.6.08 (Design Review), and as follows:

A. Serve as the decision-making authority for projects for which the Design Commission has authority pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).

B. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Design Commission is the decision-making authority.

C. In making decisions on discretionary permits over which it has authority, the Design Commission may impose conditions it deems necessary to implement the General Plan, to ensure that the findings and development standards of this Zoning Code are met, and to further the public health, safety, and general welfare of the community. Evidence may be required that such conditions are being, or will be, complied with.

D. Recommend approvals or denials of projects in which the Design Commission's authority is advisory. It may also recommend such conditions as are deemed necessary to ensure that all required findings and applicable guidelines and standards are met. The Design Commission is advisory to the Planning Commission and City Council, consistent with Chapter 11.6.08 (Design Review).

E. Develop plans to improve and enhance the appearance of existing and planned public and private buildings within zones, other than single-family residential zones, as directed by the City Council.

F. Make recommendations to improve the appearance of existing and planned public and private open spaces on Foothill Boulevard and other locations as directed by the City Council.

G. Exercise other powers and duties as prescribed by State law, Title 2 (Administration and Personnel) of the LCFMC, or other local ordinance(s), this Zoning Code, or as directed by the City Council.

H. The Design Commission may not determine the location or appropriateness of land uses if such uses comply with applicable zoning provisions.

§11.2.01.008 City Council.

The City Council is the legislative body of the City and shall have the following authority and responsibility to administer and enforce this Zoning Code as follows:

A. Appoint members of the Planning Commission, Design Commission, and any other commissions or bodies as may be established in accordance with §11.2.01.002.

B. Serve as the decision-making authority for land use and development permits and legislative actions as provided for in Part 6 and as authorized elsewhere in this Zoning Code.

C. Hear and decide appeals of the Director, Zoning Hearing Officer, Design Commission, and Planning Commission in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).

D. Initiate and/or direct planning-related policy amendments, Zoning Code text amendments, and special studies as necessary or desired.

E. Review and certify environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the City Council is the decision-making authority.

F. Exercise other such powers and duties as prescribed by State law or local ordinance.

§11.2.01.009 Referrals.

G. The Director and Zoning Hearing Officer may refer a matter to the Planning Commission when, in their discretion, it is determined that the public interest would be served. A referral to the Planning Commission will require notification for a hearing before the Planning Commission, as required in Chapter 11.2.02 (Public Notice and Meeting and Hearing Requirements).

H. Any application subject to consideration of the Design Commission may be referred by such body to:

1. A subcommittee consisting of no more than two (2) members of the Design Commission for specified review of an aspect of a project, an entire specific project, or a category of projects or aspects thereof; or

2. The Director for minor types of development.

§11.2.01.010 Delegation of Authority and Responsibility.

The Planning Commission may instruct the Director to exercise administrative powers or perform administrative duties granted to it by City ordinance. The Director shall exercise all such powers and perform all such duties as he or she is instructed to do by the Planning Commission.

§11.2.01.011 Authority for Entry, Inspections, Examinations, and Surveys.

Pursuant to Government Code §65105, Planning Agency personnel, in the performance of their functions, may enter upon any land and make inspections, examinations, and surveys, provided that the entries, inspections, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof, and as follows:

A. **Pre-Approval Inspections.** Every applicant seeking a permit or any other action in compliance with this Zoning Code shall allow the City official(s) handling the application access to any premises or property that is the subject of the application.

B. **Post-Approval Inspections.** If the permit or other action in compliance with this Zoning Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

C. **General Inspections.** Every member of the Planning Agency and authorized representatives may enter any premises, building or structure at any reasonable hours for investigation or inspection as to whether or not any portion of such premises, building or structure, is being used in violation of this Code after reasonable notice is provided to the property owner.

Chapter 11.2.02 Public Notice and Meeting or Hearing Requirements

§11.2.02.001 Purpose.

This Chapter establishes requirements and procedures for public notice and public meeting or public hearing requirements pursuant to administration of this Zoning Code in compliance with State law.

§11.2.02.002 Applicability.

The requirements and procedures for public notice and public meeting or hearing requirements for land use and development permits shall be as required in compliance with State law (Government Code §65000 et seq. and Public Resources Code §21000 et seq.), as required by this Chapter, and as otherwise specified in this Zoning Code. If and when State law prescribes any different notice requirement, notice shall be given in that manner.

§11.2.02.003 Public Notice.

When land use permits, development permits, or action on other matters as specified in this Zoning Code require public notice, the notice shall be provided as follows:

A. Type.

1. **Notice of Director review.** When the Director considers a land use or development permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and Subsection 11.6.02.004(B) (Review Process B), the public shall be notified of the intent of the Director to review and make a decision regarding that permit and shall be given the opportunity to provide comments to the Director prior to the Director's decision by the methods specified in this Chapter.

2. **Notice of consent calendar item.** When the Planning Commission considers a land use or development permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and Subsection 11.6.02.004(D)(1) (Review Process D-1), the public shall be noticed of the intent of the Planning Commission to consider and make a decision under the Consent Calendar regarding the permit. Notice of consent calendar items is not required if the matter is continued to a date certain from a prior closed public hearing.

3. **Notice of public meeting and public hearing.** When a public meeting or hearing is required by this Zoning Code for a permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority), Subsection 11.6.02.004(C) (Review Process C), Subsection 11.6.02.004(D)(2) (Review Process D-2), or Subsection 11.6.02.004(E) (Review Process E), or as otherwise provided for in this Zoning Code, the public shall be notified of the hearing in compliance with State law and by the methods specified in this Chapter.

4. **Other notices.** When public notice of a special permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) is required, it shall be the type of public notice as provided for in the applicable permit unless otherwise specified.

B. **Timing.** Notice shall be given at least ten (10) days before one of the following as applicable:

1. The earliest date the Director intends to make a decision regarding permits that are subject to Subsection 11.6.02.004(B) (Review Process B) and Table 11.6.02-1 (Permits and Role of Decision-Making Authority); or

2. The date of the agenda on which the Planning Commission intends to consider and make a decision under the Consent Calendar regarding permits that are subject to Subsection 11.6.02.004(D)(1) (Review Process D-1) and Table 11.6.02-1 (Permits and Role of Decision-Making Authority); or

3. The date of a scheduled public meeting or public hearing for permits that require a public meeting or public hearing; or

4. As otherwise specified in this Zoning Code.

C. **Contents of Notice.** When notice is required, it shall include the following:

1. **Hearing/meeting and/or decision-making authority information:**

a. *For permits that require notice of Director Review but do not require a public meeting or hearing:* the time frame within which the public can submit written comments to the Director prior to the Director's decision; or

b. *For permits that require notice of Consent Calendar consideration but do not require a public meeting or hearing:* the consideration date, time, location, and decision-making authority.

c. *For permits that require a public meeting or public hearing:* the meeting or hearing date, time, location, and decision-making authority.

2. **Project information:**

a. Title of the application/action type, project application number, the name of the applicant, and a general explanation of the matter to be considered;

b. A description of the subject property, including location of the property by address, if assigned, and location of the property by Assessor's Identification Number;

c. Other information required by specific provisions of the applicable permit or action, or which the Director considers necessary or desirable.

3. **Statement of environmental review and documentation pursuant to CEQA:** If a draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project, or if the project has been determined to be exempt, in compliance with the provisions of CEQA and the City's CEQA Guidelines, the hearing notice shall include a statement that the decision-making authority will also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, or a statement that the project has been determined to be exempt.

4. **Contact information:** Contact information for the Department where an interested person can call or visit to review the file and obtain additional information.

D. **Method of Notice.**

1. **Published notice.** Notice of all applications for which a public meeting or hearing is required shall be published once in a newspaper of general circulation, circulated in the city, as required by State law.

2. **Mailed notice.** Mailed, postage prepaid, through the U.S. Postal Service to the following:

   a. Property owner(s) of record for the subject property and the owner's agent if applicable.

   b. Applicant(s).

   c. *For Notice of Director Review:* The applicant, all adjoining and adjacent property owners, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the latest available County Tax Assessor's records, and all others whose names appear on the application, petition, or other correspondence of the decision upon the request. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project.

   d. *For Notice of Consent Calendar Consideration:* All property owners within a minimum three hundred (300) foot radius, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the last equalized tax assessment roll.

   e. *For Public Meetings or Hearings:* All property owners within a minimum three hundred (300) foot radius, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the last equalized tax assessment roll. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the Director may as an alternative provide notice in the manner set forth in §65091 of the California Government Code, which includes posting a public hearing notice at the subject property and publishing a public hearing notice in a newspaper of general circulation in the city of La Cañada Flintridge.

f. *For Special Permits not otherwise provided for:* When public notice of a special permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) is required, the method shall be as provided for in the applicable permit provisions unless otherwise specified.

g. Any person who requests to be on a notification list for notice of Director Review, public hearings, and/or any other Planning Agency action(s) and who has submitted such request in writing to the City Clerk. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

h. Each local agency expected to provide fire, police, water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

i. Any other person or entity who has filed a written request of such notification with the City Clerk.

j. Additional notice as determined by the Director to be necessary or desirable.

3. **On-site posted notice.**

a. Notice for public hearings shall be posted on-site at the subject property for the following applications:

i. Tentative parcel map;

ii. Tentative tract map;

iii. All applications for Design Review by the Design Commission as provided for in Chapter 11.6.08 (Design Review); and

iv. Any item presented to the Planning Commission for consideration.

b. The notice shall be posted at least ten (10) days before the hearing date and shall remain in place until the expiration of the appeal period following a decision by the decision-making authority. If the application is appealed or called for review, the posted notice shall remain in place with the new hearing date noted until the final decision is rendered. The posted notice shall be removed within ten (10) days of either the appeal period or the final decision, whichever applies.

c. The posted notice shall include all factual information about the pending application in compliance with Subsection 11.2.02.003(C).

d. The applicant shall submit to the Director an affidavit verifying that the notice was posted at the subject property in compliance with this Subsection.

e. The posted notice shall be of a size, design, and placement as required by the Director and shall not be illuminated.

4. **Notice on City's website.** Notice shall be posted on the City's website in accordance with Government Code §54954.2, as may be amended.

E. **Additional Notice Not Required**. If a noticed public meeting or hearing is continued pursuant to Subsection 11.2.02.004(E)(4) below, and it is continued to a date, time, and place certain, no further notice shall be required.

F. **Receipt of Notices**. Failure of any person or entity to receive any properly issued notice required for any action, decision, public meeting, or public hearing required by this Zoning Code shall not constitute grounds for any court to invalidate the actions of a decision-making authority for which the notice was given.

§11.2.02.004 Public Meetings and Public Hearings.

When a public meeting or hearing is required by this Zoning Code, the procedures shall include the following:

A. **Holding of Meetings and Hearings.** The decision-making authority shall conduct the public meeting or hearing at the date, time, and place described in the public notice required by this Chapter.

B. **Rules of Conduct.** The public meeting or hearing shall be conducted according to such rules as may be adopted by the hearing body and as otherwise required by State law and shall be held at the date, time, and place stated in the required notice.

C. **Public Testimony.** At the public meeting or hearing, interested persons shall be given the opportunity to present information and testimony about the proposed project.

D. **Actions by the Decision-Making Authority.** The decision-making authority shall announce and record its recommendation or decision on the matter being considered at the conclusion of a scheduled public meeting or hearing regarding one the following actions:

1. **Grant approval.** The decision-making authority may grant approvals subject to such conditions as are deemed necessary to ensure that all required findings and applicable City regulations are met. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.

2. **Defer final decision.** For any matter being considered at a meeting or hearing in compliance with this Zoning Code, the decision-making authority may announce a tentative recommendation or decision and defer action on a final recommendation or decision until appropriate findings and/or conditions of approval have been prepared.

3. **Recommend approval.** The decision-making authority may recommend approvals or denials of projects in which its authority is advisory, in accordance with Subsection 11.2.02.005(A). It may also recommend such conditions as are deemed necessary to ensure that all required findings and applicable City regulations are met.

4. **Continue consideration.** At the discretion of the decision-making authority, a public meeting or hearing may be continued from its scheduled date to a future date provided that prior to the adjournment or recess of the meeting or hearing, a clear public announcement is made specifying the date, time, and place to which said meeting or hearing will be continued. A public meeting or hearing may be continued without the decision-making authority announcing the date to which the meeting or hearing will be continued, provided the notice of the new meeting or hearing date is provided in compliance with §11.2.02.003.

5. **Refer application.** Any application subject to consideration of the decision-making authority may be referred by such body in accordance with §11.2.01.009.

6. **Reconsider.** A motion that has already been put to a vote may be reconsidered by the decision-making authority at the same meeting or hearing in accordance with Robert's Rules of Order.

7. **Deny.** The decision-making authority may deny an application. Any tie vote or other action that fails to receive a majority vote shall constitute a denial.

§11.2.02.005 Recommendation and Notice of Decision.

A. **Recommendations.**

1. **Design Commission recommendation and notice.** At the conclusion of any public meeting or hearing on a matter which requires final approval by the Planning Commission or City Council, the Design Commission shall forward a recommendation, including all required findings, to the appropriate body for final action.

2. **Planning Commission recommendation and notice.** At the conclusion of any public hearing on a matter which requires final approval by the City Council, the Planning Commission shall forward a recommendation, including all required findings, to the City Council for final action.

B. **Notice of Decision.** The notice of decision to grant approval identified in Subsection 11.2.02.004(D)(1) above shall contain any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the city. Such notice may be in the form of a resolution, a City ordinance, or other written document.

C. **Mailed Notice of Action.** Following a hearing, the notice of action specified in Subsection 11.2.02.004(D) shall be mailed to the applicant at the address shown on the application and to any other person or entity who has filed a written request of such notification with the City.

§11.2.02.006 Limitation on Resubmittal of Applications.

A denial precludes the filing of the same or substantially the same application within one (1) year of the date of denial, unless the denial was without prejudice. The Director shall determine whether a subsequent application is the same or substantially the same as the application that was denied with prejudice.

Chapter 11.2.03 Call-Up and Appeals

§11.2.03.001 Purpose.

This Chapter establishes call-up and appeal procedures of decisions and actions of the Director, Zoning Hearing Officer, Design Commission, or Planning Commission, notwithstanding any appeal procedures or any other call-up procedures as otherwise provided by law.

§11.2.03.002 Call-Up Provisions.

A. Call-Up by the City Council.

1. The City Council may call for the review of the following decisions of the Planning Commission at the meeting at which the Planning Commission's decision is reported to the City Council.

    a. Any Conditional Use Permit;

    b. Any Development Review Permit for commercial projects;

    c. Any tentative map approval; and

    d. Any telecommunications permit.

2. If called up for review by a majority vote of the City Council, the item will be heard de novo at a future City Council meeting following notice pursuant to Subsection 11.2.03.002(A)(3). If the City Council does not so vote, the decision of the Planning Commission shall be final provided the appeal period has expired with no appeal filed.

3. All provisions for notice and hearing applicable as provided for in §11.2.03.004 shall apply to the City Council in conducting its review.

B. Call-Up by the Planning Commission.

1. All discretionary decisions by the Director and the Zoning Hearing Officer shall be reported to the Planning Commission at the Commission's next regular meeting.

2. The Planning Commission may cause any such decision to be heard de novo by a majority vote conducted at a meeting at which the decision is reported. If called up for review by a majority vote of the City Council, the item will be heard de novo at a future Planning Commission meeting following notice pursuant to Subsection 11.2.03.002(B)(3). In the event that the Planning Commission does not so vote, the decision of the Director shall be final, provided the appeal period has expired with no appeal filed.

3. All provisions for notice and hearing applicable as provided for in §11.2.03.004 shall apply to the Planning Commission in conducting its review.

§11.2.03.003 Appeal Provisions.

A. Actions Not Subject to Appeal.

1. **Interpretations.** Interpretation of regulations made by the Director pursuant to §11.1.02.004 are final and not subject to appeal.

2. **Ministerial actions.** Ministerial actions, such as granting or denying a building permit, a ministerial permit issued by the Director pursuant to Review Process A as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and pursuant to Subsection 11.6.02.004(A), a Special Permit issued ministerially by the Director as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority), or any other ministerial action pursuant to this Zoning Code, are final and not subject to appeal.

3. **Actions by the City Council.** Actions by the City Council are final and no further administrative appeals are available.

B. Appeal to the City Manager.

1. A determination by the Director as authorized in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) shall be final and effective unless appealed to the City Manager as otherwise provided for in this Zoning Code.

2. A determination by the Director regarding a Personal Indoor Cultivation of Marijuana Permit shall be final and effective unless appealed to the City Manager as provided for in Subsection 11.4.36.004(H).

3. Only parties receiving notice of an applicable determination, including the applicant, may appeal a determination. The responsible person, or his or her representative, shall bring a copy of the applicable determination and file in the Office of the City Clerk, a signed written request setting forth the reasons for the appeal together with any required fees. All filed requests shall be date stamped upon receipt by the department.

4. Appeal Time Limit. Unless otherwise specified, an appeal must be filed within 7 calendar days following the date of the decision.

5. The appeal shall be reviewed by the City Manager or designee.

6. The review shall be decided within 5 working days thereafter and shall consist of a review of the appeal and the written statement and any other evidence submitted at the time of the request by the responsible person.

7. The recipient shall be notified of the results of the review by being given a written notice of decision. The decision shall be accompanied by a written resolution setting forth the reason for the City Council action. The determination of the City Council shall be final and effective immediately.

C. Appeal to the Zoning Hearing Officer.

1. A determination by the Director regarding Hillside Development Permits pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and Chapter 11.4.05 (Hillside Development Permits) shall be final and effective unless appealed to the Zoning Hearing Officer by any interested party within fifteen (15) calendar days following the mailing date (as shown on the declaration of service by mail by the City), which mailing shall occur in a timely manner following the issuance by the Director of such determination.

2. Notice of such appeal must be filed in the Office of the Director of Community Development, together with a fee in an amount established by the current fee schedule adopted by resolution by the City Council. The appeal shall be accompanied by a written statement clearly setting forth the reasons for the appeal and shall specify whether the appeal is being made on the decision to approve or deny a project, or on a condition imposed upon the project.

3. The Zoning Hearing Officer shall conduct a de novo public hearing, with notification given in the same manner as for the original determination. Following such hearing the Zoning Hearing Officer shall consider the matter and may affirm, reverse, or modify the decision of the Director. The decision shall be accompanied by a written statement setting forth the reason for the Zoning Hearing Officer action.

D. **Appeal to the Planning Commission.**

1. Except as otherwise provided for in this Section, a determination by the Director authorized pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority) or otherwise provided in the Zoning Code shall be final and effective unless appealed to the Planning Commission by any interested party within fifteen (15) calendar days following the mailing date (as shown on the declaration of service by mail by the City), which mailing shall occur in a timely manner following the decision by the Director of the issuance of such determination.

2. A determination by the Zoning Hearing Officer authorized pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority) or otherwise provided in the Zoning Code shall be final and effective unless appealed to the Planning Commission by any interested party within fifteen (15) calendar days following the date of the decision.

3. Notice of such appeal must be filed in the Office of the Director of Community Development, together with a fee in an amount established by the current fee schedule adopted by resolution by the City Council. The appeal shall be accompanied by a written statement clearly setting forth the reasons for the appeal and shall specify whether the appeal is being made on the decision to approve or deny a project, or on a condition imposed upon the project.

4. The Planning Commission shall conduct a de novo public hearing, with notification given in the same manner as for the original determination. Following such hearing the Planning Commission shall consider the matter and may affirm, reverse, or modify the decision of the Director or Zoning Hearing Officer. The decision shall be accompanied by a written resolution setting forth the reason for the Planning Commission action.

E. **Appeal to the City Council.**

1. Any decision by the Design Commission or Planning Commission shall be final and effective, unless the determination is appealed by any interested party to the City Council, within fifteen (15) calendar days following the date of decision. Notice of such appeal must be filed in the Office of the City Clerk together with a fee in an amount established by the current fee schedule adopted by resolution by the City Council and shall be accompanied by a written statement clearly setting forth the reasons for the appeal.

2. The City Clerk shall set the matter for public hearing. The City Council shall conduct a de novo public hearing, giving notice in the same manner as for the original decision. Following such hearing the City Council shall consider the matter and may affirm, reverse, or modify the decision of the Design Commission or Planning Commission. The decision shall be accompanied by a written resolution setting forth the reason for the City Council action. The determination of the City Council shall be final and effective immediately.

§11.2.03.004 General Call-Up and Appeal Procedures.

A. Notification of a public hearing on the call-up or appeal shall be provided to the applicant and all others whose name appears on the application, petition, or other correspondence, and others expressing interest in such notification by means of written communication to the City in accordance with Subsection 11.2.02.003(A)(3) except as otherwise provided for in this Section.

B. The decision-making authority shall review all application materials, shall conduct a de novo hearing, and shall render a decision according to the required conditions and findings applicable to the case.

C. The Director shall provide written notification to the applicant and all others whose name appears on the application, petition, or other correspondence, of the reviewing authority's action on the project, within three (3) calendar days of the action.

§11.2.03.005 Effective Date of Appealable Decisions.

A. The effective date of appealable decisions is the date following the date of the action on the permit.

B. No building permit, business license, or other applicable entitlement shall be issued until the day after the close of the appeal period.

§11.2.03.006 Appeal Stays Effective.

When an appeal is properly filed, the determination appealed from is stayed. Any action taken pursuant to such determination prior to the expiration of the appeal period is at the risk of the party taking such action.

Chapter 11.2.04 Enforcement

§11.2.04.001 Purpose.

This Chapter establishes the authority and process for enforcement of the requirements of this Zoning Code and any violation of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to this Zoning Code.

§11.2.04.002 Authority to Enforce.

Authority to enforce this Zoning Code shall be as provided in §1.10.010 of Title 1 of the LCFMC. Other officials of the City charged by the law with the general duty of enforcing City ordinances shall also enforce the provisions of this Zoning Code.

§11.2.04.003 Violations, Nuisances, and Enforcement.

A. Operation or maintenance of any use of land or structure contrary to the provisions of this Zoning Code, or in violation of any conditions of any land use or development permit or entitlement issued pursuant to this Zoning Code or of any other title of the LCFMC, is deemed a public nuisance.

B. For purposes of this Zoning Code, in addition to the provisions of §4.33.020 (Nuisances) of Chapter 4.33 (Property Maintenance Requirements), a nuisance shall be defined to include, but not be limited to, issues relating to excessive noise, odors, flies, and/or dust. The Director in conjunction with the City's Code Enforcement Officer shall have the authority to determine what level of excess constitutes a nuisance under this Zoning Code.

C. This Zoning Code may be enforced pursuant to Chapter 1.04 (Penalty Provisions) of Title 1, Chapter 1.07 (Administrative Citations) of Title 1, Chapter 1.10 (Enforcement of the Code), Chapter 4.33 (Property Maintenance), any other enforcement provisions provided for in the LCFMC, and equitable or legal remedy available to the City. No remedy shall be exclusive of any other remedy.

§11.2.04.004 Stop Work Order.

Any construction in violation of this Zoning Code or any violation of the conditions of a permit, entitlement, or any other action issued pursuant to this Zoning Code may be subject to the issuance of a Stop Work Order as provided in this Section.

A. The Stop Work Order shall be issued by the Director or his/her designee in writing and shall be given to the owner of the property involved, or to the owner's agent, and to the person conducting the activity. The Stop Work Order shall state the reason for the order and the conditions under which the cited activity will be permitted to resume.

B. Upon issuance of a Stop Work Order, the cited activity shall immediately cease. Except as otherwise provided for by this Section, the activity shall not resume until the violation is resolved to the satisfaction of the Director.

C. Any violation of a Stop Work Order, except for conducting such activity as directed to remove a violation or dangerous or unsafe conditions, shall be subject to the enforcement provisions set forth in Title 1 (General Provisions) of the LCFMC, in addition to any other remedies provided by law or equity.

D. A Stop Work Order may be appealed in writing to the City Manager in accordance with Chapter 11.2.03 (Call-Up and Appeals). In any case, the activity must immediately cease and desist pending consideration of the appeal. Any violation during the appeal period shall be subject to the penalty provisions contained within Title 1 (General Provisions) of the La Cañada Flintridge Municipal Code.

§11.2.04.005 Permit Revocation or Modification.

This Section provides procedures for securing punitive revocation or modification of previously approved land use and development permits.

A. **Revocations**. The City's action to revoke a permit shall have the effect of terminating the permit and denying the privileges granted by the original approval.

B. **Modifications.** The City may choose to allow the modification of the permit instead of revoking a permit. The changes may include features or conditions determined to be reasonable and necessary to ensure that the permit is undertaken in a manner consistent with the original findings of approval.

C. **Hearing and Notice.** Upon determination by the Director that there are reasonable grounds for revocation or modification of a permit approved in compliance with this Zoning Code, a public hearing shall be scheduled with the decision-making authority that originally approved the permit in accordance with Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements) as follows.

1. **Authority.**

   a. Except in cases where the City Council was the final approving authority, the decision-making authority that approved the final permit shall be the one that considers a proposal for permit revocation or modification.

   b. In the case where the City Council was the final approving authority, the Planning Commission shall consider a proposal for permit revocation or modification.

2. **Notice**. Written notice of the date, time, place, and purpose of such public hearing shall be served on the owner of the property for which the permit was granted or the permittee if not the owner, by registered mail, postage prepaid, return receipt requested, not less than ten (10) days prior to the date of such hearing. Additional notice shall be given in the same manner as for the original determination. If public notice was not required for the original application, none shall be required for revocation/modification hearing.

3. **Hearing**.

   a. The decision-making authority conducting the hearing shall hear testimony of City staff and the owner, or the permittee if not the owner, if present, of the use or structure for which the permit was granted.

b. The testimony of any other interested person(s) shall also be heard.

D. **Findings**.

1. **Revocation.** A permit may be revoked if, from the facts presented at the public hearing, the decision-making authority that originally approved the permit finds any one (1) or more of the following grounds:

a. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact required for the applicable permit can no longer be made in a positive manner;

b. The permit approval was obtained by fraud;

c. The permit granted is being or has been exercised contrary to the conditions of such permit or variance or in violation of any applicable licenses, permits, regulations, laws, or codes;

d. The permittee, as determined by the Director or another City official acting in an official capacity, is in violation of any law, or the activity is a public nuisance;

2. **Modifications.** The conditions of approval of a permit may be added to or modified if, from the facts presented at the public hearing or by investigation, the decision-making authority that originally approved the permit makes the finding that there are sufficient grounds to justify revocation that can be corrected by modifying one or more existing conditions and/or imposing new or additional conditions.

E. **Decision and Appeal**. Each decision by the decision-making authority to revoke or modify a permit shall be by resolution. A notice of decision shall be mailed to the owner of the subject property, to the permittee, if not the owner of the property, and any other interested person who has filed a written request for the notice. Any person may appeal the decision by the decision-making authority to the City Council in the manner prescribed in Chapter 11.2.03 (Call-Up and Appeals). The City Council may, after a public hearing has been held in the manner prescribed in this Chapter, affirm, reverse, or modify the decision of the City Manager, Zoning Hearing Officer, or Planning Commission.

F. **Effective Date**. The effective date of a decision to revoke or modify a permit shall be in compliance with §11.2.03.005.

§11.2.04.006 Inspections.

City officials are authorized to perform inspections related to permit issuance and investigation of violations pursuant to §11.2.01.011.

§11.2.04.007 Effect of Code on Past Actions and Obligations.

The adoption of this Zoning Code does not affect prosecutions for ordinance violations committed prior to the effective date of this Zoning Code, does not waive any fee or penalty due and unpaid on the effective

date of this Zoning Code, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

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Chapter 11.3.01 Establishment of Zones and Zoning Map

§11.3.01.001 Purpose.

This Chapter establishes the zones applied to property within the city of La Cañada Flintridge, as shown on the city's Zoning Map, and their relationships to the city's General Plan land use designations.

§11.3.01.002 Zones Established.

A. **Zones.** The city shall be divided into zones that implement the city's General Plan. Zones are established to classify, regulate, designate, and distribute the uses of land and buildings; to regulate the height, setbacks, and bulk of buildings and other structures; to regulate the areas of yards and other open spaces around buildings; and to regulate the density of population. The city is divided into zones that are grouped into two categories: 1) base zones and 2) overlay zones. These base zones and overlay zones shown in Table 11.3.01-1 are hereby established and shall be shown on the Zoning Map.

B. **Base Zones.** The base zone is the primary zone that applies to a property. Every parcel within the city has a base zone that establishes the primary land use type, density, intensity, and site development regulations.

1. Base zones are grouped into five (5) categories, as follows:

    a. Residential zones;

    b. Commercial zones;

    c. Mixed use zones;

    d. Special purpose zones; and

    e. Specific plans.

2. The base zones are shown on the Zoning Map together with letter or numerical suffixes to identify land use regulations and development standards applicable to specific sites. Specific plans identify areas of the city where allowable land uses, land use permit requirements, and development standards are regulated by the applicable specific plan, as provided for in Chapter 11.6.10 (Specific Plans).

C. **Overlay Zones.** An overlay zone supplements the base zone for the purpose of establishing special use and/or development regulations for a particular parcel or area in addition to the provisions of the underlying base zone. In the event of a conflict between the regulations of the base zone and the overlay zone, the provisions of the overlay zone shall apply.

1. Overlay zones may supplement base zones for one or more purposes, including, but not limited to, the following:

    a. To allow more flexibility from the standard provisions of the underlying base zone.

    b. To protect unique site features or implement location-specific regulations.

    c. To specify a particular use, standard, or guideline for an area.

2. The overlay zones are shown on the Zoning Map together with letter or numerical suffixes to identify land use regulations and development standards applicable to specific overlay zones.

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Table 11.3.01-1: City of La Cañada Flintridge Zones

Zone Symbol	Zone Name	General Plan Land Use Designation Implemented by Zone	Location Reference
Residential Zones:			**See below**
R-1	Single-Family Residential	As provided below:	Chapter 11.3.03
• R-1-10-acres	Single-Family Residential	• Hillside Residential	Subsection 11.3.03.001(B)(1)
• R-1-40,000	Single-Family Residential	• Estate Residential	Subsection 11.3.03.001(B)(2)
• R-1-30,000 & R-1-20,000	Single-Family Residential	• Very Low Density Residential	Subsection 11.3.03.001(B)(3) and (4), respectively
• R-1-15,000 & R-1-10,000	Single-Family Residential	• Low Density Residential	Subsection 11.3.03.001(B)(5) and (6), respectively
• R-1-7,500 & R-1-5,000	Single-Family Residential	• Medium Density Residential	Subsection 11.3.03.001(B)(7) and (8), respectively
R-3	Multifamily Residential	High Density Residential	Chapter 11.3.04
RPD	Residential Planned Development	General Plan Land Use Designation of the Base Zone	Chapter 11.3.05
Commercial Zones:			**Chapter 11.3.06**
CG	Commercial General	Commercial/Office	Subsection 11.3.06.001(B)(1)
CO	Commercial Office	Commercial/Office	Subsection 11.3.06.001(B)(2)
CN	Commercial Neighborhood	Commercial/Office	Subsection 11.3.06.001(B)(3)
Mixed Use Zone			**Chapter 11.3.07**
MU	Mixed Use	Mixed Use	Chapter 11.3.07
Special Purpose Zones:			**Chapter 11.3.08**
P-SP	Public and Semi-Public	Public and Institutional	Subsection 11.3.08.002(A)
OS	Open Space	Open Space	Subsection 11.3.08.002(B)
PR	Parks and Recreation	Parks and Recreation	Subsection 11.3.08.002(C)
Overlay Zones:			**Chapter 11.3.09**
ES	Emergency Shelter Overlay Zone	Commercial/Office	Chapter 11.3.09
HEIOZ	Housing Element Implementation Overlay Zone	Varies	Chapter 11.3.10

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Zone Symbol	Zone Name	General Plan Land Use Designation Implemented by Zone	Location Reference
Specific Plans:			**Refer to Individual Specific Plan**
SP-1 (DVSP)	Downtown Village Specific Plan (DVSP)	Downtown Village Specific Plan	DVSP—Stand-alone document
SP-2 (FSHASP)	Flintridge Sacred Heart Academy Specific Plan (FSHASP)	Flintridge Sacred Heart Academy Specific Plan	FSHA—Stand-alone document

§11.3.01.003 Zoning Map.

The city of La Cañada Flintridge Zoning Map, as adopted and incorporated by reference pursuant to §11.1.01.001, provides the official designation of zone boundaries on real property within the city. It shall be regulated as set forth below.

A. **Zoning Map Amendments.** Amendments to the Zoning Map shall follow the zoning amendment process established in Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map) and shall be reflected on the city's Zoning Map.

B. **Record of Zoning Map Changes.** The Zoning Map and a record of all prior amendments thereto shall be kept on file with the City Clerk and shall constitute the original record. Electronic and hard copies of the currently effective Zoning Map shall also be kept on file with the Planning Division.

C. **Relationship to General Plan.** The Zoning Map shall implement and be consistent with the city's adopted General Plan.

D. **Symbols.** Each zone shall be illustrated on the Zoning Map as follows:

1. **Base Zone.** Each base zone shall be delineated on the Zoning Map by use of its representative zone symbols as listed in Table 11.3.01-1 (city of La Cañada Flintridge Zones).

2. **Overlay Zone.** Each overlay zone shall be delineated on the Zoning Map by the underlying base zone symbol followed by, as part of the symbol, parenthetically enclosed letters indicating the overlay zone, as listed in Table 11.3.01-1.

3. **Specific Plan**. Each adopted specific plan shall be delineated with the zone symbol "SP" and number to distinguish it from other adopted specific plans as listed in Table 11.3.01-1. This designation on the Zoning Map serves to provide a reference to the corresponding specific plan project documents adopted by the City Council.

E. **Additional Information Related to Land Use.**

1. **A/B Line.** The Zoning Map delineates the A/B Line, which separates the more urban development ("A"), from the more rural development on very steeply sloping hillsides ("B"), with the purpose of minimizing negative impacts of hillside development and preserving the city's viewscapes, open space, and environmental and recreational resources.

2. **Districts.** The Zoning Map delineates the Foothill Boulevard Districts, as provided for in the Land Use Element of the General Plan.

3. **Pre-Zoned Areas.** A pre-zone shall specify the intended zoning for areas within the City's Sphere of Influence but not yet annexed and within the official city boundary. The official Zoning Map shall identify each zone applicable to the property with the label "PZ" in addition to such other zone designation as may be applicable.

§11.3.01.004 Interpretation of Zone Boundaries.

If there is uncertainty about the location of any zone boundary or other feature shown on the Zoning Map, the interpretation shall be made by the Director pursuant to Subsection 11.1.02.004(A)(2).

§11.3.01.005 Annexations.

Areas annexed to the city shall be zoned according to the pre-annexation zoning classification, or the closest equivalent city zoning classification.

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Chapter 11.3.02 Allowable Land Uses by Base Zone

§11.3.02.001 Purpose.

This Chapter provides the general requirements and the allowable land uses and use permit requirements for the approval of proposed development and new land uses in the city. Allowable land uses include both primary and accessory uses that are permanent in nature. Regulations for temporary uses are listed separately in Chapter 11.6.12 (Temporary Use Permits).

§11.3.02.002 General Requirements for Development and New Land Uses.

All land uses and structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the following requirements.

A. Land uses shall be allowed by this Zoning Code in the zone applied to the site as shown on the Zoning Map. The basis for determining whether a use is allowable is described in §11.3.02.003.

B. Any land use permit required by §11.3.02.003 or as otherwise required by this Zoning Code shall be obtained before the proposed use is constructed, otherwise established, or put into operation.

C. Land uses and structures shall comply with the development standards of Chapters 11.3.03 through 11.3.10, all applicable provisions of Part 4, Part 5, Part 6, and Part 7 of this Zoning Code, and any applicable conditions imposed by an approved land use or development permit.

§11.3.02.003 Allowable Land Uses and Use Permit Requirements.

The uses of land allowed by this Zoning Code in each zone are listed in Table 11.3.02-1 (Land Use Permit Table for all Zones), together with the type of land use permit required for each use.

A. Allowable Land Uses.

1. **General land use categories.** In order to simplify land use regulations, land uses listed in this Chapter and throughout this Zoning Code have been organized into general categories on the basis of common or similar function, product, or compatibility characteristics. The general land use categories listed in Table 11.3.02-1 are as follows:

    a. Residential uses;

    b. Civic and community uses;

    c. Retail uses;

    d. Office uses;

    e. Research and development uses;

    f. Service uses;

g. Medical and care uses;

h. Entertainment, recreation, and open space uses;

i. Accessory uses.

2. **Land use descriptions.** Individual land uses are listed under each general land use category. Individual land uses listed in Table 11.3.02-1 are defined in Chapter 11.7.01 (Definitions) or elsewhere in this Zoning Code.

B. **Land Use Regulations.** Generally, a use is allowed by right, allowed through issuance of a use permit, or not permitted. In addition to the requirements for use permits or entitlements listed herein, other permits and entitlements may be required prior to establishment of the use, which may include but are not limited to: special permits required by other provisions of this Zoning Code, permits as provided for in Part 6, building permits, encroachment permits, permits required by other Titles of the LCFMC, and/or permits required by other agencies. In addition, all allowable uses identified in Table 11.3.02-1 are subject to compliance with all applicable provisions of the Zoning Code, as well as State and federal law. The requirements for uses and use permits or entitlements identified in Table 11.3.02-1 may be modified by footnotes. The abbreviations used in Table 11.3.02-1 are as follows.

1. **Permitted (P).** A land use shown with a "P" indicates that the land use is permitted by right in the designated zone.

2. **Accessory (A).** A land use shown with an "A" indicates that the land use is permitted in the designated zone only if it is accessory to the primary permitted use.

3. **Director's Use Permit (DUP).** A land use shown with a "DUP" indicates that the use is conditionally permitted in the designated zone only if a Director's Use Permit is approved by the Director, pursuant to §11.6.06.002.

4. **Conditional Use Permit – Minor (MUP).** A land use shown with an "MUP" indicates that the use is conditionally permitted in the designated zone only if a Minor Conditional Use Permit is approved by the Planning Commission, pursuant to §11.6.06.003.

5. **Conditional Use Permit (CUP).** A land use shown with a "CUP" indicates that the use is conditionally permitted in the designated zone only if a Conditional Use permit is approved by the Planning Commission, pursuant to §11.6.06.004.

6. **Home Occupation Permit (HOP).** A land use shown with a "HOP" is permitted as a home occupation if accessory to the principal residentially permitted use only if a Home Occupation Permit (HOP) is approved by the Director pursuant to Chapter 11.4.31 (Home Occupations).

7. **Special Permit (SPLP).** A land use shown with a "SPLP" is permitted if a special permit is approved as required by special regulations or as otherwise provided for in the LCFMC.

8. **State Preemption (S).** When a land use is required to be permitted by-right in the designated zone by State preemption law.

9. **Not Permitted (---).** A land use shown with the symbol "---" is not allowed in the designated zone. Additionally, uses not shown in the table are not permitted, except as otherwise provided for in this Zoning Code.

C. **Special Regulations.** Where the last column (Special Regulations) in Table 11.3.02-1 includes a chapter or section number, the regulations in the referenced chapter/section shall apply to the use in addition to all other applicable provisions of this Zoning Code. Additional permits may be required in accordance with the special regulations.

D. **Base Zone Names and Symbols.** Names and symbols for the base zones used in the table are as provided for in Table 11.3.01-1 (city of La Cañada Flintridge Zones). Specific plans are not listed in the table as the allowed uses for those base zones are determined in compliance with the applicable adopted specific plan.

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Table 11.3.02-1: Land Use Permit Table for All Zones

Land Use Permit Table for All Zones											
LAND USES[1, 2]	**USE PERMIT REQUIREMENT BY ZONE**										**STD'S & SPECIAL REG'S[3]**
	R-1[4, 5]	**R-3[6, 7]**	**RPD[8]**	**CG**	**CN**	**CO**	**MU**	**P-SP**	**PR**	**OS**	
RESIDENTIAL USES											
Accessory and Junior Accessory Dwelling Units	P	P	P	S	S	S	S	---	---	---	Chapter 11.4.02
Affordable Housing Density Bonus Projects	P	P	P	S	S	S	P	P[9]	---	---	Chapter 11.4.03 and as otherwise provided for in CA Density Bonus Law (Government Code §65915, et seq.)
Affordable Housing (Permitted Lower Income Housing)	S	S	S	S	S	S	S	---	---	---	§11.1.03.07
Emergency Shelter Facilities:											Chapter 11.3.09 & Chapter 11.4.04
▪ As necessary to meet the needs of the city's homeless population, per State law	---	---	---	SPLP	SPLP	SPLP	---	---	---	---	
▪ Additional emergency shelters beyond those necessary to meet the needs of the city's homeless population, per State law	---	---	---	CUP	CUP	CUP	---	---	---	---	
Single-Family Residential[10]	P	---	P[11]	---	---	---	---	P	---	---	Chapter 11.3.03
Multifamily Residential[12]	---	P	P	S	S	S	P[13]	---	---	---	Chapter 11.3.04
Room and boarding houses	---	---	---	---	---	---	CUP	---	---	---	

[1] See Chapter 11.7.01 (Definitions) for definitions of the listed land uses http://ww2.cityofpasadena.net/zoning/P-8.html - USE.
[2] Any non-residential use that is open to and/or provides service to the public during "Late Night Hours" as defined in Chapter 11.7.01 (Definitions) requires a CUP and is subject to Chapter 11.4.38 (Late Night Hours).
[3] All uses, whether permitted or subject to a permit pursuant to Table 11.3.02-1 or Part 6, shall also comply with any Special Regulations as listed in this Table and as otherwise required by this Zoning Code.
[4] Residential use is intended to be the primary use permitted in the R-1 zone.
[5] In the R-1 zone, no lot shall be occupied by more than one (1) primary dwelling unit.
[6] All new development within the R-3 zone requires Design Review pursuant to Chapter 11.6.08 (Design Review).
[7] Residential use is intended to be the primary permitted use in the R-3 zone.
[8] Residential use is intended to be the primary permitted use in the RPD zone. A Zone Change must be adopted to establish a new RPD or amend an existing RDP. See §11.3.05.002.
[9] Permitted only in accordance with the provisions of Chapter 11.3.10 (Housing Element Implementation Overlay Zone)
[10] A lot with a single-family residence may rent a maximum of two (2) bedrooms/rooms during any concurrent period.
[11] One (1) existing detached single-family dwelling unit per lot, per §11.5.03 Legal Nonconforming Uses, Structures, and Parcels.
[12] A duplex, triplex or multiple-family dwellings, apartments and dwelling groups containing two (2) or more units.
[13] Apartments and condominiums (25—30 dwelling units/acre) shall require a CUP in the MU Zone.

LAND USES[1, 2]	USE PERMIT REQUIREMENT BY ZONE										STD'S & SPECIAL REG'S[3]
	R-1[4, 5]	R-3[6, 7]	RPD[8]	CG	CN	CO	MU	P-SP	PR	OS	
Senior Citizen Multifamily Residential	---	P	P	S	S	S	P	---	---	---	Chapter 11.4.07
Condominium projects, residential:											
• Condominium projects, new	---	P	P	---	---	---	P	---	---	---	Chapter 12.X.XX
• Condominium Conversion[14]	---	CUP	CUP	---	---	---	CUP	---	---	---	Chapter 12.X.XX
Single-Room Occupancy Facilities	---	---	---	CUP	---	---	CUP	---	---	---	Chapter 11.4.08
Low Barrier Navigation Center	---	---	---	---	---	---	P	---	---	---	Chapter 11.4.06
Supportive Housing	S	S	S	---	---	---	S	---	---	---	Chapter 11.4.09
Transitional Housing	S	S	S	---	---	---	S	---	---	---	Chapter 11.4.10
CIVIC & COMMUNITY USES											
Community Centers	---	---	---	CUP	---	---	---	CUP	CUP	---	
Community Gardens	CUP	CUP	CUP	---	---	---	---	P	P	DUP[15]	Chapter 11.4.11
Convents/Monasteries[16]	---	---	CUP	---	---	---	---	CUP	---	---	
Governmental Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Libraries	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Museums	CUP	CUP	CUP	CUP	---	---	CUP	CUP	---	---	
Religious Facilities	---	---	CUP	CUP	CUP	CUP	CUP	CUP	CUP	---	
Schools:											
▪ Schools, K through 12 (Public & Private)	---	---	---	---	---	---	CUP	CUP	---	---	
▪ School - Private Specialized Education, Tutoring, or Training	---	---	---	---	CUP	CUP	CUP	---	---	---	
▪ Schools, Other	---	---	---	---	---	---	---	CUP	---	---	
Utility Facilities:											
▪ Minor	---	---	CUP	CUP	CUP	CUP	CUP	MUP	CUP	CUP[17]	
▪ Major	---	---	---	---	---	---	---	CUP	CUP	---	
RETAIL USES											
Alcoholic Beverage Sales:											Chapter 11.4.12
▪ Liquor Store	---	---	---	CUP	CUP	---	CUP	---	---	---	
▪ Alcoholic beverage sales, off-sale, accessory only	---	---	---	DUP	DUP	---	CUP	---	---	---	

[14] Conversion of existing residential development shall comply with Chapter 12.X.XX (Conversion to Condominiums).
[15] Not permitted in natural open space areas.
[16] On the same lot as a legally established religious facility or school.
[17] Minor utilities in the OS zone are limited to drainage channels and debris basins and shall require a CUP.

LAND USES[1, 2]	USE PERMIT REQUIREMENT BY ZONE										STD'S & SPECIAL REG'S[3]
	R-1[4, 5]	R-3[6, 7]	RPD[8]	CG	CN	CO	MU	P-SP	PR	OS	
▪ Alcoholic beverage sales, on-sale	---	---	---	CUP	CUP	---	CUP	---	---	---	
▪ Alcoholic beverage sales, on-sale, accessory only	---	---	---	CUP	---	---	CUP	---	CUP	---	
Animal Sales	---	---	---	CUP	CUP	---	CUP	---	---	---	§11.4.17.004
Automobile Sales, New Vehicles Only	---	---	---	CUP	---	---	---	---	---	---	
Building Materials and Supplies	---	---	---	P	---	---	---	---	---	---	
Convenience Stores[18]	---	---	---	CUP	CUP	---	CUP	---	---	---	
Craft Brewery, Winery, or Distillery	---	---	---	CUP	CUP	---	CUP	---	---	---	Chapter 11.4.12
Commercial Marijuana Activities Prohibited	---	---	---	---	---	---	---	---	---	---	Chapter 11.4.13
Drive-Through Facility, Primary Use	---	---	---	CUP	---	---	CUP	---	---	---	Chapter 11.4.14
Eating/Drinking Establishments:											
▪ Bar, lounge, and nightclub	---	---	---	CUP	---	---	CUP	---	---	---	
▪ Brewpub	---	---	---	CUP	CUP	---	CUP	---	---	---	
▪ Restaurants, fast food	---	---	---	CUP	---	---	P	---	---	---	
▪ Restaurants, full service	---	---	---	CUP	CUP	---	P	---	---	---	
▪ Restaurants, take-out service	---	---	---	DUP	DUP	---	P	---	---	---	
▪ With outdoor dining (accessory)	---	---	---	A-DUP	A-DUP	A-DUP	A-DUP	---	---	---	Chapter 11.4.33
General Retail Businesses	---	---	---	P	P	---	P	---	---	---	
Grocery Stores	---	---	---	P	---	---	P	---	---	---	
Plant Nurseries and Garden Supply Stores	---	---	---	P	P	P	P	---	---	CUP[19]	
Service Stations	---	---	---	CUP	CUP	---	CUP	---	---	---	Chapter 11.4.15
Shopping Center	---	---	---	CUP	CUP	---	---				
Tobacco and/or Electronic Cigarette Shops and Lounges	---	---	---	CUP	CUP	---	CUP	---	---	---	Chapter 11.4.16
OFFICE USES											
Business	---	---	---	DUP	DUP[20]	P	CUP[21]	---	---	---	
Corporate	---	---	---	DUP	---	P	---	---	---	--	
Government	---	---	---	DUP	DUP	P	CUP	CUP	---	---	

[18] Convenience stores shall not be established as stand-alone uses; they must be located on the same parcel with a service station. A CUP is required to add a convenience market to an existing service station.
[19] In the OS Zone, plant nurseries shall be limited to the Southern California Edison easement.
[20] Business offices in the CN zone are limited to upper stories only.
[21] Business offices in the MU zone are limited to upper stories only.

LAND USES[1, 2]	USE PERMIT REQUIREMENT BY ZONE										STD'S & SPECIAL REG'S[3]
	R-1[4, 5]	R-3[6, 7]	RPD[8]	CG	CN	CO	MU	P-SP	PR	OS	
Medical/Dental	---	---	---	DUP	---	P	DUP[22]	---	---	---	
Production, Research, & Development	---	---	---	DUP	---	P	---	---	---	---	
Professional	---	---	---	DUP	DUP[23]	P	CUP[24]	---	---	---	
Real Estate	---	---	---	DUP	DUP[25]	P	DUP[26]	---	---	---	
RESEARCH & DEVELOPMENT USES											
Laboratory, General	---	---	---	P	P	---	P	P	---	---	
Research and Development	---	---	---	---	---	---	---	CUP	---	---	
SERVICE USES											
Animal Boarding	---	---	---	CUP	---	---	---	---	---	---	§11.4.17.002
Animal Grooming[27]	---	---	---	DUP	DUP	---	CUP	---	---	---	§11.4.17.003
Banks and Financial Services	--	--	--	P	P	---	P	---	---	---	
Bed and Breakfast Inns (B&Bs)	CUP	CUP	CUP	---	---	--	--	---	---	---	Chapter 11.4.18
Business Support Services	---	---	---	P	P	P	P	---	---	---	
Car Washes	---	---	---	CUP	---	---	--	---	---	---	
Catering Services	---	---	---	P	P	---	P	---	---	---	
Day/Health Spas	---	---	---	P	DUP	---	DUP	---	---	---	
Fortune-Telling	---	---	---	CUP	CUP	---	---	---	---	---	
Hotels/Motels	---	---	---	CUP	---	---	CUP	---	---	---	
Massage Establishments	---	---	---	CUP	CUP	---	CUP	---	---	---	Massage establishments and massage as an accessory use are subject to Chapter 11.4.21
Mortuary[28]	---	---	---	CUP	---	---	CUP	---	---	---	
Postal Services (Commercial)	---	---	---	P	---	---	P	---	---	---	
Personal Services—General	---	---	---	P	P	---	p	---	---	---	
Recycling Facilities:											Chapter 11.4.23
▪ Reverse vending machines	---	---	---	P	P	---	P	P	---	---	
▪ Small	---	---	---	DUP	DUP	---	---	DUP	---	---	

[22] Medical/Dental offices in the MU zone are limited to upper stories only.
[23] Professional offices in the CN zone are limited to upper stories only.
[24] Professional offices in the MU zone are limited to upper stories only.
[25] Real estate offices in the CN zone are limited to upper stories only.
[26] Real estate offices in the MU zone are limited to upper stories only.
[27] Excludes boarding except for boarding of animals for a maximum period of three (3) hours in association with the grooming activities only.
[28] Excludes crematorium.

▪ Large	---	---	---	---	---	---	---	---	---	---	
Rooming and Boarding Houses	---	---	---	CUP	---	---	---	---	---	---	
Short-Term Vacation Rentals Prohibited	---	---	---	---	---	---	---	---	---	---	
Tattooing, Body Piercing, and Body Art Establishments	---	---	---	CUP	---	---	---	---	---	---	Chapter 11.4.20
Veterinary Clinics	---	---	---	CUP	CUP	---	CUP	---	---	---	§11.4.17.005
Vehicle Repair:											
▪ General	---	---	---	CUP	---	---	CUP	---	---	---	
▪ Limited	---	---	---	DUP	---	---	DUP	---	---	---	
Personal Wireless Service(s) Facilities	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	Chapter 11.4.22

MEDICAL & CARE USES[29]											
Adult Day Care:											Chapter 11.4.24
▪ Small (6 or fewer)	P	P	P	---	---	---	P	---	---	---	
▪ Large (7 to 14)	DUP	DUP	DUP	---	---	---	DUP	---	---	---	
▪ Adult Day Care Center (15 or more)	---	CUP	CUP	CUP	---	---	CUP	CUP	---	---	
Child Day Care:											Chapter 11.4.24
▪ Small Family Day Care Home (8 or fewer)	P	P	P	---	---	---	P	---	---	---	
▪ Large Family Day Care Home (7 to 14)	P	P	P	---	---	---	P	---	---	---	
▪ Child Care Day Center (15 or more)	---	---	---	CUP	CUP	CUP	CUP	CUP	---	---	
▪ Employer-Sponsored Child Care Center	---	---	---	A	A	A	A	A	---	---	
Convalescent Care/Skilled Nursing Facilities	---	---	---	CUP	---	---	CUP	CUP	---	---	
Hospitals	---	---	---	CUP	---	---	---	CUP	---	---	
Medical Clinics	---	---	---	P	DUP	---	P	---	---	---	
Medical Laboratories (stand-alone use)	---	---	---	P	---	---	P	---	---	---	
Residential Care Facilities:											Chapter 11.4.25
▪ Small (6 or fewer)	P	P	P	---	---	---	P	---	---	---	
▪ Large (7 or more)	P	P	P	---	---	---	P	---	---	---	
▪ Residential Care Facility for the Elderly	---	---	---	CUP	---	---	P	CUP	---	---	

[29] The Director may require any use classified as "Medical and Care" to submit a Master Conditional Use Permit application as required by §11.6.06.005, unless otherwise preempted by State law.

ENTERTAINMENT, RECREATION, & OPEN SPACE USES[30]											
Adult Oriented Business	---	---	---	SPLP	--	--	---	---	---	---	Chapter 11.4.26
Arboretums, Botanical Gardens, and Horticultural Gardens	---	---	---	---	---	---	---	---	---	CUP	
Clubs, Lodges, Private Meeting Halls	---	---	---	CUP	---	---	CUP	---	---	---	
Community Centers	---	---	---	---	---	---	---	CUP	CUP	---	
Equestrian Facilities	---	---	---	---	---	---	---	---	CUP	---	
Golf Courses:											
▪ Clubhouse and appurtenant facilities only[31]	---	---	---	---	---	---	---	---	CUP	---	
▪ Golf course, stand-alone	---	---	---	---	---	---	---	---	---	CUP	
Health/Fitness Facilities:											
▪ Small	---	---	---	DUP	DUP[32]	---	P	---	P	---	
▪ Large	---	---	---	CUP	---	---	CUP	CUP	CUP	---	
Indoor Amusement and Entertainment Facilities	---	---	---	CUP	---	---	CUP	---	P	---	
Outdoor Recreation, Passive	CUP	CUP	CUP	P	P	P	P	P	P	P	
Parks and Recreation Facilities, Public	---	---	CUP	P	P	P	P	P	P	CUP	
Recreation Facilities, Commercial	---	---	---	CUP	---	---	CUP	---	CUP	---	
Recreation Facilities, Private	P[33]	P[34]	P[35]	CUP	---	---	P[36]	---	CUP	---	
Riding and Hiking Trails (excludes trails for motor vehicles)	P	CUP	P	P	P	P	P	P	P	P	
Theaters and Auditoriums	---	---	---	CUP	---	---	CUP	---	CUP	---	
ACCESSORY USES											
Access to property lawfully used for a purpose not permitted in the zone[37]	DUP	---	---	---	---	---	---	---	---	DUP	
Accessory Uses, General	P	P	P	P	P	P	P	P	P	P	
Accessory Uses, for Residential Developments of More than Two (2) Dwelling Units	---	CUP[38]	P[39]	---	---	---	P[40]	---	---	---	

[30] The Director may require any use classified as "Entertainment, Recreation, and Open Space" to submit a Master Conditional Use Permit application as required by §11.6.06.005, except that adult oriented businesses shall not be subject to this requirement.
[31] Includes appurtenant facilities such as clubhouse, parking, tennis courts, and pool.
[32] In the CN zone, small health clubs are allowed on upper stories only.
[32] Includes appurtenant facilities customarily found in conjunction therewith.
[33]Shall only be accessory to the primary residential use.
[34]Shall only be accessory to the primary residential use.
[35]Shall only be accessory to the primary residential use.
[36]Shall only be accessory to the primary use for residential-only or mixed-use developments.
[37] Provided no other practical access to such property is available, and such access will not alter the character of the premises with respect to permitted uses in the R-1 zone.
[38] Permitted in the R-3 zone except as specified in Chapter 11.4.37.
[39] Permitted in the RPD zone except as specified in Chapter 11.4.37.
[40] Permitted in the residential portion of a mixed-use development except as specified in Chapter 11.4.37.

Accessory Use, Non-Residential	---	---	---	P	P	P	P	P	P	P	
Animal Keeping and Animal Clubs (in Residential Zones)	P or SPLP[41]			---	---	---	P[42]	---	---	---	Chapter 11.4.27
Automated Teller Machines	---	---	---	P	P	P	P	P	P	---	
Caretaker Residence	---	---	---	---	---	---	---	DUP	---	DUP	
Comfort Station	---	---	---	---	---	---	---	---	DUP	DUP	
Cottage Food Operations	DUP	DUP	DUP	---	---	---	DUP	---	---	---	Chapter 11.4.28
Donation Collection Bins	---	---	---	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	---	Chapter 11.4.29
Drive-Through Facility	---	---	---	CUP	---	---	CUP	---	---	---	Chapter 11.4.14
Flags and Flagpoles[43]	P	P	P	P	P	P	P	P	P	P	Chapter 11.4.30
Home Occupation	HOP	HOP	HOP	---	---	---	HOP	HOP	---	---	Chapter 11.4.31
Kiosk Use	---	---	---	MUP	MUP	---	MUP	MUP	MUP	---	Chapter 11.4.32
Maintenance Building (400 ft^2 or less)	---	---	---	---	---	---	---	---	P	DUP	
Outdoor Display, and Activities in Nonresidential Zones[44]	---	---	---	DUP	DUP	DUP	DUP	---	---	---	Chapter 11.4.34
Outdoor Vending/Service Facilities	---	---	---	SPLP	SPLP	SPLP	SPLP	SPLP	---	---	Chapter 11.4.35
Parking areas specifically associated with equestrian, hiking, and biking trails and passive outdoor recreational uses	---	---	---	---	---	---	---	DUP	DUP	DUP	
Swimming Pools (Private), Residential Zones	P	P	CUP	---	---	---	DUP	CUP	---	---	
Personal Indoor Cultivation of Marijuana	SPLP			---	---	---	SPLP	---	---	---	Chapter 11.4.36
Sports Courts/Batting Cages (Private), Residential Zones:											Chapter 11.4.37
▪ Sports Courts/Batting Cages, Unlighted	DUP	DUP	P	---	---	---	DUP	---	---	---	
▪ Sports Courts/Batting Cages, Lighted	CUP	CUP	CUP	---	---	---	CUP	---	---	---	
Treehouse or platform upon a non-protected private tree per Chapter 11.5.06[45]	P	---	---	---	---	---	---	---	---	---	
TEMPORARY USES											
Temporary Uses	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	Chapter 11.6.12

[41] See Chapter 11.4.27 to determine which uses are permitted or require a Special Permit.
[42] See Chapter 11.4.27 to determine which uses are permitted.
[43] Any flagpole that does not comply with the standards in §11.4.30.002 shall require approval of a Conditional Use Permit.
[44] A DUP shall be required except as provided for in Chapter 11.6.12 (Temporary Use Permits).
[45] Provided the treehouse or platform:
a. Does not exceed sixty-four (64) square feet in area; and
b. The floor to top of roof height does not exceed eight (8) feet and the floor to ceiling height does not exceed six (6) feet; and
c. Complies with the setback and height standards contained within §11.3.03.005.

Chapter 11.3.03 Single-Family Residential (R-1) Zones

§11.3.03.001 Purpose.

A. **General Purpose.** This Chapter establishes appropriately located zones for single-family residential neighborhoods consistent with the General Plan to:

1. Preserve and enhance the city's character as a low-density, wooded, hillside, predominantly single-family residential community;

2. Protect and maintain the character and form of existing single-family residential neighborhoods in the city and enhance the quality of life;

3. Promote high standards of site planning, architecture, and landscape design to maintain and achieve high quality single-family residential development;

4. Provide for orderly transition between the types of residential land uses, and between residential and non-residential land uses; and

5. Ensure the provision of public services and facilities needed to accommodate planned population densities as identified in the General Plan.

B. **Intent of Individual R-1 Zones.** The individual R-1 zones in this Chapter are established to achieve the following:

1. **R-1-10-Acre Zone.** To provide for single-family detached homes on lots of four-hundred thirty-five thousand six hundred (435,600) square feet or greater. The R-1-10-Acre zone is intended to implement and be consistent with the Hillside Residential land use designation of the General Plan, which is on the B-side of the A/B Development Line of the Zoning Map and the Land Use Map of the General Plan.

2. **R-1-40,000 Zone.** To provide for single-family detached homes on lots of forty-thousand (40,000) square feet or greater. The R-1-40,000 zone is intended to implement and be consistent with the Estate Residential land use designation of the General Plan.

3. **R-1-30,000 Zone.** To provide for single-family detached homes on lots of thirty-thousand (30,000) square feet or greater. The R-1-30,000 Zone is intended to implement and be consistent with the Very Low Density Residential land use designation of the General Plan.

4. **R-1-20,000 Zone.** To provide for single-family detached homes on lots of twenty-thousand (20,000) square feet or greater. The R-1-20,000 zone is intended to implement and be consistent with the Very Low Density Residential land use designation of the General Plan.

5. **R-1-15,000 Zone.** To provide for single-family detached homes on lots of fifteen-thousand (15,000) square feet or greater. The R-1-15,000 zone is intended to implement and be consistent with the Low Density Residential land use designation of the General Plan.

6. **R-1-10,000 Zone.** To provide for single-family detached homes on lots of ten-thousand (10,000) square feet or greater. The R-1-10,000 zone is intended to implement and be consistent with the Low Density Residential land use designation of the General Plan.

7. **R-1-7,500 Zone.** To provide for single-family detached homes on lots of seven-thousand five-hundred (7,500) square feet or greater. The R-1-7,500 zone is intended to implement and be consistent with the Medium Density Residential land use designation of the General Plan.

8. **R-1-5,000 Zone.** To provide for single-family detached homes on lots of five-thousand (5,000) square feet or greater. The R-1-5,000 zone is intended to implement and be consistent with the Medium Density Residential land use designation of the General Plan.

§11.3.03.002 Applicability.

This Chapter shall be applicable to all existing and new uses, structures, modifications, additions, and activities within the single-family residential zones. All applicable development standards in this Chapter, Part 4 (Special Regulations), and Part 5 (General Regulations) shall apply. Additionally, properties that meet the criteria for hillside development pursuant to Chapter 11.4.05 (Hillside Development) shall comply with the standards and guidelines of Chapter 11.4.05.

§11.3.03.003 R-1 Uses and Permit Requirements.

A. Residential uses are intended to be the primary permitted use in the R-1 zone.

B. In the R-1 zone, no lot shall be occupied by more than one (1) primary dwelling unit.

C. **Accessory Uses.** Property in zone R-1 may be used for the following accessory uses:

1. Accessory structures customarily used in conjunction therewith;

2. Animals, domestic and wild, maintained or kept as pets or for personal use;

3. Building materials, storage of, used in the construction of a building or building project, during the construction and thirty (30) days thereafter, including contractor's temporary office provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site;

4. Accessory dwelling units in accordance with Chapter 11.4.02;

5. Child day care, adult day care, *or* foster care, as mandated by state law;

6. Small and large residential care facilities in accordance with Chapter 11.4.25;

7. Tree houses or platforms upon a non-protected private tree per Chapter 11.5.06, provided the tree house/platform:

   a. Does not exceed sixty-four (64) square feet in area, and

b. The floor to top of roof height does not exceed eight feet and the floor to ceiling height does not exceed six (6) feet, and

c. Complies with the setback and height standards contained within §11.3.03.003.

D. Table 11.3.01-1 identifies the uses of land allowed by this Zoning Code in the R-1 zone and the use permits required to establish each use, in accordance with §11.3.03.003.

E. Properties that meet the criteria of Chapter 11.4.05 (Hillside Development) shall comply with the applicable permitting requirements.

F. Development in the R-1 zone shall comply with all other permitting requirements as identified in this Chapter and the Zoning Code.

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§11.3.03.004 Minimum Lot Area for R-1 Zones.

A. **Minimum Lot Area for new R-1 parcels.** Table 11.3.03-1: Minimum Lot Area for New R-1 Parcels) provides the minimum lot areas for new residential parcels in the R-1 zone.

Table 11.3.03-1: Minimum Lot Area for New R-1 Parcels

Minimum Lot Area for New R-1 Parcels	
ZONE	**STANDARD**
Single-Family Residential (R-1)[1]	**Minimum Net Lot Area[2,3]**
R-1-10-Acres	1 unit per 10 acres
R-1-40,000	1 unit per 40,000 ft^2 of lot area
R-1-30,000	1 unit per 30,000 ft^2 of lot area
R-1-20,000	1 unit per 20,000 ft^2 of lot area
R-1-15,000	1 unit per 15,000 ft^2 of lot area
R-1-10,000	1 unit per 10,000 ft^2 of lot area
R-1-7,500	1 unit per 7,500 ft^2 of lot area
R-1-5,000	1 unit per 5,000 ft^2 of lot area

B. **Minimum Lot Dimensions for New R-1 Parcels.** Table 11.3.03-2 provides the minimum lot dimensions for new residential parcels in the R-1 zone.

Table 11.3.03-2: Minimum Lot Dimensions for New R-1 Parcels

Minimum Lot Dimensions for New R-1 Parcels			
Lot Size	**Minimum Frontage**	**Minimum Lot Width, Average***	**Minimum Lot Depth**
Less than 10,000 ft^2	40 ft.	60 ft.	60 ft.
10,000 sq. ft. to less than 15,000 sq. ft^2	40 ft.	70 ft.	80 ft.
15,000 sq. ft. to less than 30,000 ft^2	40 ft.	80 ft.	100 ft.
30,000 ft^2 or more	40 ft.	90 ft.	100 ft.

*See §11.7.01.012 ("L" Definitions) for average lot width.

§11.3.03.005 Single-Family (R-1) Development Standards.

The following standards shall apply to all single-family residential zoned lots within the city. Primary and accessory structures shall meet the same development standards unless otherwise specified by this

[1] The Single-Family (R-1) zoning designation is implemented by eight (8) R-1 zones that are differentiated by the minimum lot size, as designated by a "-" with a number behind (the minimum lot size).
[2] See §11.4.02 for Accessory Dwelling Unit standards.
[3] See Chapter 11.4.03 (Affordable Housing Density Bonus) for maximum density with State Affordable Housing Bonus.

Zoning Code. Additionally, properties that meet the criteria for hillside development pursuant to Chapter 11.4.05 (Hillside Development) shall comply with the standards and guidelines of Chapter 11.4.05.

A. **Building Height.** The height for all structures subject to this Subsection shall be measured from the lowest point at which the structure meets either natural grade or finished grade, whichever is lower, exclusive of lightwells that comply with Subsection 11.3.03.005(F), to the highest point of the structure, exclusive of chimneys, weathervanes, and other nonstructural architectural features.

1. **Primary structure height.** The maximum height for all primary structures shall be:

   a. Twenty-eight (28) feet for lots ten thousand (10,000) square feet or less in net area, hillside lots pursuant to Chapter 11.4.05 (Hillside Development), or lots sixty-five (65) feet or less in width; or

   b. Thirty-two (32) feet for all other lots.

2. **Accessory structure height.**

   a. *Height.* The maximum height for accessory structures shall be fifteen (15) feet, except as otherwise provided for in this Zoning Code.

   b. *Decks.* Roofed and unroofed decks shall not exceed fifteen (15) feet in height. Overall height of decks is calculated as follows:

      i. The height of an uncovered deck shall be measured from the top of the deck railing to the lowest point of the natural existing grade at any point directly under the outer perimeter of the deck.

      ii. The height of a fully or partially roofed deck shall be measured from the highest point of the deck roof to the lowest point of the natural existing grade at any point under the outer perimeter of the deck.

      iii. Landscaping. Decks with floor levels six (6) feet or more above natural grade at any point under the outer perimeter shall be screened with landscaping. Approval of a landscape plan will be required prior to Zoning Clearance, with all materials to be installed prior to Building Permit final.

3. **Excess height.** The height of structures subject to Subsection (A)(1)(a) and (A)(1)(b) of this Section shall not exceed the heights specified; except that excess height up to six (6) feet above the underlying zone shall require approval of a Director's Development Review Permit pursuant to Subsection 11.6.05.002(A)(1)(a)(i).

4. **Porch height.**

   a. No entry structure or porch shall have an eave height more than three (3) feet above the adjacent eave or twelve (12) feet, whichever is less.

b. *Porch height exception.* Any design not complying with this Subsection shall require approval of a Director's Development Review Permit pursuant to Subsection 11.6.05.002(A)(1)(a)(ii).

5. **Roof deck height.** Roof Decks are not permitted above the second story.

6. **Single and second story review thresholds for primary structure.** Any project resulting in additional floor area at the single or second story as prescribed in this Subsection shall be subject to review and approval according to the following thresholds:

a. *Single story review.*

i. New single story structures or single story additions, with an exterior wall/plate height not exceeding twelve (12) feet above adjacent grade, or fourteen (14) feet for a parcel of twenty thousand (20,000) square feet or greater and an average lot width of one hundred (100) feet or greater, and not exceeding a maximum overall height of twenty (20) feet, shall require approval of a Zoning Clearance pursuant to Chapter 11.6.03 (Zoning Clearance).

ii. New single story structures or single story additions, with an exterior wall/plate height not exceeding twelve (12) feet above adjacent grade, or fourteen (14) feet for a parcel of twenty thousand (20,000) square feet or greater and an average lot width of one hundred (100) feet or greater, and exceeding a maximum overall height of twenty (20) feet, shall require a Director's Development Review Permit pursuant to Subsection 11.6.05.002(A)(2).

b. *Second story review.* Any project resulting in second story floor area, where a second story is defined herein as any exterior wall/plate height exceeding twelve (12) feet above adjacent grade, or fourteen (14) feet for a parcel of twenty thousand (20,000) square feet or greater and an average lot width of one hundred (100) feet or greater, regardless of the overall building height or number of stories, shall be subject to review as a second story according to the following thresholds:

i. Additions to existing second stories.

(a) Up to seven hundred fifty (750) square feet or forty-five (45) percent of existing second story floor area, whichever is less: Requires approval of a Director's Development Review Permit as provided in Subsection 11.6.05.002(A)(3).

(b) Greater than seven hundred fifty (750) square feet or greater than forty-five (45) percent of existing second story floor area, whichever is less: Requires approval of a Development Review Permit as provided in Subsection 11.6.05.004(A)(1).

ii. New second stories. All new two-story structures or second story additions to existing single-story structures require approval of a Development Review Permit as provided in Subsection 11.6.05.004(A)(1).

iii. Any new accessory dwelling unit located on a second story shall only be subject to Chapter 11.4.02 (Accessory Dwelling Units) and shall not require second story review.

c. *Conversion of existing attic space to habitable floor area.*

i. The conversion of existing attic space to floor area shall require a Director's Development Review Permit as provided in Subsection 11.6.05.002(A)(4) if it complies with the following conditions:

(a) The attic space is currently accounted for in the total floor area and conversion does not exceed the allowable floor area, in accordance with Subsection (D) of this Section; and

(b) There is no change to the roof or exterior walls of the structure and/or no addition of one (1) or more dormers in order to accommodate the attic conversion (except that windows and skylights may be added).

(c) The attic space does not have to comply with side yard setbacks for second stories pursuant to Subsection (E)(3)(b) of this Subsection, only if the conversion complies with all other requirements of this Subsection.

ii. Conversion of attic space that does not comply with Subsection (5)(c)(i) of this Subsection: Requires approval of a Development Review Permit as provided in Subsection 11.6.05.004(A)(2).

B. **Roofs.**

1. **Flat roofs.**

a. On a new structure, no more than twenty-five (25) percent of roofed area shall be a flat roof.

b. *Flat roof modification.* Any design not complying with this Subsection shall require approval of a Director's Development Review Permit for a Flat Roof Modification as provided in Subsection 11.6.05.002(A)(5).

2. **Roof equipment.**

a. No new mechanical equipment shall be roof-mounted on any structure. For the purposes of this Subsection, "like for like" replacement of existing roof equipment is not considered new.

b. *Roof equipment review.* Any project not complying with this Subsection shall require approval of a Director's Development Review Permit as provided in Subsection 11.6.05.002(A)(6).

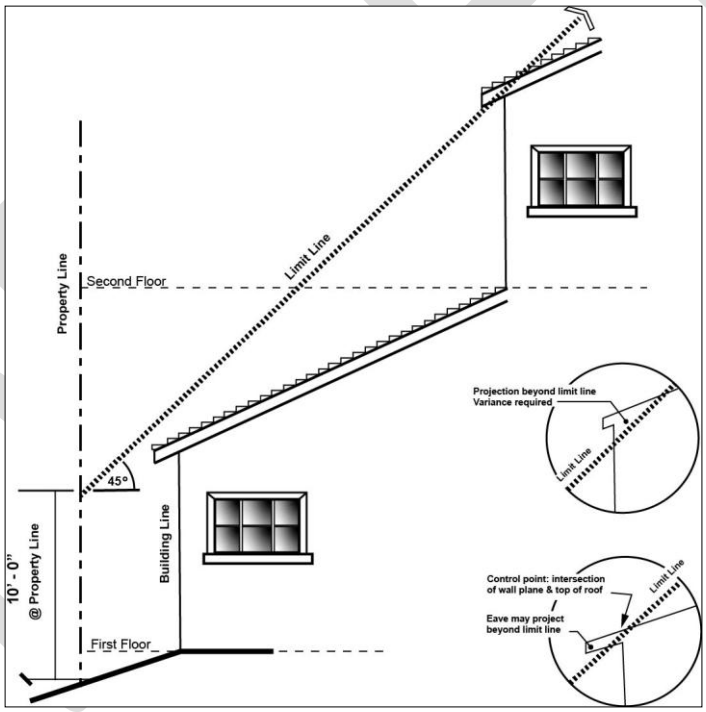
C. Building Bulk.

1. Angle-plane.

a. No portion of a building shall exceed the height of a forty-five (45) degree plane drawn from a height of ten (10) feet above existing grade at all boundaries of the lot. If an existing building does not meet these specifications, it qualifies as new, and the portion of the existing building that breaks the angle plane is not being altered; it is excluded. Roof eaves and rafter tails projecting out from the vertical plane of the exterior wall surface are exempted.

b. Existing grade shall be the grade elevation of the subject site at all property boundaries prior to start of construction.

Figure 11.3.03-1: Angle Plane



2. Chimneys.

a. Chimneys serving functional interior fireplaces shall be exempt from building bulk limitations.

b. Maximum chimney height shall not exceed the minimum height required for Building Code compliance.

D. Allowable Total Floor/Solid Roofed Area.

1. Basic limits.

a. The combined floor area of the primary dwelling unit, attached or detached accessory dwelling unit (pursuant to Chapter 11.4.02 (Accessory Dwelling Units), and all other roofed accessory structures on the property cannot exceed the allowable total floor/solid roofed area as provided for in Table 11.3.03-3:

Table 11.3.03-3: Lot Size Allowable Total Floor/Solid Roofed Area

Lot Size, Allowable Total Floor/Solid Roofed Area	
LOT SIZE	**ALLOWABLE TOTAL FLOOR/SOLID ROOFED AREA**
10,000 square feet or less:	36 percent of lot area
10,001 to 15,000 square feet:	3,600 square feet plus 23 percent of lot area over 10,000 square feet
15,001 square feet or more:	4,750 square feet plus 20 percent of lot area over 15,000 square feet

b. *Review thresholds for allowable total floor/solid roofed area.*

i. Review threshold for narrow lots. A Development Review Permit per Subsection 11.6.05.004(A)(3) shall be required for floor area exceeding four thousand five hundred (4,500) square feet on any lot with less than eighty (80) feet of average lot width.

ii. Review threshold for large projects. A Development Review Permit for Floor Area Review per Subsection 11.6.05.004(A)(4) shall be required for any project resulting in total floor/roofed area over ten thousand (10,000) square feet.

2. **Volume space.** Any space with a ceiling or top plate height exceeding the maximum allowed volume space height shall be considered as constituting two (2) stories for the purpose of calculating floor/solid roofed area. Any such space comprising five (5) percent or less of the total floor area, or any area under a sloped roof with a ridge height of fifteen (15) feet or less is exempt. The volume space height limit is as follows:

a. *Parcel size twenty thousand (20,000) square feet or greater and average lot width one hundred (100) feet or greater:* Fourteen (14) feet;

b. *Other properties:* Twelve (12) feet.

3. **Exemptions from allowable total floor/solid roofed area calculations.**

a. Where attic space is under six (6) feet in height, except that between structural ties which are less than six (6) feet above floor level, ceilings may exceed the height provided that spacing between the structural ties does not exceed forty-eight (48) inches.

b. Basements, including basements with light wells that comply with Subsections 11.3.03.005(D) and (F).

c. Eaves up to four (4) feet in depth.

d. Porches attached to the primary residence, and facing the street, with no enclosure between the height of three (3) feet and seven (7) feet except for the building face(s) to which it is attached.

e. Second stories and balconies that cantilever over the exterior wall of the first story by not more than thirty (30) inches.

f. Deck areas open to the sky, partially covered where the covering does not exceed fifty (50) percent of the area of which it covers, or covered by open roofed area, where the underside of the deck does not exceed seven feet six inches (7'-6") above the existing grade at any point.

g. Bay windows as defined in Chapter 11.7.01 (Definitions) of this Zoning Code, located on the front wall of the house on the first floor, having a minimum of eighteen (18) inches of clear space above finished grade, and not projecting beyond the depth of the eaves.

h. Stairways, including the floor area devoted to treads and any integral landing(s), and elevator shafts shall be counted once, regardless of ceiling height.

i. On lots less than ten thousand (10,000) square feet, four hundred forty (440) square feet of garage floor area.

E. **Setbacks.**

1. **Applicability.**

a. *Setbacks to be kept clear.* The portions of subject parcels falling within the setbacks as stipulated in this Subsection shall be kept clear of structures, except as otherwise provided for in this Zoning Code.

b. *Measurement criteria:* In the single-family residential zone, setbacks shall be measured from the lot line to the nearest portion of the building, excluding eaves up to four (4) feet in depth.

c. *Volume space.* Any space with a ceiling or top plate height exceeding the maximum allowed volume space height as provided in Subsection 11.3.03.005(D)(2) shall be considered as constituting two (2) stories for the purpose of determining required setbacks. Any such space comprising five (5) percent or less of the total floor area, or any area under a sloped roof with a ridge height of fifteen (15) feet or less is exempt. The volume space height limit is as follows:

i. Parcel size twenty thousand (20,000) square feet or greater and average lot width one hundred (100) feet or greater: Fourteen (14) feet;

ii. Other properties: Twelve (12) feet.

d. *Additions to existing structures.* Additions to existing and legally established primary or accessory structures shall comply with the front, side, and rear setbacks as set forth in Subsections (E)(2) through (E)(4) unless a Director's Development Review Permit is approved as provided for in Subsection 11.6.05.002(A)(7)(a).

2. **Front yard setback.**

a. *Front yard setback measurement criteria.*

i. When the front lot line of an R-1 zoned property fronts on a local residential roadway (as defined in the Circulation Element of the General Plan), the front yard setback shall be measured from the front lot line to the nearest portion of the structure, excluding eaves up to four (4) feet in depth.

ii. When the front lot line of an R-1 zoned property fronts on a primary, major, special major, collector, or residential collector roadway, the front yard setback shall be measured from the ultimate right-of-way, not the existing right-of-way, to the nearest portion of the structure, excluding eaves up to four (4) feet in depth. Definitions and depictions of how standard street sections and roadways are measured and classified are found in the Circulation Element of the General Plan.

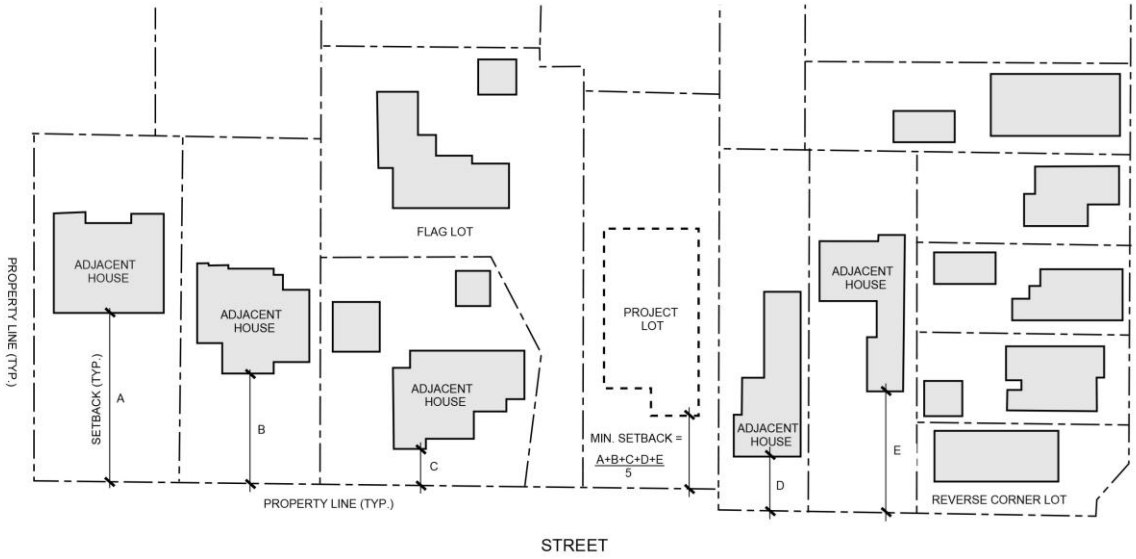
b. *Determination of front yard on corner lots.* On corner lots, the narrower street frontage is normally the front lot line. However, the Director may determine that a longer street frontage comprises the front lot line, in consideration of other factors including house address, house orientation, orientation of nearby houses, and access.

c. *Basic averaging requirement.* For all lots, except flag lots which shall have a front setback requirement of twenty-five (25) feet and hillside lots (pursuant to Chapter 11.4.05), the required minimum front yard setback shall be based on an average of neighboring R-1 properties and shall not include the subject project site. The average front yard setback shall be the average depth of the front setback of the properties along the same side of the block, subject to available data. In calculating the average setback, measurement(s) which would vary from the average by more than one hundred fifty (150) percent shall not be utilized. In the event that data for the entire block is not available, the average front setback shall be determined according to the two (2) adjacent properties (see Figure 11.3.03-2: Front Yard Setback Averaging), with the following additional exceptions:

i. An adjacent lot that is vacant, a lot with a frontage of less than forty (40) feet, or an adjacent flag strip shall be omitted from calculation of average setbacks, with the nearest adjacent non-vacant lot, non-flag lot, or lot with a frontage greater than forty (40) feet beyond to be used for averaging purposes instead.

ii. For a corner lot, the average of the front setbacks of the adjacent property fronting on the same street and the property adjacent to that shall be used to determine the required front setback.

Figure 11.3.03-2: Front Yard Setback Averaging



iii. Other criteria for determining front setback.

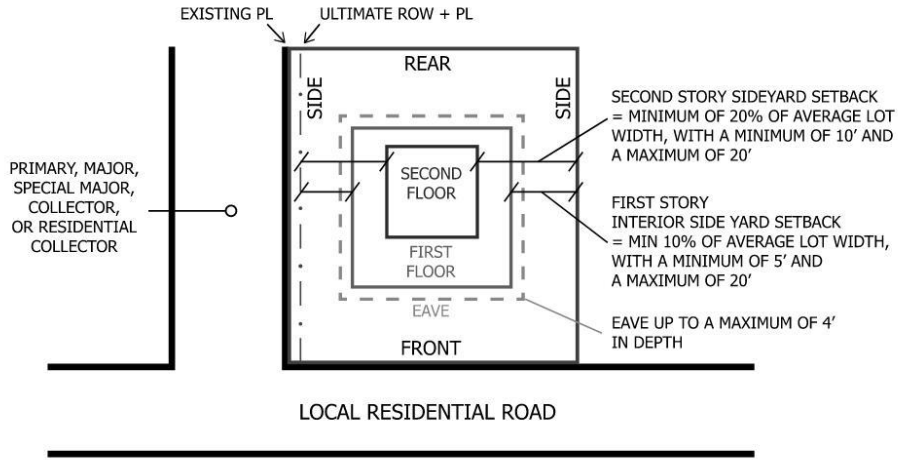
(a) Any neighboring property with a setback less than twenty-five (25) feet shall be considered as having a twenty-five (25) foot front setback for averaging purposes.

(b) In no case shall the required front setback be less than twenty-five (25) feet, except as otherwise provided for in this Zoning Code.

3. **Side yard setback.**

a. *First story interior side yard.* There shall be a minimum side yard of ten (10) percent of the average lot width of the subject lot, but in no case shall the required setback be less than five (5) feet or more than twenty (20) feet.

Figure 11.3.03-2: Side Yard Setbacks



b. *Exterior and second story side yards.*

i. Exterior side yard setback measurement criteria.

(a) When the exterior side lot line of an R-1 zoned property fronts on a local residential roadway (as defined in the Circulation Element of the General Plan), the exterior side yard setback shall be measured from the exterior side lot line to the nearest portion of the building, excluding eaves up to four (4) feet in depth.

(b) When the exterior side lot line of an R-1 zoned property fronts on a primary, major, special major, collector, or residential collector roadway (as defined and depicted in the Circulation Element of the General Plan), the exterior side yard setback shall be measured from the exterior side lot line or the ultimate right-of-way, whichever is greater, to the nearest portion of the building, excluding eaves up to four (4) feet in depth.

ii. The minimum second story side yard setback (interior and exterior) shall be twenty (20) percent of average lot width.

iii. The minimum exterior side yard setback for all stories shall be twenty (20) percent of average lot width.

iv. In no case shall the required setback be less than ten (10) feet or more than twenty (20) feet.

v. Any space with a ceiling, eave, or top plate height exceeding twelve (12) feet shall be considered as constituting two (2) stories for the purpose of calculating side yard setbacks, except for any area under a sloped roof with a ridge height of fifteen (15) feet or less, as measured from finished floor to top of structure.

c. *Narrow lot side yards.* For lots with eighty (80) feet or less average lot width, and total floor/roofed area exceeding four thousand five hundred (4,500) square feet, a minimum of eight (8) feet first story interior side yard setback and sixteen (16) feet second story or exterior side yard setback shall be provided.

4. **Rear yard setback.**

a. There shall be a rear yard on every lot and parcel of land in zone R-1 of not less than fifteen (15) feet, except through-lots.

b. Through-lots shall not be allowed a rear yard setback facing the rear street and instead shall provide front yard setbacks on both street frontages, except that a minimum setback of twenty-five (25) feet shall be allowed on the rear street for free-standing fences and walls exceeding three feet six inches (3'-6") in height.

5. **Setbacks for fireplaces and chimneys.**

a. Exterior chimneys serving interior fireplaces shall comply with the front, side, and rear setbacks as set forth in Subsections (E)(2) through (E)(4), unless a Director's Development Review Permit is approved as provided for in Subsection 11.6.05.002(A)(7)(b).

b. Outdoor fireplaces/chimneys and chimney outlets serving interior fireplaces shall comply with the front, side, and rear setbacks as set forth in Subsections (E)(2) through (E)(4).

c. In no case shall the required setback at the point of discharge be less than the applicable Fire Code requirements regarding setbacks from trees/shrubbery and the setback at the point of discharge shall be no less than five (5) feet from the property line.

d. Fire pits less than six (6) feet in height shall be excluded from the requirements of this Subsection.

6. **Setbacks for pools, spas, and associated equipment.** Water features (ponds, fountains, etc.) with a water depth of less than eighteen (18) inches are not subject to the setback requirements of this Subsection.

a. *Minimum structural setbacks for pools, spas, and pool/spa mechanical equipment:*

i. Side: Five (5) feet;

ii. Rear: Five (5) feet;

iii. Front: Any pool or spa and associated pool/spa mechanical equipment within the required front yard requires approval of a Development Review Permit per Subsection 11.6.05.004(A)(5); except that a request to relocate associated pool/spa equipment that was originally approved with a Conditional use Permit requires approval of a Director's Development Review Permit as provided for in Subsection 11.6.05.002(A)(8).

iv. Through lots: A front setback shall be maintained. All fencing associated with the pool or spa shall comply with the requirements of Subsection 11.3.03.005(G)(4) and (5).

b. *Setbacks for tree protection.* Pool construction shall be set back from the outer trunk circumference of any tree off the subject property, regardless of species, and from any tree on the subject property identified as protected by Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property), at the minimum distance required by Chapter 11.5.06. Chapter 11.5.06 shall be complied with at all times during construction.

7. **Exemptions to basic setbacks.**

a. *Height.* Detached accessory structures, including decks, patios, and porches, not exceeding a height of three feet six inches (3'-6") (front) or six (6) feet (side and rear).

b. *Eaves.* Eaves up to four (4) feet in depth, provided that no eave is closer than two feet six inches (2'-6") from an interior side or rear property line.

c. *Rear garages.* Setback requirements for any detached garage in the rear yard of a parcel may be reduced to a minimum of five (5) feet at the rear and/or the interior side yard(s), provided that it is the sole garage on the parcel, and provided that the following limitations are met within the reduced setback area:

i. Garage depth and width shall not exceed an exterior dimension of twenty-five (25) feet.

ii. Eave height shall not exceed eight (8) feet.

iii. Building bulk shall be limited to an angle-plane measured from eight (8) feet above natural grade at the property line, and at an upward inclination of thirty (30) degrees, except for the following:

(a) Eaves;

(b) A single gable up to fifteen (15) feet in height.

d. *Mechanical equipment in required setbacks.* The following mechanical equipment is exempt from setbacks:

i. Utility meters;

ii. Exhaust vents;

iii. Backflow preventers;

iv. Wall-mounted solar batteries (provided the battery does not extend out more than twelve (12) inches from the wall);

v. Tankless water heaters; and

vi. Southern California Edison transformers.

e. *Second story setback encroachments.* Portions of the second story with ceiling height below six (6) feet are not subject to second story side yard setbacks; provided, that:

i. The portions are beneath a sloped roof; and

ii. The eave height does not exceed twelve (12) feet; and

iii. The roof height does not exceed fifteen (15) feet within the required second story setback.

f. *Stairways or steps.* Unroofed stairways or steps shall not exceed a height of forty-two (42) inches, exclusive of a customary guard rail or balustrades, within the required front setback, or six (6) feet, inclusive of a customary guard rail, within the required side or rear setback.

g. *Yard equipment.*

i. Interior Side and Rear Yard Setbacks.

(a) Yard equipment six (6) feet or less in height shall not be subject to a setback.

(b) Yard equipment higher than six (6) feet shall be subject to all setback requirements applicable to structures.

(c) Yard equipment shall not exceed a height of fifteen (15) feet.

h. *Decks.* Uncovered decks with the underside of the deck floor elevated at or within thirty (30) inches of grade over their entirety are not considered structures and therefore are not subject to setback requirements of this Subsection, nor are they considered a project if located on a hillside lot (pursuant to Chapter 11.4.05).

i. *Temporary portable storage units.* Temporary portable storage unit, as provided for in Subsection 11.6.12.005(A)(6), shall be set back a minimum of ten (10) feet from the front and exterior side property lines and five (5) feet from the side and rear property lines.

j. *Bay windows.* Bay windows as defined in Chapter 11.7.01 (Definitions) of this Zoning Code, located on the front wall of the house on the first floor, having a minimum of eighteen (18) inches of clear space above finished grade, may encroach into a required front setback, except that they shall not exceed the depth of the eave.

8. **Modifications to basic setbacks.**

a. *Mechanical equipment encroachment in required setbacks.* A permit for heating, ventilating, and/or air-conditioning equipment, generators, and water heaters and associated enclosures (where required) located within the required setback may be reduced to a minimum of five (5) feet if the Director approves a Zoning Modification as provided for in Subsection 11.6.04.002(A).

b. *Dormers*. Dormers may encroach within side yard setbacks, provided that:

i. The total length of the dormers shall not exceed thirty (30) percent of the length of the subject elevation; and

ii. The Director approves a Zoning Modification pursuant to Subsection 11.6.04.002(B).

c. *Yard equipment.*

i. Front Yard Location. Yard equipment within the R-1 zone shall not be located for more than forty-eight (48) hours within the required front yard setback or in front of the primary structure (whichever is greater), or the corner lot exterior side yard setback, unless a Zoning Modification is approved by the Director pursuant to Subsection 11.6.04.002(C).

ii. Interior Side and Rear Yard Setbacks. Yard equipment higher than six (6) feet but less than ten (10) feet in height shall be located no closer than five (5) feet from the nearest property line(s) unless a Zoning Modification is approved by the Director pursuant to Subsection 11.6.04.002(C).

d. *Fences, solid walls, and gates*. Fences, solid walls, and gates over forty-two (42) inches in height shall not encroach within front yard setbacks unless the Director approves a Zoning Modification pursuant to Subsection 11.6.04.002(D).

9. **Other setback encroachments.** All other setback encroachments are subject to approval of a Director's Development Review Permit as provided for in Subsection 11.6.05.002(A)(7)(c).

F. **Light Wells.**

1. **Location.**

a. Light wells located in interior side yards and rear yards shall comply with the setback requirements of Subsection 11.3.03.05(E) except that light wells may encroach into a required interior side or rear yard up to a maximum of three (3) feet, but in no case shall be closer than five (5) feet from the adjacent property line The setback shall be measured from the outside face of the retaining wall that creates the light well to the property line. See Figure 11.3.03-3.

b. Light wells shall not be located in exterior side yards or front yards, unless a Director's Development Review Permit is approved as provided for in Subsection 11.6.05.002(A)(9).

2. **Width.** Maximum width of light wells shall not exceed three (3) feet, measured perpendicular from the exterior of the basement wall to the inside face of the retaining wall that creates the light well. See Figure 11.3.03-3.

3. **Depth.**

a. Maximum depth of light wells that encroach into required interior side or rear yards pursuant to Subsection 11.3.03.005(E)(3),(4) shall not exceed five feet six inches (5'-6"). See Figure 11.3.03-3.

b. The maximum depth of light wells that do not encroach into required interior side yard and rear setbacks shall not be regulated by this Zoning Code.

4. **Length.** (See Figure 11.3.03-4 for how to determine the length of a lightwell.)

a. The cumulative length of light wells that encroach into required side or rear yards pursuant to Subsections 11.3.03.005(E)(3),(4) shall not exceed a total of fifteen (15) feet.

b. The cumulative length of all light wells, whether or not they encroach into required side or rear yards pursuant to Subsection 11.3.03.005(F)(4)(a), shall not exceed a total of thirty (30) percent of the length of the sides and rear of the perimeter of the first story of the dwelling unit. See Figure 11.3.03-5.

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Figure 11.3.03-3: Light Well—Section View

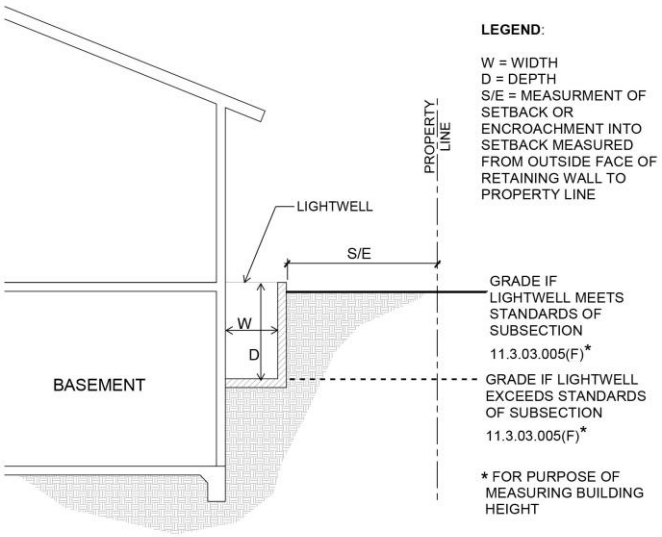


Figure 11.3.03-4: Light Well—Plan View

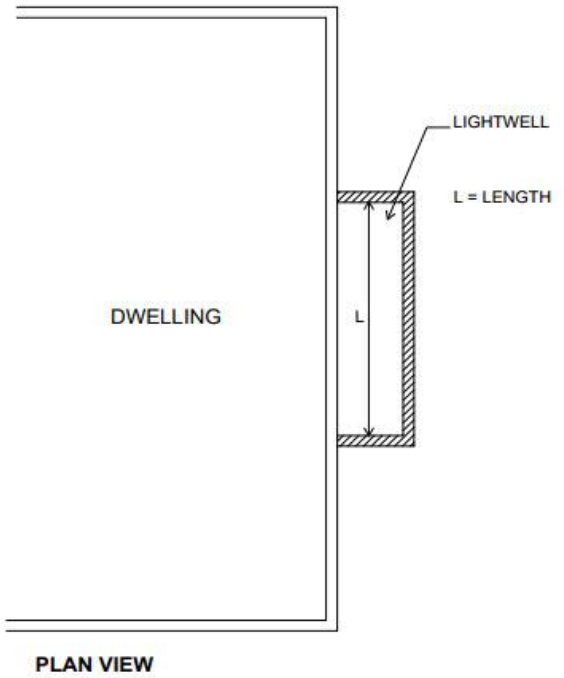
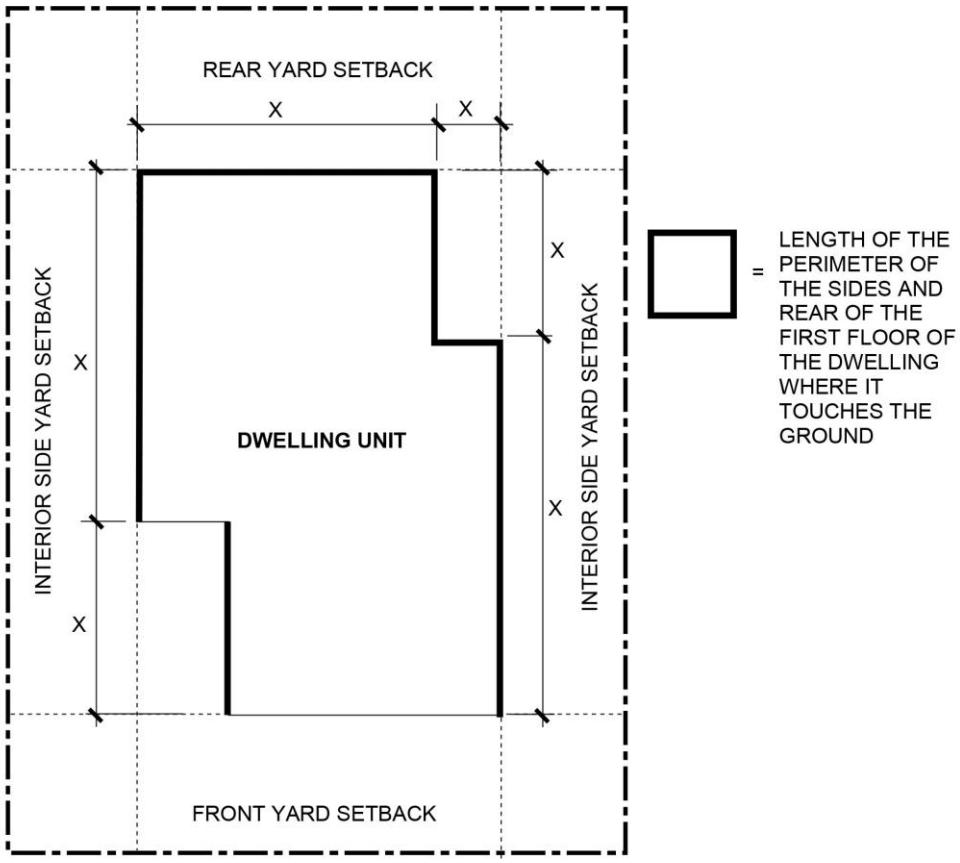
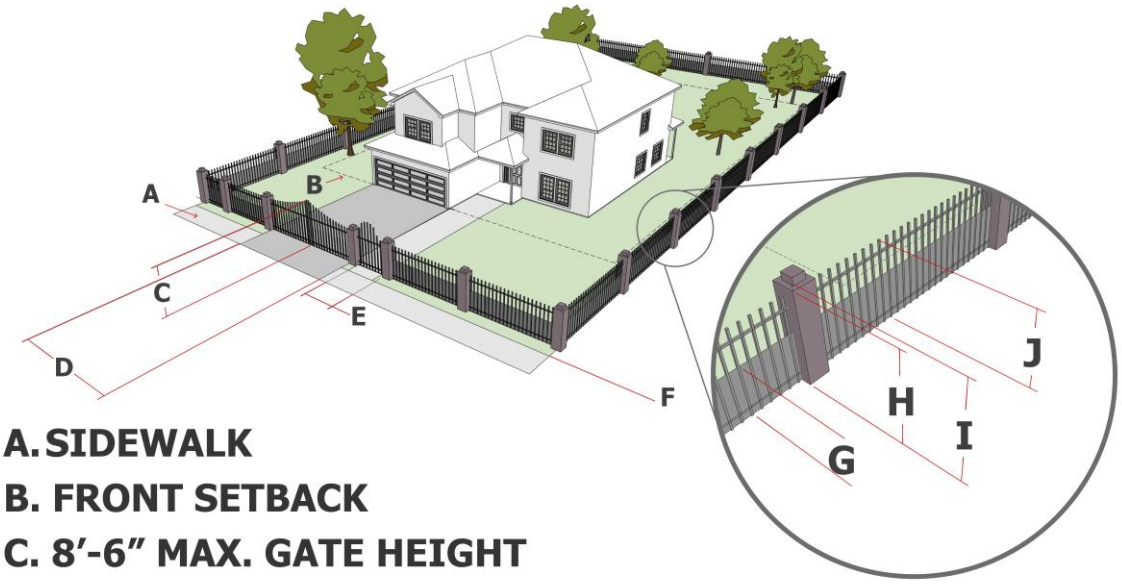


Figure 11.3.03-5: Light Well—Perimeter of 1st Story for Purposes of Complying with Subsection 11.3.03.005(F)(4)(b)



G. **Fences, Walls, Shrubbery, and Landscaping within Required Setbacks and Yards.** Fences, walls, shrubbery, and landscaping within required setbacks and yards shall comply with the provisions of this Subsection, including Figure 11.3.03-6, Figure 11.3.03-7, and Figure 11.3.03-8, Figure 11.3.03-9, Figure 11.3.03-10, Figure 11.3.03-11, and Figure 11.3.03-12.

Figure 11.3.03-6: Fence and Gate—Aerial View



A. SIDEWALK
B. FRONT SETBACK
C. 8′-6″ MAX. GATE HEIGHT
D. 20′-0″ MAX. DRIVEWAY GATE
E. 6′-0″ MAX. PED. GATE
F. FRONT PROPERTY LINE
G. 3′-6″ MAX. OPAQUE HEIGHT IN SETBACK AREA
H. 6′-6″ TOP OF COLUMN
I. 7′-0″ TOP OF ORNAMENT
J. 6′-0″ MAX. FENCE HEIGHT

1. **Design and materials for all fences and walls.**

   a. **Review.** All fences and walls over forty-two (42) inches in height are subject to the review and approval of a Zoning Clearance. The fence shall be compatible with its surroundings and be consistent with the single-family residential design guidelines. Revisions to fence design, including simplification of its decorative components, may be required in order to meet this objective.

   b. **Finished Side.** The finished side of all fences and freestanding walls shall face the neighboring property, trail, open space or public right-of-way, except as approved by the Director of Community Development upon a determination that the proposed fence or wall is similar in appearance on both the side facing the subject property and the side facing the neighboring property. For the purposes of this Subsection, "finished side" means the smooth side or the side that does not reveal the structural supports.

c. **Colors.** White or other very pale fences are generally discouraged because they are inconsistent with the objective of keeping fences compatible with and subordinate to their surroundings. Darker and more recessive colors may be required in order to meet this objective.

d. **Lighting.** Light fixtures shall only be installed adjacent to the driveway, adjacent to the pedestrian entry gate, on pedestrian entry ways, or as determined by the director of community development. Light fixtures on pedestrian entry ways shall be no higher than the pedestrian entry structure. Brightness of the fixtures shall be indicated on the drawings and subject to evaluation in the context of the project. The intensity of the lights shall be measured to ensure that the light projected across property lines is not more than one foot-candle above ambient. Exceptions to light intensity shall be allowed for low level lighting of less than one-thousand six hundred (1,600) lumens.

e. **Prohibited Materials**

i. Spears or other pointed elements on top of fences or freestanding walls shall be prohibited.

ii. Unfinished plywood, corrugated metals, bare metal wire, barbed wire, mesh fences, and electrically charged fences shall be prohibited.

iii. Chain link fences shall not be installed in areas prominently visible from the public right-of-way except temporary construction fences.

2. **Building permits required.** Building permits are required for all fences and walls over forty-two (42) inches in height.

3. **Neighbor notification and survey requirement.**

a. The owners of properties adjacent to any proposed fence or freestanding wall within five (5) feet of a property line shall be notified by the Planning Division prior to the issuance of building permits.

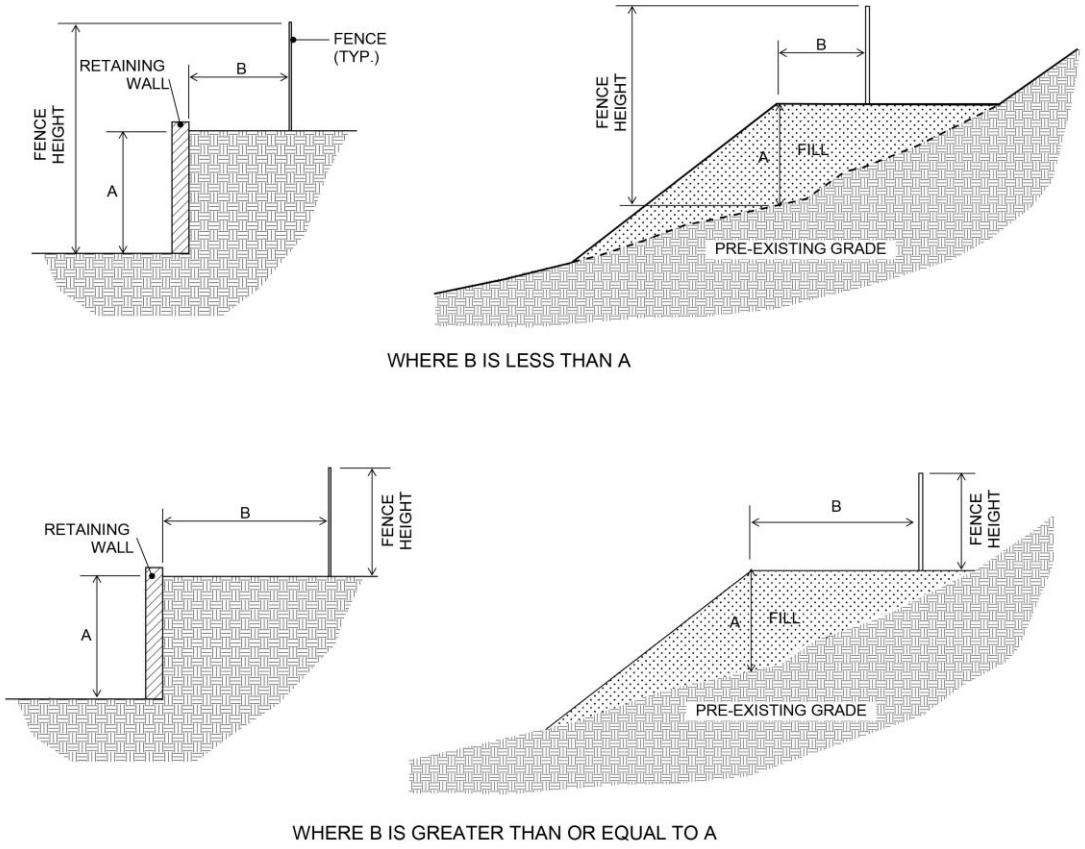
b. The property line shall be marked in the field, identified on a survey prepared by a licensed surveyor, and submitted to the Planning Division.

c. An exception to the neighbor notification and survey requirements may be granted upon Planning Division receipt of a written acceptance (including printed name, signature, address, and contact information) on the site plan of the fence or freestanding wall location by the owners of the properties adjacent to the proposed property line fence or freestanding wall(s).

4. **Front Setback / Secondary Front (Rear) of a Through Lot Setback / Street (Exterior) Side Yard.**

a. **Height Measurement.** For the purposes of measuring fence height, a retaining wall and freestanding wall/fence combination shall be considered a single fence whenever the horizontal distance between the retaining wall portion of the fence and the above ground portion of the fence is less than the height of the retaining wall portion alone. See Figure 11.3.03-7: Fence/Retaining Wall Height.

Figure 11.3.03-7: Fence/Retaining Wall Height



b. **Fence/Gate - Height and Design.**

i. Any property may have a fence, gate or wall up to forty-two (42) inches above adjacent grade on the street side.

ii. Any fence, gate or wall that exceeds forty-two (42) inches above adjacent grade on the street side shall meet the following parameters:

(a) **Fences.** Fences shall not exceed six feet (6'-0") in height. However, pillars, pilasters or similar support posts of fences may reach a maximum height of six feet six inches (6'-6").

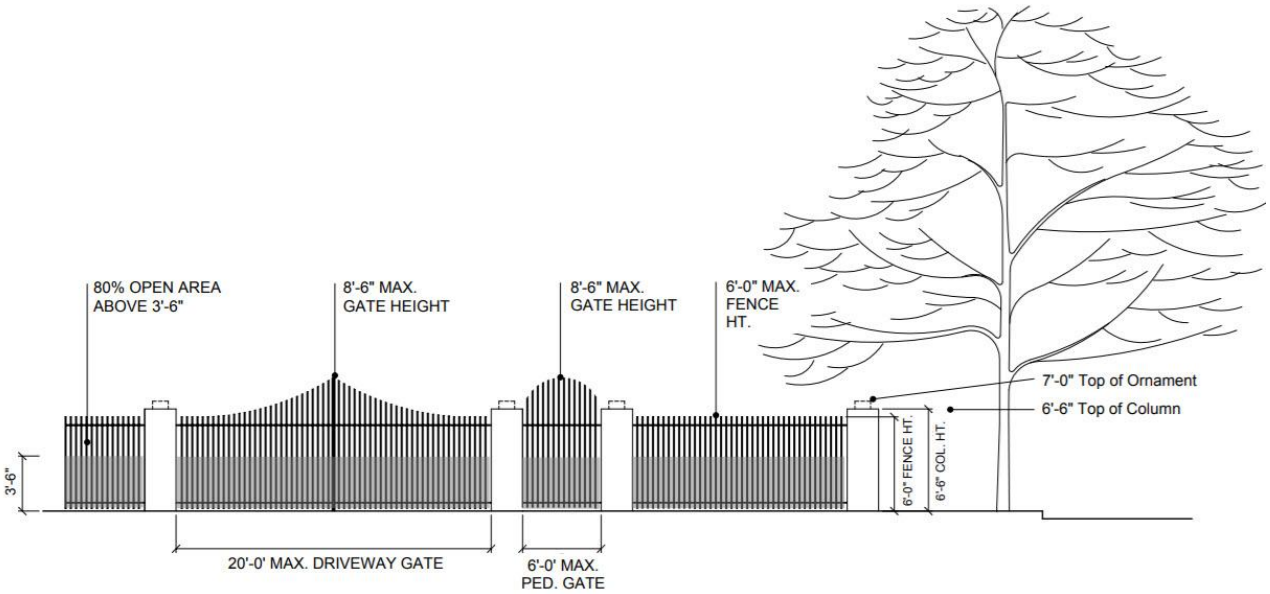
(b) **Gates.** Vehicular and pedestrian entry gates may reach a maximum height of eight feet, six inches (8'-6").

(c) **Light Fixtures.** A light fixture may be added on top of the fencing or its pillar, provided the overall height of fence or pillar and light does not exceed a height of seven feet (7') as measured from the finished grade or adjacent grade, whichever is lowest.

(d) **Width.** Pedestrian entry gates shall not exceed a width of six feet (6'-0"), and vehicular entry gates shall not exceed a width of twenty (20) feet. A height transition shall be provided between the six-foot (6'-0") fence and the entry gates.

(e) **Open View Design.** The fence and/or gate shall be of a design that creates at least 80% (eighty percent) open work above forty-two (42) inches in height. An example would be wrought iron fencing with vertical bars spaced at least four (4) inches apart.

Figure 11.3.03-8: Fence and Gate—Elevation View



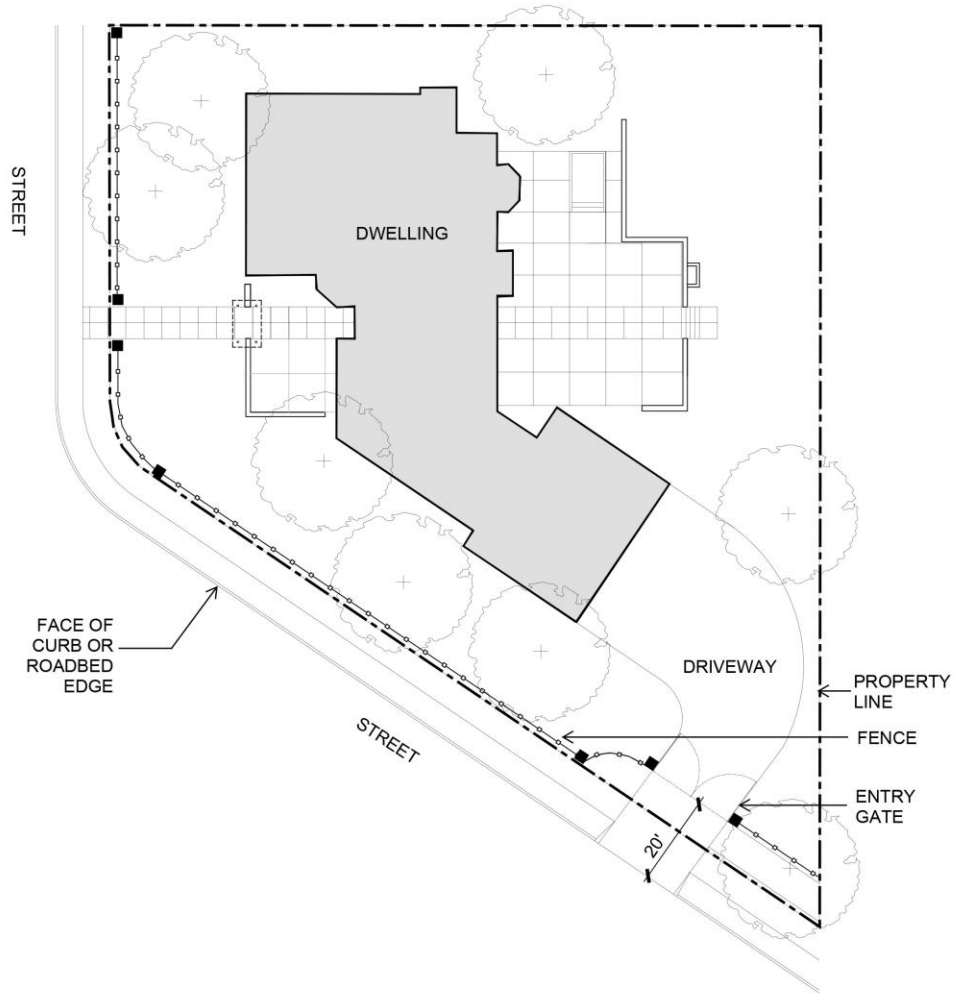
c. **Driveway Gate - Location and Design.**

i. Driveway gates shall be located to allow for safe stacking of at least one (1) vehicle outside of the public or private street or shared access easement. In no case shall driveway gates be installed in the public right-of-way.

ii. **Standard driveway gate location—swing-in gate.** A stacking distance of at least twenty (20) feet from the face of curb, or edge of roadbed if there is no curb, to the closet point of the gate when closed, shall be required for standard driveway swing-in gates.

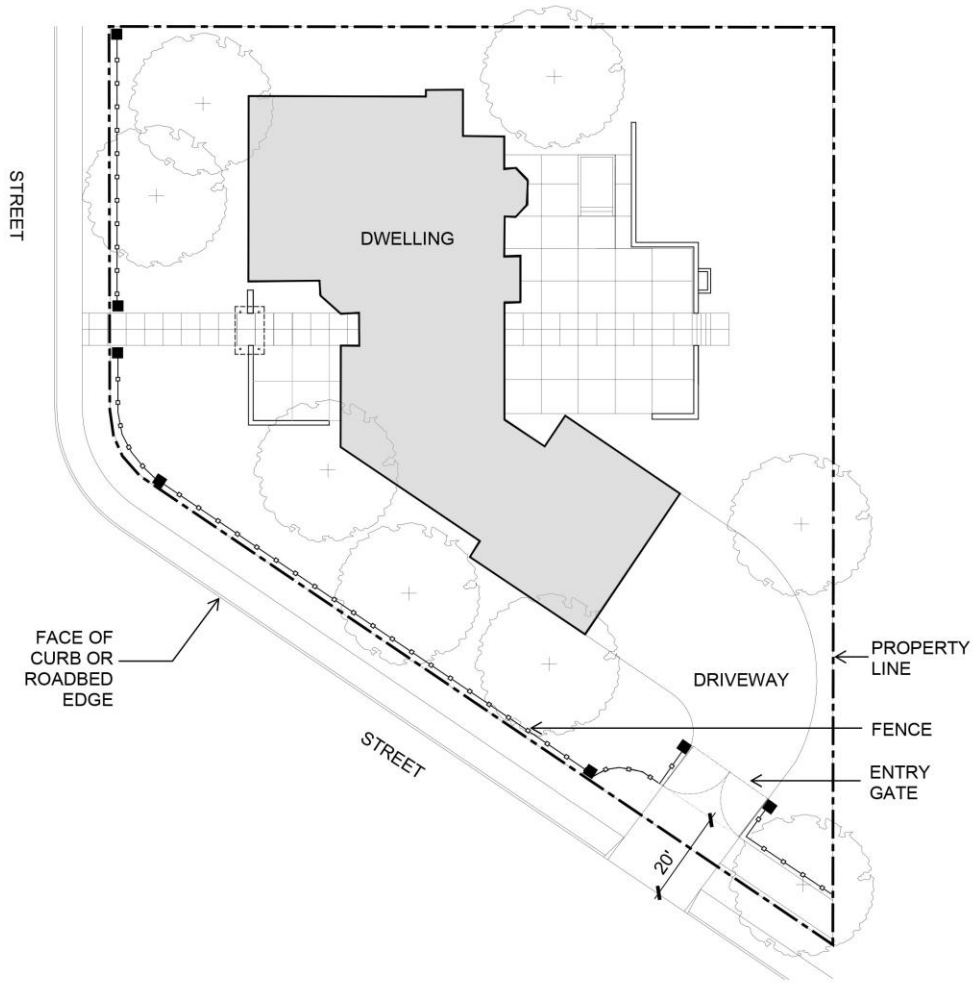
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Figure 11.3.03-9: Standard Driveway Gate —Plan View Swing-In Gate



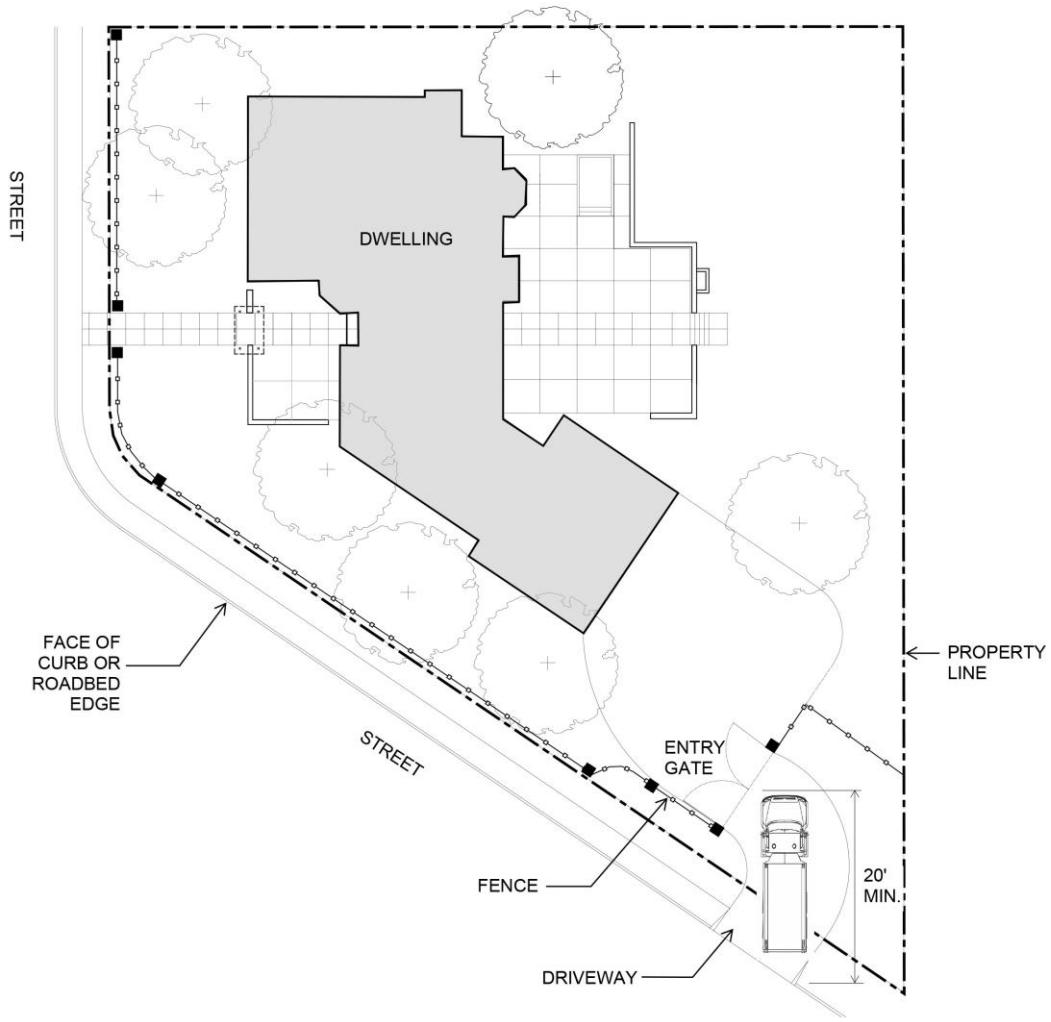
iii. **Standard driveway gate location - swing-out gate.** A stacking distance of at least twenty (20) feet from the face of curb, or edge of roadbed if there is no curb, to the closet point of the gate when open, shall be required for standard driveway swing-out gates.

Figure 11.3.03-10: Standard Driveway Gate —Plan View Swing-Out Gate



iv. **Nonstandard driveway gate location.** A driveway gate for a non-standard driveway may be allowed provided there is sufficient stacking distance as determined by the Director, as shown in Figure 11.3.03-10. For the purposes of this Zoning Code, a non-standard driveway gate location is any location that is not parallel to the street.

Figure 11.3.03-11: Non-Standard Driveway Gate—Plan View



d. **Pedestrian Entries.** A pedestrian entry or similar arbor is permitted within the required front and street side setback; provided, that, it does not exceed a height of eight feet, six inches (8'-6") and is subject to the review and approval of the Director of Community Development and shall be subject to Notice of Director Review per 11.2.02.003.A.1. For the purposes of this Section, "arbor" means a rustic work or latticework bower designed to be intertwined with climbing vines or flowers.

e. **Retaining Walls.**

i. Inward facing Retaining wall height shall not exceed a maximum height of five feet, six inches (5'-6"), measured from lowest adjacent grade.

ii. Outward facing Retaining wall height shall not exceed a maximum height of three feet, six inches (3'-6"), measured from lowest adjacent grade.

5. **Side and Rear Setbacks.**

a. **Fence/Wall Height.**

i. **Street Side Exterior - Corner Lot.** Fences, gates, and walls forward of the front setback line and on reverse corner lots, shall conform to the Front Setback regulations.

ii. **Street Side Exterior - Corner Lot**. Fences, gates, and walls behind the front setback line shall be limited to six feet (6'-0") in height as measured from directly adjacent lowest grade as measured along a vertical axis.

iii. Side (Interior Lot) and Rear Setbacks.

(a) Fences, gates and freestanding walls shall be limited to six feet (6'-0") in height within the required rear and side yard setback as measured from the highest adjacent grade.

(b) Fences and walls adjacent to trails identified within the city of La Cañada Flintridge Trails Master Plan, designated Open Space, or non-single-family residential zone shall be limited to eight feet (8') in height, as measured from adjacent grade on the trail, open space, or non- single-family residentially zoned side.

b. **Retaining Walls.**

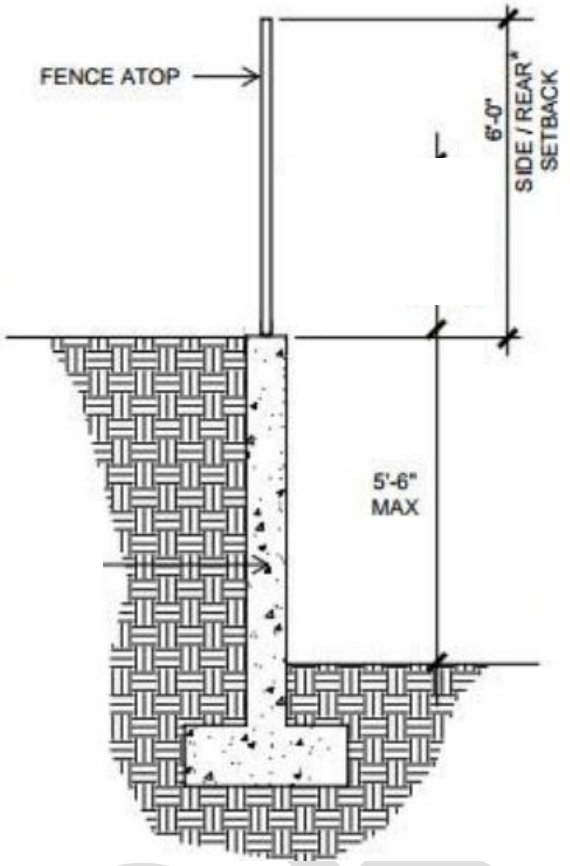
i. Inward facing retaining walls shall not exceed a maximum height of five feet, six inches (5'-6"), measured from lowest adjacent grade.

ii. Outward Facing Street Side Exterior - Corner Lot. Retaining walls forward of the front setback line and on reverse corner lots, shall conform to the Front Setback regulations – Subsection 4.d.

iii. Outward facing retaining walls up to three feet, six inches (3'-6"), measured from lowest adjacent grade, may be granted upon Planning Division receipt of a written acceptance by the owners of the properties adjacent to the wall. If written approval from the property owner cannot be provided, the applicant shall obtain a Director's Development Review Permit in lieu of such approval.

iv. Outward facing retaining walls shall not exceed a maximum height of five feet, six inches (5'-6"), measured from lowest adjacent grade. Review, action, and appeals for retaining walls that exceed three feet, six inches in height (3'-6") shall follow the regulations set forth in §11.6.05, Director's Development Review Permit.

Figure 11.3.03-12: Retaining Wall



6. **Flag Lots.** Notwithstanding the other provisions of this Section, fences or walls within any required yard on a flag lot may be built to the height limits applicable to side and rear yard fences or freestanding walls, except for that portion of the flag strip that lies within the dimensions of the average front yard setback of the adjacent non-flag lots, which shall conform to the limits set forth for front yards.

7. **Terracing.** Landscaped terracing with a gradient up to 1:1 may be used to obtain approval of an aggregate height of retaining walls exceeding the single-wall limit set forth in this Section within the required front, side, or rear setback.

8. **Temporary construction fence.** Temporary chain link construction fencing may be permitted within the required front and street side setbacks provided that it does not exceed a height of six feet (6'-0"). Temporary chain link construction fencing shall be installed in conjunction with a mesh windscreen for dust and visibility reduction. Temporary construction fencing shall not be installed without a valid building permit and shall be removed within seven (7) days of final building inspection or the expiration of the permit, which ever shall come first.

9. **Replacement of legal nonconforming fences or walls.** The replacement of legal nonconforming fences or walls may be permitted by the Director of Community Development upon receipt of sufficient evidence (such as, but not limited to: previous fence material present on-site, camera dated photograph, or written testimony from the owners of the adjoining property) indicating that the fence or wall existed on-site, and upon a determination by the Public Works Department and Community Development Department that the fence or wall: (a) does not impede line-of-sight or public safety; and (b) either the fence or wall is compatible with the neighborhood or the removal of which would impose a practical hardship.

10. **Front yard landscaping.** Landscaping located on private property exceeding three feet, six inches (3'-6") in height within twenty (20) feet of the street curb or edge of pavement shall be referred to the Public Works Department for a line-of-sight public safety review and approval. If the landscaping is determined to be a safety hazard by the City Traffic Engineer, the property owner shall mitigate the safety hazard to the satisfaction of the City Traffic Engineer.

11. **Minimum front yard landscaping.**

    a. Within the front yard, a minimum of fifty (50) percent of the land area shall be maintained with live plant material. For the purposes of this Section, "front yard" means the area forward of the primary structure. Paving which incorporates planting cells shall be counted toward the requirement with the exclusion of the hard surface, and parking on such composite planted paving shall not be allowed within the front yard.

    b. Paving shall be prohibited on vacant lots.

H. **Accessory Structures.** In addition to the provisions of this Chapter regarding accessory structures, the following standards apply to all accessory structures in the R-1 zone, except for Accessory Dwelling Units as provided for in Chapter 11.4.02 (Accessory Dwelling Units).

1. **Site and timing requirements.** An accessory residential structure may be established in compliance with this Section only on a lot with an existing primary dwelling or dwellings, or simultaneously with the development of a new primary dwelling or dwellings. If a parcel contains more than one (1) lot, such structure(s) shall only be established on the lot on which the primary dwelling is located, unless the lots are first merged or otherwise legally joined so as to constitute a single legal entity.

2. **Limitation on allowable total floor/roofed area.** The allowable total floor/roofed area of any accessory structure shall not exceed two hundred fifty (250) square feet per three thousand (3,000) square feet of lot area, unless a Development Review Permit per Subsection 11.6.05.004(A)(6) is approved.

3. **Prohibited facilities.** An accessory structure shall not be equipped with cooking facilities; except that an unenclosed patio (covered or uncovered) or gazebo may have an "outdoor kitchen" (grill, sink, wet bar, etc.). A structure containing an outdoor kitchen shall meet all Fire Code requirements.

I. **Vehicle Access and Storage.** Regulations for vehicle access and storage, including recreational vehicles, shall be as provided for in Chapter 11.5.04 (Off-Street Parking).

§11.3.03.006 R-1 Design Guidelines.

The *Single-Family Residential Design Guidelines,* as adopted by City Council resolution and as may be amended from time to time, shall apply to all single-family residential zoned lots within the city. These guidelines will be used by the Planning Commission and City staff as a basis for the evaluation of proposed projects. They will aid towards promoting good design, preserving neighborhood character, and protecting property values. Residential property owners, developers, architects, building designers, and contractors seeking to construct new residential structures or alterations and additions to existing structures should use the guidelines in the early design stages of their projects. The guidelines are not intended to limit creative design or dictate a particular design or architectural style.

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Chapter 11.3.04 Multifamily Residential (R-3) Zone

§11.3.04.001 Purpose.

This Chapter establishes appropriately located areas for residential development consistent with the High Density Residential designation of the General Plan, such as apartments, row houses, townhomes, senior housing/independent living developments, and condominiums, which will accommodate the city's future population and housing needs as identified in the City's Housing Element, consistent with the existing residential character of the city. Minimum densities shall be twenty-five (25) dwelling units per acre and maximum densities shall be thirty (30) dwelling units per acre, except for density bonus projects pursuant to 11.4.03 (Affordable Housing Density Bonus). The R-3 zone is established to achieve the following:

A. Provide an adequate supply and range of multifamily housing types located in proximity to services and active modes of transportation.

B. Encourage compatibility of multifamily projects with adjacent uses.

C. Provide for orderly transition between the types of residential land uses, and between residential and commercial land uses, as outlined in the Land Use Element of the General Plan.

D. Provide opportunities for design flexibility while promoting high standards of site planning, architecture, and landscape design to maintain and achieve high quality multifamily residential developments.

E. Promote internal compatibility of each project's architecture, landscaping, and use of open space to achieve a high-quality residential environment.

F. Ensure that sufficient open space is provided for both private and common areas.

G. Ensure the provision of public services and facilities needed to accommodate planned population densities.

§11.3.04.002 Applicability.

A. This Chapter shall be applicable to all existing and new uses, structures, modifications, additions, and activities within the R-3 multifamily residential zone.

B. This Chapter contains not only development standards, but also design standards.

C. Properties that meet the criteria for hillside development pursuant to Chapter 11.4.05 (Hillside Development) shall comply with the standards and guidelines of that Chapter.

D. Existing single-family residential developments within the R-3 zone shall comply with the requirements of Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels).

§11.3.04.003 R-3 Uses and Permit Requirements.

A. The following are permitted uses in the R-3 zone:

1. A duplex, triplex or multiple-family dwellings, apartments and dwelling groups containing two or more units;

2. Residential condominium projects in accordance with Chapter 12.X.XX;

3. Family day care home, small or large, as permitted by state law;

4. Small and large residential care facilities;

5. Riding and hiking trails, excluding trails for motor vehicles;

6. Uses accessory to permitted residential uses, including but not limited to places of assembly such as common recreation rooms and community centers appurtenant to a project or similar facilities, and recreational facilities such as tennis courts and pools appurtenant to a project or similar facilities;

7. Real estate tract offices, temporary. Such offices may remain on the site no more than six months after at least fifty (50) percent of the project is sold.

8. Accessory dwelling units in accordance with Chapter 11.4.02 (Accessory Dwelling Units);

9. Affordable housing in accordance with §11.1.03.007 (Permitted Lower Income Housing);

10. Supportive housing consistent with California Government Code §65651.

11. All permitted uses within the R-3 zone other than duplexes, triplexes and multiple-family dwellings, apartments, dwelling groups containing two or more units, and residential condominium projects, are subject to approval of a Conditional Use Permit prior to any construction, in accordance with this Chapter.

B. All permitted uses within the R-3 zone other than duplexes, triplexes and multiple-family dwellings, apartments, dwelling groups containing two or more units, and residential condominium projects, are subject to approval of a Conditional Use Permit prior to any construction, in accordance with this Chapter.

C. Table 11.3.02-1 (Land Use Permit Table for All Zones) identifies the uses of land allowed by this Zoning Code in the R-3 zone and the land use permits required to establish each use, in compliance with §11.3.02.003.

D. All projects proposed for the R-3 zone are subject to Design Review as provided in Chapter 11.6.08 (Design Review).

E. Properties that meet the criteria of Chapter 11.4.05 (Hillside Development) shall comply with the applicable permitting requirements.

F. Development in the R-3 zone shall comply with other permitting requirements as identified in this Chapter and the Zoning Code.

§11.3.04.004 Multifamily (R-3) Zone Development Standards

A. **Minimum Lot Size.** The following standards apply to newly created R-3 lots.

1. Minimum lot area: seven thousand five hundred (7,500) square feet. Individual condominium lots shall not be deemed lots for the purposes of this requirement.

2. Minimum lot width: sixty (60) feet.

3. Minimum lot depth: sixty (60) feet.

B. **Area Standards**.

1. **Density of units:**

a. All sites shall be developed with a minimum of twenty-five (25) dwelling units per acre and shall be developed with a maximum of thirty (30) dwelling units per acre, except for density bonus projects as provided in Subsection (B)(1)(b) of this Section and Subsection 11.3.04.005(D).

b. Density bonus projects shall be allowed in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in State Density Bonus Law (California Government Code §65915, et seq.).

2. **Lot coverage:** Lot coverage shall not exceed a maximum of eighty (80) percent of net lot area. For the purposes of this Section, lot coverage is determined by the amount of building area on the site, including all enclosed roofed areas and all stand-alone parking structures. Parking structures that are below the portion of the building containing the allowable mixed uses do not count toward lot coverage.

C. **Siting Standards.**

1. **The minimum setbacks are as follows.** For the purposes of this Subsection, roadway classifications for streets are defined in the Circulation Element of the General Plan; Districts are shown on Figure LUE-3 of the Land Use Element of the General Plan.

a. *Front:*

i. Old Town District: No minimum required;

ii. All other Districts and sites: An average of five (5) feet for the first and second stories, and an average of ten (10) feet for the third story;

iii. Measurement criteria: When the front lot line of a property fronts on a primary, major, special major, collector, or residential collector, the front yard setback shall be measured from the front lot line or the ultimate right-of-way, whichever is greater. When the front lot line of a property fronts on a local residential street, the front setback shall be measured from the front lot line.

b. *Rear:* Five (5) feet, or fifteen (15) feet when abutting a single-family (R-1) zone.

c. *Exterior side:* An average of five (5) feet for the first and second stories, and an average of ten (10) feet for the third story.

d. *Interior side:* No minimum required; except if adjacent to single-family residence, then fifteen (15) feet minimum for the first and second stories, and an average of twenty (20) feet for the third story; provided, that for accessory buildings adjacent to commercial properties, this setback may be reduced to a minimum five (5) foot landscaped strip.

e. In any case, a ground-level porch, uncovered or covered and open on three (3) sides, may encroach into the front, side, and exterior side setbacks of corner lots by up to three (3) feet.

2. **Building separation.** Primary multifamily residential structures on one (1) lot, including multifamily residential structures in mixed use developments, shall be separated a minimum of ten (10) feet.

D. **Open Space Area.** Open space area shall be required, as follows.

1. **Amount.** A minimum of one hundred and twenty (120) square feet of common open space area shall be provided per dwelling unit.

2. **Requirements.** Any common open space area provided to meet the required open space area standard comply with the following requirements:

a. A minimum of fifty (50) percent of the required open space area must be outdoor area on the ground, which is uncovered, and which is designed and usable for active or passive outdoor living and/or recreation, whether such area is paved or not.

b. Up to fifty (50) percent of the required open space area may be covered or provided within a structure, including uses such as a clubhouse; swimming pool; sauna or jacuzzi; tennis, basketball, or racquetball court; health/fitness room/facility; or other similar common indoor recreational use.

c. A community garden may provide up to twenty (20) percent of the total required common open space area.

d. Common open space shall have a minimum level surface dimension of ten (10) feet.

e. Common open space shall not include parking or vehicle circulation areas.

E. **Landscaping Standards.** Landscaping shall be provided, as follows.

1. All areas not occupied by structures, vehicular access ways and parking areas, pedestrian walkways, and paved or covered recreational facilities, shall have landscaping as provided by this Subsection.

2. The landscaping requirements shall be subject to Chapter 4.23 (Water Efficient Landscape) of Title 4 of the LCFMC.

3. At least one (1) tree shall be provided or retained per each eight hundred (800) square feet of landscaped area.

4. Landscaping of parking lots shall comply with Subsection 11.5.04.007(J).

5. A minimum of sixty (60) percent of the front setback area shall be landscaped.

6. Plants shall be established and maintained in accordance with the approved landscape plan.

7. An automatic timed irrigation system appropriate to the plant materials used shall be provided for all landscaped areas.

8. All landscaped areas shall be permanently maintained with proper care, weeding, pruning, and irrigation. Plants shall be replaced as necessary to maintain conformance with approved landscaping plans.

9. Street trees shall be provided and continuously maintained by the property owner. Street trees shall be selected and located in accordance with the City's standards for street trees, as maintained by the Director of Public Works.

10. Any removal or pruning of existing trees on-site trees shall conform to the requirements of Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property).

11. If removal of protected tree(s), as identified within Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property), is required to accommodate development of an affordable housing project pursuant to Chapter 11.4.03 that must be approved ministerially, the tree(s) shall be replaced onsite, unless a Certified Arborist determines planting of replacement tree(s) is/are unfeasible. The size of the replacement tree(s) shall be based on the size of the protected tree(s) removed, as follows:

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Size of Protected Tree Removed	Replacement Tree Size at Planting
Less than 23" DBH*	24" box
24" – 35" DBH*	36" box
Over 35" DBH	48" box
*Diameter at breast height (DBH)	

12. Refer to Chapter 11.5.13 (Objective Design Standards) for R-3 landscape objective design standards.

F. **Parking.** Parking requirements and associated development standards shall be as provided for in Chapter 11.5.04 (Off-Street Parking).

G. **Building Height.**

1. With the exception of elevator towers and architectural extensions allowed per Subsection (2) of this Subsection, no building shall exceed three (3) stories or thirty-five (35) feet, measured as defined in Subsection (G)(5).

2. Elevator towers and architectural extensions of up to fifty (50) feet in height are allowed for an area of up to ten (10) percent of a building's floor area, provided that the horizontal dimension of each individual extension does not exceed twenty (20) percent of the corresponding building dimension.

3. No accessory structure shall exceed fifteen (15) feet to the highest point on the structure, except that the provisions of Subsection (1) of this Subsection shall apply to stand-alone parking structures.

4. Roof Decks are not permitted above the second story.

5. Height shall be measured from the lowest finished grade adjacent to or directly below the structure or building face except that fill exceeding three (3) feet shall be counted as part of the building height.

H. **Maximum Building Bulk.** Any properties abutting a single-family residential zone shall comply with the R-1 building bulk standards (pursuant to Subsection 11.3.03.005(C) along the common boundary.

I. **Refuse/Recycling.** Refuse and recycling requirements and development standards shall be as provided for in Chapter 11.5.07 (Refuse and Recycling Storage Areas).

J. **Fences and Walls.**

1. **Street-fronting fences and walls.** No fence or wall within a required street-facing setback area shall exceed a height of forty-two (42) inches above adjacent grade on the street side; except that a maximum of six (6) feet may be allowed where the fence or wall is of a design that creates at least eighty (80) percent open work above forty-two (42) inches in height (e.g., wrought iron fencing with vertical bars spaced at least four (4) inches apart).

2. **Interior and rear fences and walls.** No fence or wall shall exceed a height of six (6) feet within the required rear and interior side yard setbacks as measured from directly adjacent lowest grade as measured along a vertical axis, except as provided in Subsection (3) below.

3. **Adjacent to single-family residential.** Where a project abuts a single-family residential zone, an eight (8) foot high screening wall, of solid concrete, brick, or stone, is required. The wall shall be of finished appearance on both sides. The wall shall be stepped down to a height not to exceed forty-two (42) inches when it is located within the extension of an abutting single-family residential front or side street yard setback area(s). The Planning Commission may modify or waive wall requirements after notification and an opportunity to be heard has been given to affected property owners of the proposed modification or waiver.

K. **Residential Amenities.** Multifamily development shall provide the following amenities, in addition to any regulations otherwise required by this Section:

1. **Laundry facilities.** Laundry facilities shall be provided to serve all residential dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected to utilities, shall be provided in the individual dwelling units where there are three (3) or fewer dwelling units on a lot. Where there are more than three (3) dwelling units on a lot, laundry facilities shall either be provided in the individual dwelling units or in a common laundry room. A common laundry room shall be in a convenient location that is only accessible to the residents and shall have at least one (1) washer and one (1) dryer for each ten (10) dwelling units or fraction thereof, maintained in operable condition. More than one (1) common laundry room may be provided to meet this requirement.

2. **Storage space.** A minimum of ninety (90) cubic feet of private storage space (in cabinets or closets) shall be provided for each residential dwelling unit. Such private storage space shall be fully enclosed and lockable and shall be located in close proximity to the respective units or within the parking area serving the respective units.

L. **Lighting.** Lighting requirements shall be as provided for in Chapter 11.5.05 (Outdoor Lighting Standards).

M. **Covenants, Conditions, and Restrictions.** The City reserves the right to be a party to the covenants, conditions, and restrictions.

§11.3.04.005 Design Standards for the R-3 Zone.

A. **Compliance with Multifamily Residential Objective Design Standards Required.** All new projects in the R-3 zone shall comply with the Chapter 11.5.13 Objective Design Standards.

Chapter 11.3.05 Residential Planned Development (RPD)

§11.3.05.001 Purpose.

This Chapter establishes the Residential Planned Development (RPD) zone, which is intended to allow for a specially tailored mix of residential and compatible recreational and open space uses, development standards, and/or design guidelines for the accompanying residential project that otherwise may not be permitted with strict adherence to the base zone. The RPD zone is intended to implement and be consistent with the General Plan designation of the accompanying project by providing opportunities for design flexibility, while maintaining high quality residential site development where tailored development regulations, site design, and design guidelines can:

A. Achieve enhanced compatibility with adjacent uses and/or enhanced sensitivity to neighborhood character;

B. Preserve or protect desirable site characteristics and/or natural and aesthetic resources and mitigate natural and/or manmade hazards, as identified in the General Plan;

C. Assure that sufficient allocation and improvement of open space is provided for both private and common areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it;

D. Encourage the preservation of serviceable existing structures of historic value or aesthetic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended; and/or

E. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

§11.3.05.002 Adoption of an RPD Zone and Accompanying RPD Plan.

A. **Initiation**. An amendment to reclassify property to an RPD zone or to amend an existing RPD zone shall be initiated in compliance with Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

B. **Minimum Lot Area.** Establishment of a new RPD zone shall be allowed only for lots of one-half acre (twenty-one thousand seven hundred eighty (21,780) square feet) or larger, provided that the site may thereafter be subdivided in compliance with an approved RPD Plan. RPD zoned lots created as a result of the implementation of this Section are not subject to the one-half (0.5) acre minimum.

C. **RPD Plan Required.** The rezoning of a site to the RPD zone shall require the simultaneous approvalhttp://ww2.cityofpasadena.net/zoning/P-8.html - APPROVAL of an RPD Plan in compliance with Subsection (G) of this Section.

D. **Land Uses Permitted.**

1. The following are permitted uses in the RPD zone:

   a. One (1) detached single-family dwelling unit per lot;

   b. A duplex, triplex or multiple-family dwellings, apartments and dwelling groups containing two (2) or more units;

   c. Residential condominium projects complying with provisions of Chapter 12.X.XX;

   d. Family day care home, small or large, as permitted by state law;

   e. Small and large residential care facilities;

   f. Riding and hiking trails, excluding trails for motor vehicles;

   g. Uses accessory to permitted residential uses, including, but not limited to, places of assembly such as common recreation rooms and community centers appurtenant to a project or similar facilities, and recreational facilities such as unlighted tennis courts and pools appurtenant to a project or similar facilities;

   h. Real estate tract offices, temporary. Such offices may remain on the site no more than six months after at least fifty (50) percent of the project is sold.

   i. Supportive housing consistent with California Government Code §65651.

2. All permitted uses within the RPD zone other than single-family residences are subject to approval of a planned development permit prior to any construction, in accordance with this Chapter.

3. **Uses where specific regulations are adopted.** In an RPD ordinance adopted under this Chapter, the RPD Plan shall specify the uses permitted and the uses conditionally permitted, if any. In an RPD zone where use regulations have been established, the uses permitted are those uses authorized by the RPD Plan.

4. **Uses where no specific regulations are yet adopted.** In an RPD zone where no specific use regulations have been established, the uses permitted are those permitted in the R-1-5,000 zone.

5. **Consistency required.** Any permitted or conditionally http://ww2.cityofpasadena.net/zoning/P-8.html - CONDITIONALLYALLOWEDpermitted use authorized by this Subsection may be included in an approved RPD Plan, but only when it is deemed consistent with the General Plan and any applicable Specific Plan.

E. **Development Standards.**

1. **Density.** The density of a residential development under an RPD Plan shall not exceed the density allowed in the Land Use Element of the General Plan for the subject site, unless the project is complying with the density bonus provisions of Chapter 11.4.03 (Affordable Housing Density Bonus).

2. The RPD Plan shall provide development standards, including lot sizes, setbacks, lot coverage, height of structures, total floor and roofed area, fences and walls, and open space requirements.

3. All development in an RPD zone shall comply with Part 5 (General Regulations).

4. Development standards shall not include exceptions to other non-zoning requirements in the LCFMC (such as street, storm drain, or other utility standards), unless the other non-Zoning Code section authorizes such an exception.

5. Any development regulation not specified in the RPD Plan shall comply with the development standards required for the R-1-5,000 zone.

6. Within an RPD Zone, single-family detached, single-family attached, duplex, and multifamily dwellings in a range of configurations may be permitted. In addition to standard subdivisions, these configurations may include, but are not limited to, alley-loaded, cluster, or courtyard site plans, or small-lot development, or other similar configurations designed to achieve the Purpose (§11.3.05.001) of this Chapter.

F. **Design Guidelines.**

1. Design guidelines shall be provided by the RPD Plan, including, but not necessarily limited to, the following:

   a. *Architectural design guidelines.*

   b. *Landscaping and open space design guidelines.*

   c. *Slope factor guideline.* As average lot slope increases, lowered allowable density, lot coverage, and floor area ratio should be considered per the slope factor as defined in Chapter 11.8.01 (Definitions). This applicable slope factor determines the effective guideline for each criterion as follows:

      i. Minimum lot size and dwelling units per acre guideline: Underlying number of units per acre, divided by slope factor;

      ii. Allowable lot coverage or floor ratio: Underlying standard by site size, multiplied by site size, multiplied by slope factor.

   d. *Covenants, conditions, and restrictions.* The City reserves the right to be a party to the covenants, conditions and restrictions.

G. **Decision-Making Authority Action.**

1. **Planning Commission.**

a. The Planning Commission shall consider an application for a Zone Change to an RPD zone in compliance with §11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map) and shall, at the same time, consider the proposed RPD Plan accompanying the application as provided for in Subsection (H) of this Section.

b. A recommendation of the Planning Commission to rezone the subject property to an RPD zone shall be accompanied by a recommendation on the RPD Plan.

2. **Design Commission.** The Design Commission shall consider and make a recommendation to the Council on the proposed design guidelines included in the RPD Plan as part of an application for a Zone Change to an RPD zone in compliance with §11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

3. **City Council.** The Council shall consider the Design Commission's recommendation on the design guidelines and the Planning Commission's recommendation to rezone the subject property to an RPD zone and approve the RPD Plan in compliance with §11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

H. **RPD Plan.**

1. An RPD Plan shall be defined as the ordinance adopting the RPD zone.

2. An RPD Plan shall be effective on the same date as the effective date of the ordinance enacting the RPD zone for which it was approved, in accordance with §11.6.09.009.

3. An approved RPD Plan may specify a phased development program.

I. **Zoning Map Designation**. An RPD zone shall be noted by the designation "RPD," followed by the number of the RPD zone based on the order of adoption.

J. **Location of RPD Plans**. A list of RPD Plans is contained in Appendix X. The file containing the approved RPD Plans, including the land use regulations and development standards, shall be maintained in the Planning Division, shall be available for review by the public, and shall be provided on the City's website.

K. **Project Evaluation.** Unless otherwise specified in an approved RPD Plan and/or this Chapter, land use and development on property within an RPD zone shall comply with land use and development permits and procedures in Part 6 of this Zoning Code.

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Chapter 11.3.06 Commercial Zones

§11.3.06.001 Purpose.

A. **General Purpose**. The purpose of this Chapter is to establish commercial zones and associated regulations to achieve the following:

1. Provide appropriately located areas consistent with the General Plan for a range of office, retail commercial, and service uses needed by residents of the city and its surrounding market area.

2. Strengthen the city's economic base while protecting small businesses that serve city residents.

3. Promote high standards of site planning, architecture, and landscape design for commercial development and ensure that the appearance and effects of commercial buildings and uses are compatible with the character of the area in which they are located.

4. Protect adjoining properties that are designated as residential in the General Plan from potential impacts from commercial development, such as noise, odors, pollution, dust, light, glare, unsightliness, and other nonresidential impacts associated with commercial operation.

5. Ensure sensitive transitions between commercial and residential land uses and other sensitive land uses.

6. Promote active transportation options (pedestrian, bicycle, and transit) through appropriate building and site design.

7. Minimize traffic congestion and avoid overloading of utilities by preventing construction of buildings of excessive size in relation to the amount of land available around them.

B. **Intent of Individual Commercial Zones**. The additional intent of each commercial zone is as follows:

1. **Commercial General (CG) Zone**. The CG zone is established to provide sites for the full range of retail and service uses determined to be suitable for location in La Cañada Flintridge, including uses not permitted in the CN and CO zones because of potential adverse impacts. The CG zone is consistent with the Commercial/Office land use designation of the General Plan. For property on Foothill Boulevard that is zoned CG, the CG zone also is consistent with and implements the policies of the West Gateway District as provided for in the Land Use Element of the City's General Plan. Additionally, the intent of the CG Zone is to:

a. Support sub-regional and local-serving commercial activities in the city;

b. Ensure that new development contributes to a village character; and

c. Improve the appearance of existing development, including building façades, parking facilities, and landscaping.

2. **Commercial Office (CO) Zone**. The CO zone is established to provide sites for stand-alone office uses and other compatible uses, including day care and private schools, of an appropriate scale and design to protect adjacent residentially zoned property from potential adverse impacts. The CO zone also is consistent with and implements the policies of the Link District as provided for in the Land Use Element of the City's General Plan, which are intended to:

   a. Ensure that conversion of single-family dwellings fronting Foothill Boulevard to commercial office and other allowable uses is compatible with and does not negatively impact existing residences; and

   b. Ensure that new development blends in with the scale and character of the area.

3. **Commercial Neighborhood (CN) Zone**. The CN zone is established to provide sites for a mix of small, local, businesses serving the daily needs of city residents, of an appropriate scale and design to protect adjacent residentially zoned property from potential adverse impacts. The CN zone is consistent with the Commercial/Office land use designation of the General Plan. The CN district is also consistent with and implements the policies of the Old Town District as provided for in the Land Use Element of the City's General Plan, which are intended to:

   a. Preserve the historic character and identity of the Old Town District as a local-serving commercial area of smaller shops and offices; and

   b. Maintain and enhance the existing walkable, small-scale, village-oriented atmosphere of the Old Town District.

§11.3.06.002 Applicability.

This Chapter shall be applicable to all buildings, development, and uses within the CG, CO, and CN zones.

§11.3.06.003 Commercial Uses and Permit Requirements.

A. Table 11.3.02-1 (Land Use Permit Table for All Zones) identifies the uses of land allowed by this Zoning Code in the CG, CO, and CN zones and the land use permits required to establish each use, in compliance with §11.3.02.003 (Allowable Land Use and Use Permit Requirements).

B. Commercial projects are subject to Design Review as provided in Chapter 11.6.08 (Design Review).

C. Development in the CG, CO, and CN zones shall comply with all other permitting requirements identified in this Chapter and the Zoning Code.

§11.3.06.004 Commercial Zone (CG, CO, and CN) Development Standards.

The new development, design, construction, or establishment of land uses, and alterations to existing land uses, structures, and sites within the CG, CO, and CN commercial zones shall conform to the following regulations.

A. Zone-Specific Standards.

1. Table 11.3.06-1 prescribes development standards by each commercial zone (CG, CO, and CN).

2. Formula retail businesses or other similar uses which utilize fixed or standard building designs shall provide modified designs as necessary to conform to the standards and guidelines set forth in this Chapter.

Table 11.3.06-1: Commercial Zone Development Standards

Commercial Zone Development Standards			
DEVELOPMENT STANDARDS[1]	**REQUIREMENT BY ZONE[2]**		
	CG	**CO**	**CN**
Lot Area, Minimum[3, 4]			
Minimum lot area	5,000 ft^2	5,000 ft^2	5,000 ft^2
Floor Area Ratio (FAR), Maximum			
FAR maximum	0.5	0.5	0.5
Lot Coverage, Maximum			
• West Gateway District (Briggs Ave. to Leata Ln.)	50%	N/A	N/A
• The Link District (Leata Ln. to Alta Canyada Rd.	N/A	50%	N/A
• Old Town District (Alta Canyada Rd. to La Cañada Blvd.	N/A	N/A	50%
• Other	50%	N/A	N/A
Setbacks[5,6,7]			
Front & exterior side yard setback:[8,9]			
• West Gateway District (Briggs Ave. to Leata Ln.)	Up to a 15 ft. average; at no point less than 5 ft.	N/A	N/A
• The Link District (Leata Ln. to Alta Canyada Rd.)	N/A	5 ft. average	N/A
• Old Town District (Alta Canyada Rd. to La Cañada Blvd.)	N/A	N/A	5 ft. average

[1] Unless otherwise modified by other provisions of this Zoning Code.
[2] Property on Foothill Blvd. is subject to applicable zoning and General Plan provisions for the West Gateway, The Link, and Old Town Districts.
[3] For newly created lots.
[4] Individual condominium parcels shall not be deemed lots for the purposes of this requirement.
[5] When the front or exterior side lot line fronts on a primary, major, special major, collector, or residential collector roadway (as defined and depicted in the Circulation Element of the General Plan), the setback shall be measured from the lot line or the ultimate right-of-way, whichever is greater, to the nearest portion of the building.
[6] For the purposes of this Table, roadway classifications for streets are defined in the Circulation Element of the General Plan; Districts are shown on Figure LUE-3 of the Land Use Element of the General Plan.
[7] Setback areas shall be completely dedicated to landscaping, open space, and/or pedestrian areas, except for the minimum necessary driving aisles.
[8] No surface or partially or totally above-grade structured parking shall be allowed within the front and exterior side yard setbacks, with the exception of driveways and ramps for parking areas. This provision shall not apply to fully subterranean structured parking.
[9] For each two (2) feet of building height exceeding fifteen (15) feet, one (1) additional foot of setback shall be provided. No more than sixty (60) feet of wall length above the height of fifteen (15) feet is allowed within forty (40) feet of a front or exterior side property line.

Commercial Zone Development Standards			
DEVELOPMENT STANDARDS[1]	**REQUIREMENT BY ZONE[2]**		
	CG	**CO**	**CN**
• Other	Up to a 15 ft. average; at no point less than 5 ft.	N/A	N/A
Rear and interior side yard setback:			
• Adjoining non-residential zones:	5 ft. minimum at rear; no minimum at side	5 ft. minimum at rear; no minimum at side	5 ft. minimum at rear; no minimum at side
• Adjoining residential zones or uses:	15 ft.	15 ft.	15 ft.
Building Height, Maximum[10,11,12]			
Principal building or structure	28/35 ft.	28/35 ft.	28/35 ft.
Accessory building or structure	15 ft.	15 ft.	15 ft.
Open Space Area			
Required open space: [13,14, 15]			
• West Gateway District (Briggs Ave. to Leata Ln.)	10% of lot area minimum	N/A	N/A
• The Link District (Leata Ln. to Alta Canyada Rd	N/A	10% of lot area minimum	Minimum
• Old Town District (Alta Canyada Rd. to La Cañada Blvd.	N/A	N/A	5% of lot area
• Other	10% of lot area minimum	10% of lot area	N/A
Bonus Open Space Area:[16]			

[10] Twenty-eight (28) feet: to the top of the building wall; 35 ft.: to highest point on the building. Height shall be measured from the lowest finished grade adjacent to or directly below the structure or building face except that fill exceeding 3 ft. shall be counted as part of the building height.

[11] Elevator towers and architectural extensions of up to fifty (50) feet in height are allowed for an area of up to ten (10) percent of a building's floor area, provided that the horizontal dimension of each individual extension does not exceed twenty (20) percent of the corresponding building dimension.

[12] Any project abutting an R-1 zone shall comply with R-1 building bulk limits along the common boundary.

[13] Lots under five thousand (5,000) square feet in area are not required to meet the open space area standard.

[14] Uncovered, roofed areas that are physically accessible to occupants/users and improved with vegetation and pedestrian-oriented hardscape may be counted as open space area.

[15] Required setbacks, required landscaping areas within parking lots, and areas used for parking and/or vehicular access shall not be counted toward required open space.

[16] Bonus Open Space Areas:

a. Areas may be counted at one hundred twenty-five (125) percent of their actual area if they are:
   i. Visible from the primary frontage street;
   ii. Within one hundred (100) feet of the primary frontage street; and
   iii. No more than fifty (50) percent of the lot frontage.
b. Eligible areas include:
   i. Pedestrian plazas;
   ii. Courts; and
   iii. Supporting landscaped areas outside of required setbacks.

Required setbacks, required landscaping areas within parking lots, and areas used for parking and/or vehicular access shall not be counted toward required open space.

B. **Walls.**

1. No wall within a required street-facing setback area shall exceed three feet six inches (3'-6") in height. Walls of less than two (2) feet in height, allowing for seating, are encouraged.

2. Where a project abuts a residential zone, a screening wall of solid concrete, brick, or stone, a minimum of six (6) feet high to a maximum of eight (8) feet high, is required. The wall shall be of finished appearance on both sides and shall have any length exceeding twenty-five (25) feet broken up through landscaping, substantial reveals or pilasters, and/or by other means to the satisfaction of the decision-making authority. The wall shall be stepped down to a height not to exceed forty-two (42) inches when it is located within the extension of an abutting residential front or side street yard setback area(s). The decision-making authority may modify or waive wall requirements as a part of the applicable review process.

C. **Outdoor Merchandise Display.** Outdoor merchandise displays as provided for in §11.4.34.002 are subject to approval of a Zoning Clearance (Chapter 11.6.03) by the Director, based on submittal of a written description of the proposed display, a site plan, and a schedule.

§11.3.06.005 Design Guidelines for the CG, CO, and CN Zones.

The new development, design, construction, or establishment of land uses, and alterations, to the extent feasible, to existing land uses, structures, and sites within the commercial zones shall conform to the City's *Design Options Manual* as appropriate, the additional design guidelines in this Section, and any other guidelines in the Zoning Code to which the proposed development is otherwise subject. Any departure from these guidelines should be utilized to effectively achieve quality and compatibility with the surrounding neighborhoods.

A. **Design Review Required.** All new development within the commercial zones requires Design Review by the Design Commission pursuant to Chapter 11.6.08 (Design Review).

B. **Pedestrian, Bicycle, and Transit Oriented Design.** Pedestrian, bicycle, and transit-oriented design guidelines are intended to encourage buildings and sites to be designed to a human scale for convenient access, safety, and comfort of pedestrians between the site and adjacent land uses, public rights-of-way, and transit facilities, and to provide convenient access for bicyclists. In addition to the design guidelines in the *Design Options Manual*, all commercial development should incorporate the following design guidelines listed below to the extent feasible:

1. The site layout should cluster or otherwise locate tenant spaces and/or buildings on the site to promote linked trips via interconnected pedestrian pathways and promenades.

2. The development should provide direct, convenient, and attractive pedestrian facilities that connect the tenant spaces and/or buildings within the development to each other.

3. The development should provide pedestrian facilities, distinct from vehicle lanes, that provide connections through the development to the public street right-of-way. Proximity to transit facilities, such as bus stops, should be considered when locating the pedestrian facilities to facilitate direct and convenient access.

4. Plazas and/or pedestrian spaces should be provided with weather protection (e.g., awnings/canopies) and appropriate pedestrian amenities, such as outdoor seating, planters and landscaping, trash cans, public art, and enhanced paving.

5. The building(s) should have at least one (1) primary entrance that faces a street or that is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance.

6. Main building entrances should open directly to the outside.

7. Every building should have at least one (1) entrance that does not require passage through a parking lot or garage to gain access.

8. Corner buildings should have corner entrances whenever possible.

9. Windows or window displays should be provided along at least thirty (30) percent of the street-facing building façade(s).

10. Secure, conveniently located bicycle parking should be provided in proximity to the main building entrance(s) to ensure visibility, accessibility, and safety.

C. **Design for Security.** The following design guidelines are intended to encourage the use of design to minimize opportunities for crime and to increase public safety.

1. The proposed site layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed to maximize the ability to see into and throughout the site to the extent feasible. Sight-obscuring shrubs and walls should be avoided, and the underside of tree canopies should be trimmed to six (6) feet or higher, except where necessary for buffering between non-commercial uses and adjacent lower density residential development.

2. The proposed site layout and building design should encourage activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining and public interaction.

3. Building entrances, parking areas, private and public open spaces, and pedestrian facilities should be accentuated with appropriate features such as landscaping, outdoor furniture, enhanced pavement, public art, and other similar amenities which draw attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.

4. The appropriate use of lighting, in conformance with Chapter 11.5.05 (Outdoor Lighting Standards), should be utilized to promote natural surveillance.

Chapter 11.3.07 Mixed Use (MU) Zone

§11.3.07.001 Purpose of Chapter.

The purpose of this Chapter is to establish development standards for mixed use projects that combine residential and nonresidential uses in the same building or building site area to achieve the following:

A. Allow for greater flexibility in development alternatives, especially attractive, mixed income, higher density residential development, in appropriate areas of the city.

B. Enhance and build upon the city's commercial/retail base.

C. Integrate compatible residential and commercial uses and ensure the compatibility of mixed use projects with surrounding uses and development patterns.

D. Encourage a variety of housing types and expand housing opportunities for all income groups within the city, including older people and young professionals.

E. Provide housing options for residents of all income levels that allow residents to live near office, retail, and other nonresidential uses.

F. Facilitate pedestrian and bicycle mobility and promote transit use.

G. Promote the internal compatibility of each project's architecture, landscaping, and use of open space to achieve a high-quality built environment.

§11.3.07.002 MU Uses and Permit Requirements.

A. Table 11.3.02-1 identifies the uses of land allowed by this Zoning Code in the MU zone and the land use permits required to establish each use, in compliance with §11.3.02.003. Development in the MU zone shall comply with other permitting requirements as identified in this Chapter and the Zoning Code.

B. All projects proposed for the MU zone are subject to Design Review as provided in Chapter 11.6.08 (Design Review).

§11.3.07.003 Mixed Use Development Standards.

The following standards shall apply to all development in the MU zone. Formula retail businesses or other similar uses which utilize fixed or standard building designs shall provide modified designs as necessary to conform to the standards and guidelines set forth in this Chapter. Multifamily-only developments (with no commercial use) in the MU Zone shall comply with the development standards for the R-3 Zone in Chapter 11.3.04 (Multifamily Residential (R-3) Zone).

A. **Density.**

1. For multifamily residential uses, the minimum density shall be twenty (25) dwelling units per acre and the maximum density shall be thirty (30) dwelling units per acre, except as provided in Subsection (A)(2).

2. Density bonus projects shall be allowed in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in State Density Bonus Law (California Government Code §65915, et seq.).

B. **Floor Area Ratio.** The maximum floor area ratio shall be 0.5:1 for development that includes only commercial uses, and 1.5:1 for mixed use development or development that only includes residential uses.

C. **Minimum Lot Area**. Minimum area for newly created MU lots shall be five thousand (5,000) square feet. Individual condominium parcels shall not be deemed lots for the purposes of this requirement.

D. **Lot Coverage**. The maximum lot coverage for projects in the MU zone shall be eighty percent (80%). For the purposes of this Section, lot coverage is determined by the amount of building area on the site, including all enclosed roofed areas and all stand-alone parking structures. Parking structures that are below the portion of the building containing the allowable mixed uses do not count toward lot coverage.

E. **First Story Uses.**

1. Residential uses are permitted on the first story of buildings.

2. Main entrances to first story nonresidential uses shall be located on primary, major, special major, or collector roadways (as defined and depicted in the Circulation Element of the General Plan).

F. **Setbacks.**

1. The setbacks in the MU zone shall comply with the setback requirements in Table 11.3.06-1 (Commercial Zone Development Standards), except as otherwise provided for in this Subsection.

2. No wall or architectural feature shall project beyond first story setbacks except balconies and bay windows, but in no case shall they extend into any public right-of-way.

3. Front and exterior setbacks shall only be used for landscaping, outdoor merchandise display, outdoor dining, and active pedestrian uses such as plazas, entries, and seating.

4. Open air setbacks may be permitted for first story nonresidential uses to allow for outdoor use such as outdoor dining, merchandise display, or entry forecourts. Projects incorporating open air setbacks shall include elements defining the wall plane at the edge of the front property line.

5. A first story porch, uncovered, or covered and open on three (3) sides, may encroach into the front, interior side, and exterior side setbacks by up to three (3) feet, but in no case shall it extend into any public right-of-way.

6. Any project adjoining a single-family residential zone shall comply with R-1 building bulk limits along the common boundary.

7. Primary structures on one (1) lot, including multifamily residential structures in mixed use developments, shall be separated a minimum of ten (10) feet.

8. Exceptions to Subsection (F) of this Section:

   a. Footings and public utility vaults if fully subterranean.

   b. Subterranean parking garages may extend to the property lines, including equipment, service, utility, and storage areas, provided such areas do not have any door, window, or other opening to the outside along the street property line.

G. **Maximum Building Bulk.** Any properties abutting a single-family residential zone shall comply with the R-1 building bulk standards (pursuant to Subsection 11.3.03.005(C)) along the common boundary.

H. **Building Height.**

1. With the exception of elevator towers and architectural extensions allowed per Subsection (2) of this Subsection, no building shall exceed three (3) stories or thirty-five (35) feet, measured as defined in Subsection (H)(5).

2. Elevator towers and architectural extensions of up to fifty (50) feet in height are allowed for an area of up to ten (10) percent of a building's floor area, provided that the horizontal dimension of each individual extension does not exceed twenty (20) percent of the corresponding building dimension.

3. No accessory structure shall exceed fifteen (15) feet to the highest point on the structure, except that the provisions of Subsection (1) of this Subsection shall apply to stand-alone parking structures.

4. Roof Decks are not permitted above the second story.

5. Height shall be measured from the lowest finished grade adjacent to or directly below the structure or building face except that fill exceeding three (3) feet shall be counted as part of the building height.

I. **Open Space Area for the Residential Portion of a Mixed Use Development.**

1. Common open space shall be provided at a rate of one hundred fifty (150) square feet per dwelling unit.

2. All common open space must be outdoor area on the ground, which is open to the elements and which is designed and used for outdoor living and/or recreation, whether such area is paved or not, except that up to fifty percent (50%) of required common open space may be provided as common indoor recreational amenities, such as exercise rooms, indoor theaters, and activity rooms. Common open space shall not include parking or vehicle circulation areas.

J. **Fences and Walls.**

1. No wall within a required street-facing setback area shall exceed three feet six inches (3'-6") in height. Walls of less than two (2) feet in height, allowing for seating, are encouraged.

2. Where a project adjoins a residential zone, a screening wall of solid concrete, brick, or stone, a minimum of six (6) feet high to a maximum of eight (8) feet high, is required. The wall shall be of finished appearance on both sides, and shall have any length exceeding twenty-five (25) feet broken up through landscaping, substantial reveals or pilasters, and/or other means. The wall shall be stepped down to a height not to exceed forty-two (42) inches when it is located within the extension of an abutting residential front or side street yard setback area(s). The decision-making authority may modify or waive wall requirements through the appropriate review process.

K. **Outdoor Merchandise Display.** Outdoor merchandise displays as provided for in Chapter 11.4.34 (Outdoor Display and Activities in Nonresidential Zones) for the commercial portion of a mixed use development may be allowed with a Zoning Clearance, based on submittal of a written description of the proposed display, a site plan, and a schedule.

L. **Distance Between Buildings.** A minimum distance of ten (10) feet shall separate exterior walls of separate buildings containing dwelling units on the same lot. The windows or window/doors of any individual dwelling unit may not face the windows or window/doors of any other dwelling unit unless separated by a distance of ten (10) or more feet except where the angle between the wall of the separate dwelling units is ninety (90) degrees or more. Walls parallel to each other shall be considered to be at a zero (0) degree angle.

M. **Residential Amenities.** Mixed use development shall provide the following amenities for the residential component of the project, in addition to any regulations otherwise required by this Section:

1. **Laundry facilities.** Laundry facilities shall be provided to serve all residential dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected to utilities, shall be provided in the individual dwelling units where there are three (3) or fewer dwelling units on a lot. Where there are more than three (3) dwelling units on a lot, laundry facilities shall either be provided in the individual dwelling units or in a common laundry room. A common laundry room shall be in a convenient location that is only accessible to the residents, and shall have at least one (1) washer and one (1) dryer for each ten (10) dwelling units, maintained in operable condition. More than one (1) common laundry room may be provided to satisfy this requirement.

2. **Storage space.** A minimum of ninety (90) cubic feet of private storage space (in cabinets or closets) shall be provided for each residential dwelling unit. Such private storage space shall be fully enclosed and lockable, and shall be located in close proximity to the respective units or within the parking area serving the respective units.

N. **Noise.** Mixed use projects shall be designed to minimize noise and vibration from commercial uses located below residential uses.

O. **Parking.** Parking requirements and associated development standards shall be as provided for in Chapter 11.5.04 (Off-Street Parking).

P. **Refuse/Recycling.** Refuse and recycling requirements and development standards shall be as provided for in Chapter 11.5.07 (Refuse and Recycling Storage Areas).

Q. **Lighting.** Lighting requirements shall be as provided for in Chapter 11.5.05 (Outdoor Lighting Standards).

R. **Landscaping Standards.** Landscaping shall be provided, as follows.

1. All areas not occupied by structures, vehicular access ways and parking areas, pedestrian walkways, and paved or covered recreational facilities, shall have landscaping as provided by this Subsection.

2. The landscaping requirements shall be subject to Chapter 4.23 (Water Efficient Landscape) of Title 4 of the LCFMC.

3. At least one (1) tree shall be provided or retained per each eight hundred (800) square feet of landscaped area.

4. Landscaping of parking lots shall comply with Subsection 11.5.04.007(J).

5. A minimum of sixty (60) percent of the front setback area shall be landscaped.

6. Plants shall be established and maintained in accordance with the approved landscape plan.

7. An automatic timed irrigation system appropriate to the plant materials used shall be provided for all landscaped areas.

8. All landscaped areas shall be permanently maintained with proper care, weeding, pruning, and irrigation. Plants shall be replaced as necessary to maintain conformance with approved landscaping plans.

9. Street trees shall be provided and continuously maintained by the property owner. Street trees shall be selected and located in accordance with the City's standards for street trees, as maintained by the Director of Public Works.

10. Any removal or pruning of existing trees on-site trees shall conform to the requirements of Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property).

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11. If removal of protected tree(s), as identified within Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property), is required to accommodate development of an affordable housing project pursuant to Chapter 11.4.03 (Affordable Housing Density Bonus) that must be approved ministerially, the tree(s) shall be replaced onsite, unless a Certified Arborist determines planting of replacement tree(s) is/are unfeasible. The size of the replacement tree(s) shall be based on the size of the protected tree(s) removed, as follows:

Size of Protected Tree Removed	Replacement Tree Size at Planting
Less than 23" DBH*	24" box
24" – 35" DBH*	36" box
Over 35" DBH	48" box
*Diameter at breast height (DBH)	

12. Refer to Chapter 11.5.13 (Objective Design Standards) for objective design standards for landscaping in the R-3 zone.

S. **Covenants, Conditions, and Restrictions.** The City reserves the right to be a party to the covenants, conditions, and restrictions.

§11.3.07.004 Design Standards for the MU Zone.

A. **Compliance with Objective Design Standards Required.** All new projects in the MU zone shall comply with the Objective Design Standards in Chapter 11.5.13 (Objective Design Standards) and any other design standards in the Zoning Code to which the proposed development is otherwise subject.

B. **Design Review Required.** All development within the MU requires Design Review by the Design Commission pursuant to Chapter 11.6.08.

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Chapter 11.3.08 Special Purpose Zones

§11.3.08.001 Purpose of Chapter.

This Chapter provides regulations for Special Purpose zones established by Chapter 11.3.01 (Establishment of Zones and Zoning Map) to achieve the following:

A. Provide appropriately located areas within the city for public, semi-public, open space, and recreation uses, which are necessary for an enhanced quality of life in the community and to protect the public health, safety, and general welfare of the community, as expressed in the General Plan.

B. Protect properties zoned residential from noise, vehicular traffic, and other environmental effects associated with special purpose uses.

C. Promote high standards of site planning, architecture, landscaping, and sustainable development practices for special purpose uses and developments within the city.

§11.3.08.002 Intent of Individual Special Purpose Zones.

The intent of the individual special purpose zones and the manner in which they are applied are as follows.

A. **Public and Semi-Public (P-SP) Zone.** The P-SP zone is intended to provide appropriately located areas within the city for uses that are subject to public oversight and control or that function in a public or semi-public manner, and/or that may not be appropriate in other base zoning districts.

B. **Open Space (OS) Zone.** The OS zone is intended to achieve the following purposes:

1. Provide appropriately located areas within the city to preserve and protect open space, natural physical features, the city's undeveloped hillside, and resources of scenic, geologic, historic, and cultural value in accordance with the General Plan of the City; and

2. Provide low-intensity public recreation opportunities with limited improvements, such as equestrian, hiking, and biking trails and associated staging and parking areas, which are compatible with the General Plan goals of preservation and protection of natural, scenic, geologic, historic, and cultural resources.

C. **Parks and Recreation (PR) Zone.** The (PR) zone is intended to achieve the following purposes:

1. Provide appropriately located areas within the city for public and private active recreational uses; and

2. Implement the City's recreational trail system in accordance with the General Plan of the City and the Trails Master Plan.

§11.3.08.003 Land Uses and Permit Requirements.

Table 11.3.02-1 identifies the uses of land allowed by this Zoning Code in the special purpose zones and the land use permits required to establish each use, in compliance with §11.3.02.003 (Allowable Land Uses and Permit Requirements).

§11.3.08.004 Special Purpose General Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures in all special purpose zones shall be designed, constructed, and/or established in compliance with the requirements in Table 11.3.08-1, the regulations in Part 4 (Special Regulations) and Part 5 (General Regulations), and all other applicable requirements of this Zoning Code. Principal and accessory structures shall meet the same development standards unless otherwise modified in this Zoning Code.

Table 11.3.08-1: Development Standards: Special Purpose Zones

Development Standards: Special Purpose Zones			
DEVELOPMENT STANDARDS	**REQUIREMENTS BY ZONE**		
	P-SP	**OS**	**PR**
Setbacks[1,2]			
Front setback	10 ft. minimum, with 20 ft. average	See Footnote[3]	See Footnote[3]
Interior side setback	10 ft.	See Footnote[3]	See Footnote[3]
Exterior side setback	10 ft. minimum, with 20 ft. average	See Footnote[3]	See Footnote[3]
Rear Setback	10 ft. minimum, with 20 ft. average	See Footnote[3]	See Footnote[3]
Building Height[4,5,6]			
Primary building or structure	35 ft.[7]	15 ft.	28 ft.
Accessory building or structure	35 ft.[7]	15 ft.	15 ft.
Floor Area Ratio (FAR)[8]			
Maximum FAR	0.5	N/A	0.35
Walls			
When required	See Footnote[9]	See Footnote[9]	See Footnote[9]

[1] Setback areas shall be completely dedicated to landscaping or natural open space, except for the minimum necessary drive aisles.
[2] When adjacent to a residential zone, no play or sports equipment or courts or driving ranges shall be located within any required setback; golf courses are exempt from this requirement.
[3] Properties shall be subject to the setbacks of the most restrictive adjoining zone.
[4] In all cases, height shall be measured from the lowest finished grade adjacent to or directly below the structure or building face.
[5] Elevator towers are exempt from the building height standard.
[6] Any project abutting an R-1 zone shall comply with R-1 building bulk standards as provided for in Subsection 11.3.03.005(C).
[7] In the P-SP zone, architectural extensions (including steeples, bell/carillon towers, and other similar non-habitable structures on religious buildings) up to a maximum height of fifty (50) feet are allowed for an area of up to ten (10) percent of a building's floor area, provided that the horizontal dimension of each individual extension does not exceed twenty (20) percent of the corresponding building dimension.
[8] Maximum FAR may be averaged across multiple parcels for one project to accommodate campus-type development with approval of a Master Conditional Use Permit pursuant to §11.6.06.005.
[9] Where a project abuts a residential zone, a screening wall of solid concrete, brick, or stone, a minimum of six (6) feet to a maximum of eight (8) feet high, is required. The wall shall be of finished appearance on both sides, and shall have any length exceeding twenty-five (25) feet broken up through landscaping, substantial reveals or pilasters, and/or by other means to the satisfaction of the Director. The wall shall be stepped down to a height not to exceed forty-two (42) inches when it is located within the extension of an abutting residential front or side street yard setback area(s). The decision-making authority may modify or waive wall requirements as a part of the applicable review process.

Chapter 11.3.09 Emergency Shelter (ES) Overlay Zone

§11.3.09.001 Purpose.

This Chapter establishes the emergency shelter (ES) overlay zone, the purpose of which is to achieve the following:

A. Provide for areas within the commercial zones where emergency shelter facilities, in accordance with Government Code §65583, are allowed without a Conditional Use Permit or other discretionary permit.

B. Establish designated boundaries in appropriately located commercially zoned areas to maximize the potential for provision of emergency shelter facilities in the city.

C. Permit emergency shelter uses in areas that have a realistic potential for development or reuse opportunities for emergency shelter facilities.

§11.3.09.002 Applicability.

The ES overlay zone shall apply to certain areas in the Commercial General (CG), Commercial Neighborhood (CN), and Commercial Office (CO) zones as specified on the Zoning Map and available in the Community Development Department. All land use regulations and development standards for commercial uses as specified in Table 11.3.02-1 and Chapter 11.3.06 (Commercial Zones) shall remain in effect. The effect of the ES overlay zone shall be to define the area of applicability within the CG, CN, and CO zones where emergency shelter facilities shall be permitted with an Emergency Shelter Facilities Permit, pursuant to Chapter 11.4.04 (Emergency Shelter Facilities) and shall comply with the development standards for emergency shelters as specified in Chapter 11.4.04.

§11.3.09.003 General Provisions.

A. Emergency shelters located in the ES overlay zone shall be developed and operated according to the land use regulations, development standards, and design guidelines for the CG, CN, and CO zones, as applicable, as well as Chapter 11.4.04 (Emergency Shelter Facilities).

B. In accordance with Government Code §65583(4), one (1) emergency shelter is permitted by right in the city upon approval of a special permit (Emergency Shelter Facilities Permit) as specified in Table 11.3.02-1 and as provided for in Chapter 11.4.04 (Emergency Shelter Facilities). Additional emergency shelters beyond those necessary to meet the needs of the city's homeless population, as required by State law, would require a conditional use permit (CUP) as specified in Table 11.3.02-1.

Chapter 11.3.10 Housing Element Implementation (HEI) Overlay Zone

§11.3.10.001 Purpose

The purpose of the Housing Element Implementation Overlay Zone (HEI) overlay zone is to achieve the following:

A. To facilitate housing production on certain sites that the City identified for housing pursuant to the Sites Inventory (Appendix C) in the 2021-2029 Housing Element, as may be amended from time to time.

B. To provide regulations for development of housing on sites within the HEIOZ as specified in this Chapter.

C. To provide a process whereby projects in the HEIOZ that contribute toward meeting the city's needs for lower income housing as specified in this Chapter receive ministerial review.

§11.3.10.002 Applicability.

The HEI overlay zone shall apply to certain properties as specified on the city's Zoning Map in accordance with §11.3.10.001, which the City identified for housing pursuant to the Sites Inventory (Appendix C) in the 2021-2029 Housing Element (as may be amended from time to time). These include:

A. R-3 Multifamily Zone (R-3)

B. Mixed Use Zone (MU)

C. Public/Semi-Public Zone (P/SP)

D. See the Downtown Village Specific Plan regarding sites identified in Appendix C that are within the Downtown Village Specific Plan.

E. Any development not meeting the purpose and standards set forth in this Chapter shall be subject to the requirements otherwise applicable in the underlying zone.

§11.3.10.003 Definitions.

The following definitions shall apply to this Chapter only:

A. "Ministerial action" is an action in which the following apply:

1. The City shall not require a Conditional Use Permit, Planned Unit Development permit, or other discretionary permit of any kind. The project will not require a discretionary permit and thus will not be subject to review under the California Environmental Quality Act.

2. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. The decision-making authority shall apply property development standards and objective design standards applicable to this HEI overlay zone and all other applicable non-discretionary standards and regulations, which shall be identified along with the decision letter issued for the project.

3. The project shall not be subject to a public hearing and the City shall not impose any notice requirements on the project. There shall be no right of appeal.

B. "Sites Inventory" shall mean Appendix C, Table C-1: 2021-2029 Sites Inventory, in the 2021-2029 Housing Element. If the 2021-2029 Sites Inventory is amended from time to time, this Chapter shall apply to the amended Sites Inventory as applicable.

§11.3.10.004 Permitted Uses.

The following uses are permitted on sites in the HEI overlay zone:

A. **In the R-3 (Multifamily) zone:**

1. All uses as provided for in the underlying zone, except that new single-family residences shall be prohibited; and

2. Multifamily development in accordance with this Chapter is permitted.

B. **In the MU (Mixed Use) zone:**

1. All uses as provided for in the underlying zone;

2. Stand-alone multifamily development in accordance with this Chapter.

C. **In the P/SP (Public/Semi-Public) zone:**

1. All uses as provided for in the underlying zone; and

2. Multifamily residential development on religious facility sites, provided that:

a. At least fifteen (15) percent of units are affordable to extremely low (zero to thirty (0-30) percent of Area Median Income), lower (below eighty (80) percent of Area Median Income) and/or moderate income (eighty-one to one-hundred and twenty (81-120) percent of Area Median Income) households;

b. The underlying property must be owned and operated by the religious facility; and

c. A minimum of ten (10) percent of the area of the site must be operated by the religious facility.

§11.3.10.005 HEI Overlay Zone Development Standards

The following standards in Table 11.3.0810-2: HEI Overlay Zone Development Standards by Zone) shall apply to all lots within the city that are identified with the HEI overlay zone. Primary and accessory

structures shall meet the same development standards unless otherwise specified by this Zoning Code, except as provided herein.

Table 11.3.0810-2: HEI Overlay Zone Development Standards by Zone

HEI Overlay Zone Development Standards by Zone			
DEVELOPMENT STANDARDS	**REQUIREMENTS BY ZONE**		
	R-3	**MU**	**P/SP**
Density			
Density (Minimum to Maximum)[1]	25-30	25-30	25-30[2]
Height			
Maximum Height[3,4] – Main Structure(s)	35′	35′	35′
Maximum Height – Accessory Structure(s)	15′	15′	15′
Minimum Setbacks[5]			
Front:			
	5′ average from the front property line for the ground floor and second floor, and an average of 10′ for the third floor.	5′ average from the front property line for the ground floor and second floor, and an average of 10′ for the third floor.	5′ average from the front property line for the ground floor and second floor, and an average of 10′ for the third floor.
Rear[6,7]			
	5′, or 15′ when adjoining a R-1 zone	5′, or 15′ when adjoining a R-1 zone	5′, or 15′ when adjoining a R-1 zone
Interior Side:			
	Zero (0) feet, or an average of 15′ for the ground floor and second floor, and an average of 20′ for the third floor when abutting a R-1 zone[8]	Zero (0) feet, or an average of 15′ for the ground floor and second floor, and an average of 20′ for the third floor when abutting a R-1 zone[8]	zero feet, or an average of 15′ for the ground floor and second floor, and an average of 20′ for the third floor when abutting a R-1 zone[8]
Exterior Side (Corner):			
	5′ average for the ground floor and second floor, and an average of 10′ for the third floor	5′ average for the ground floor and second floor, and an average of 10′ for the third floor	5′ average for the ground floor and second floor, and an average of 10′ for the third floor
Lot Coverage			
Maximum Lot Coverage	80%	80%	80%
Open Space			
Minimum Common Open Space	150 sq ft/du[9]	150 sq ft/du[9]	150 sq ft/du[9,10]
Parking[11]			
Minimum Parking[12,13,14]			
• Resident Parking:			
○ 0-1 bedrooms/du	1 space/du	1 space/du	1 space/du
○ 2 or more bedrooms/du	2 spaces/du	2 spaces/du	2 space/du
• Senior Citizen Multifamily Residential			

Parking:			
○ 0 bedrooms/du	0.5 space/du	0.5 space/du	0.5 space/du
○ 1 or more bedrooms/du	1 space/du	1 space/du	1 space/du
• Guest Residential Parking[15]	0.25 space/du	0.25 space/du	0.25 space/du
• Off-Street Loading[16]	1 space	1 space	1 space
• Bicycle Parking	1 space/du	1 space/du	1 space/du
• Religious facility parking	See Table 11.3.08-2 (Required Minimum Off-Street Vehicle Parking Spaces)		
Accessory Dwelling Units			
Accessory Dwelling Units	See Chapter 11.4.02		

[1] Density bonus projects shall be allowed in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in California Density Bonus Law (Government Code §65915, et seq.)
[2] Residential density on a religious institution site shall be calculated based on the size of the area developed for multifamily residential use, including parking, landscaping, open space, etc., as identified on the site or plot plan required in Chapter 11.6.01 (Filing and Processing of Applications).
[3] Height shall be measured from the lowest finished grade adjacent to or directly below the structure or building face except that fill exceeding 3 ft. shall be counted as part of the building height.
[4] Elevator towers and architectural extensions of up to fifty (50) feet in height are allowed for an area of up to ten (10) percent of the building's floor area, provided that the horizontal dimension of each individual extension does not exceed twenty (2) percent of the corresponding building dimension.
[6] Any project abutting an R-1 zone shall comply with R-1 building bulk limits along the common boundary.
[7] In any case, a ground-level porch, uncovered or covered and open on three sides, may encroach into the front, side, corner side and reverse corner side setbacks by up to fifty (50) percent of the required setback.
[8] For accessory buildings adjoining commercial properties, this setback may be reduced to a minimum five-foot (5') landscaped strip.
[9] Any common open space provided to meet the required common open space standard shall comply with the following requirements:

a. Must be designed and used for active or passive recreational purposes.
b. Must be easily accessible to all residents within the project.
c. Shall not include parking or vehicle circulation areas.
d. Shall have a minimum level surface dimension of ten (10) feet.
e. A community garden may provide up to twenty (20) percent of the total required common open space.
f. Rooftop decks and terraces may be used to satisfy this requirement.

[10] Open space on the religious facility portion of the site that is made available to the residential portion of the development (via a development agreement or other similar instrument) may be counted toward up to fifty (50) percent of the required open space for the residential portion of the development.
[11] The development must comply with all applicable requirements of Chapter 11.5.04 (Off-Street Parking) in addition to those included in this table.
[12] The minimum number of parking spaces provided may be reduced for affordable housing units in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in California Density Bonus Law (Government Code §65915, et seq.) or as otherwise provided for by Government Code, or under other appropriate circumstances when written evidence justifying the reduction is provided and approved by the decisionmaker.
[12] Parking spaces shall not be permitted in front or side setbacks.
[13] When multifamily residential development is constructed on a religious facility site, parking may be shared between the religious and residential uses as permitted in Government Code §65913.6.
[14] Required parking spaces for nonresidential uses can contribute up to fifty (50) percent of the required number of guest parking spaces for the residential use.

§11.3.10.006 Additional Standards.

A. **Objective Design Standards.** The project shall comply with the objective design standards pursuant to Chapter 11.5.13 (Objective Design Standards).

B. **Landscaping.** The standards for landscaping are as follows:

1. **Use.** All areas not occupied by structures, vehicular access ways and parking areas, pedestrian walkways, and paved, covered, or otherwise developed recreational facilities shall have landscaping as provided by this Subsection; except that 50% (fifty percent) of an off-street loading space required in Subsection 11.3.04.004(E) in the Old Town District that utilizes grasscrete for the entire loading area may count 50% (fifty percent) of that loading area toward the landscaping requirement of this Subsection.

2. **Maintenance.** All landscaped areas shall be permanently maintained with proper care, weeding, pruning, and irrigation. Plants shall be replaced as necessary to maintain conformance with approved landscaping plans.

3. **Street Trees.** Street trees shall be provided and continuously maintained by the property owner. Street trees shall be selected and located in accordance with the City's standards for street trees, as maintained by the Director of Public Works.

4. **On-Site Trees**. Any removal or pruning of existing trees shall conform to the requirements of Chapter 11.5.07 (Preservation and Protection of Designated Trees on Private Property).

5. **Landscape Buffer.**

a. *In the West Gateway, The Link, and Michigan Hill Districts:* A minimum five (5) foot landscaped buffer shall be provided between any uncovered parking space and the property line.

b. *In the Old Town District:* A landscaped buffer shall be provided between any uncovered parking space and the property line to the extent possible, as determined by the Director, but shall not be required to be less than two (2) feet or more than five (5) feet.

6. **Curb.** All landscaped areas adjacent to parking, circulation, and vehicle storage areas shall be enclosed by a raised six-inch concrete curb or low wall. The concrete curb may include cut-outs as part of the design required for bioswales and bioretention basins. The Director of Community Development may waive this requirement when the landscaped areas are designed in accordance with an integrated, comprehensive low impact development parking lot design.

C. **Storage of Building Material and Equipment.** In any building project, during construction and for thirty (30) days thereafter, property in the project may be used for the storage of building materials and equipment used in the construction of the building project and for the contractor's temporary office, subject to approval of the Director of Community Development.

D. **Signage.** Any signage for the project shall conform to the requirements of Chapter 11.5.08 (Sign Regulations).

E. **Legal Contracts.** The City reserves the right to be a party to any covenants, conditions, restrictions, or other similar legal contract.

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Chapter 11.4.01 Summary of Special Regulations

§11.4.01.001 Table Summary

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Chapter 11.4.02 Accessory Dwelling Units

§11.4.02.001 Purpose.

The purpose of this chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 66314 and 66333.

§11.4.02.002 Accessory Dwelling Units—Effect of Conforming.

An ADU or JADU that conforms to the standards in this chapter will not be:

A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming condition, as defined in Section 11.33.030. This does not prevent the city from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

§11.4.02.003 Accessory Dwelling Unit—Definitions.

As used in this section, terms are defined as follows:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. 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 and include a separate exterior access. An accessory dwelling unit also includes an efficiency unit, as defined by California Health and Safety Code Section 17958.1 and a manufactured home, as defined by California Health and Safety Code Section 18007.

"Accessory structure" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot or parcel of land with the main building or use.

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

"Efficiency dwelling unit" means a dwelling unit constructed in accordance with Health and Safety Code Section 17958.1 or the California Building Code Section 1208.4.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A kitchen sink; and
2. A cooking appliance; and
3. A refrigerator; and
4. A clear food preparation counter or counters (working space) of not less than 30 inches in front; and
5. Food storage cabinets of reasonable size in relation to the size of the JADU.

"Floor area (accessory dwelling unit) [FA(ADU)]" means the total square footage of the accessory dwelling unit (as measured from the inside perimeter of the exterior walls) under solid roof, including, but not limited to, habitable attics and basements and lofts.

"Floor area (existing or proposed single-family dwelling) [FA(SFD)]" means the total square footage of the primary single-family dwelling under solid roof, including, but not limited to, habitable attics and basements, lofts and attached garages, but excluding volume space (as calculated within Section 11.11.050(B)2)), porches, patios, eaves, breezeways and any legally permitted attached ADU or JADU.

"High quality transit corridor" means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. See also "Major transit stop."

"Junior accessory dwelling unit" or "JADU" means a residential unit that:

1. Is a minimum of 190 square feet and no more than 500 square feet in size of interior livable space in size;
2. Is contained entirely within an existing or proposed single-family dwelling. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling; and
4. Includes an efficiency kitchen.

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (CA Public Resources Code Section 21064.3). It also includes major transit stops that are included in the applicable regional transportation. See also "High quality transit corridor."

"Nonconforming zoning condition" means a physical improvement on a property or a use of the property that does not conform with current zoning standards.

"Non-Exempt ADU" means any ADU that is complies with the requirements of Government Code sections 66314-66322. The ADU may be attached or detached but must comply with the development standards contained within sections 11.33.050 and 11.33.060.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street, whether public or private, or a private driveway to one entrance of the ADU or JADU.

"Proposed single-family dwelling" means a dwelling that is the subject of a building permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, a bus stop or future train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. See also "Major transit stop" and "High quality transit corridor."

"Statewide Exempt ADU/JADU" means ADUs and JADUs created pursuant to Government Code section 66323, including:

1. Single-Family Converted ADU/JADU - One accessory dwelling unit and junior accessory dwelling unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that must include exterior access;
2. Single- Family Detached ADU - One detached, new construction, accessory dwelling unit that is no more than 800 square feet in size and complies with the development standards as provided in Section 11.33.060;
3. Multifamily Converted ADU - Multiple accessory dwelling units within the portions of existing multifamily dwelling structures;
4. Multifamily Detached ADU - Multiple accessory dwelling units that are detached from a multifamily dwelling, subject to the objective development standards listed in Section 11.33.040.

"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.

§11.4.02.004 Accessory Dwelling Units—Approvals.

The following approvals apply to ADUs and JADUs under this chapter:

A. **Requirement for Ministerial Approval.** If an ADU or JADU complies with each of the general requirements in Section 11.33.050 and specific requirements within Section 11.33.060 or Section 11.33.070, it shall be allowed with only applicable building permits, without discretionary review or hearing.

B. **Timing.**

1.

a. The City shall determine whether an application to create or serve an ADU or JADU is complete and provide written notice of this determination to the applicant not later than 15 business days after the City receives the application.

b. If the City determines an application is incomplete, the City shall provide the applicant with a list of incomplete items and a description of how the application can be made complete. The list and description shall be provided with the written notice required by subparagraph (a).

c. After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete.

d. In the review of an application submitted pursuant to subparagraph (c), the City shall not require the application to include an item that was not included in the list required by subparagraph (b).

e. If an applicant submits an application pursuant to subparagraph (c), the City shall determine whether the additional application has remedied all incomplete items listed in the determination issued pursuant to subparagraph (b). This additional application is subject to the timelines and requirements specified in subparagraph (a).

f. If the City does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this section.

2. The city shall approve or deny an application to create or construct an ADU or JADU within 60 days from the date that the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

3. Where a permit application for an ADU or JADU is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

a. Permit applications to create a new single-family dwelling which maximize the total floor/roofed area as contained within Chapter 11.11 and any applicable slope factor guideline contained within Chapter 11.35 may include an additional 800 square foot area to accommodate a statewide exempt single-family detached ADU.

4. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the requested delay.

5. Any denial of an ADU or JADU application requires provision of 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 within the sixty (60) day time period to approve or deny a permit application.

6. If a permit application is determined to be incomplete under paragraph (1) (a) or denied under paragraph (2) or (3), the applicant may appeal the incomplete determination or application denial to the Planning Commission.

7. A final written determination shall be provided not later than 60 business days after receipt of the applicant's written appeal.

C. **Location and Number.**

1. An ADU or JADU shall only be allowed on a parcel zoned to allow single-family or multifamily dwelling residential uses and that includes a proposed or existing dwelling.

2. **Lots with an existing or proposed single-family dwelling.** The following may be provided on a single parcel:

   a. One JADU (Statewide Exempt) within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, subject to the development standards set forth in Section 11.33.070. For the purpose of constructing a JADU, attached garages are part of a single-family dwelling; and

   b. One ADU (Statewide Exempt) within the proposed or existing space of a single-family dwelling or accessory structure, subject to the development standards set forth in Section 11.33.070; and

   c. One detached, new construction Statewide Exempt ADU subject to the development standards set forth in Section 11.33.070, or a Non-Exempt attached or detached ADU, subject to the development standards set forth in Section 11.33.060:

3. **Lots with existing or proposed multifamily dwellings.** The following may be provided on a single parcel:

   a. Multifamily Converted ADUs created within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25% of the existing multifamily dwelling units.

   b. Multifamily Detached ADUs, not to exceed the number specified in clause (i) or (ii), as applicable that are located on a lot that has an existing or proposed multifamily dwelling and are subject to the standards listed in section 11.33.070:

      i. Up to eight (8) detached ADUs, or as many detached ADUs as there are primary dwelling units, on a lot that has an existing multifamily dwelling or

      ii. Up to two detached ADUs on a lot with a proposed multifamily dwelling;

§11.4.02.005 Accessory Dwelling Units—General Requirements.

The following requirements apply to all ADUs and JADUs that are approved under this chapter:

A. **Zoning.** An ADU or JADU subject only to a building permit under Section 11.33.040 may be created on a lot in any R-1, R-3 zone or residential planned development (RPD) zone, public and semi-public zone, mixed use zone or DVSP (residential or mixed-use land use districts), if all of the applicable standards are met.

B. **Survey Required.** Where an ADU or JADU is proposed, either as a conversion of an existing structure or new construction, with setbacks of five feet or less from a property line or applicable easement, a survey shall be provided at time of permit application to ensure construction is located entirely on the subject property and outside of any applicable easement, unless permission to construct within the easement is granted by the easement holder.

C. **Fire Sprinklers.** Fire sprinklers are required for an ADU or JADU if sprinklers are required in the primary residence or residences.

D. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot) unless the property was built by a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program and all of the conditions under California Government Code Section 66341 are met.

E. **Public Sewer Connection.** If public sewers are available to the lot, both the existing or proposed single-family or multifamily dwelling and the ADU and/or JADU must be connected to the sewer service in order to receive a building permit. Further, if access to the public sewer is feasible for the lot subsequent to the initial issuance of a building permit, the permit shall be subject to connection of both the existing or proposed single-family or multifamily dwelling and ADU and/or JADU to such sewer service.

F. **Septic System.** Where connection to the public sewer is not feasible, as part of the application for a permit to create an ADU or JADU connected to a conventional or non-conventional on-site water treatment system, an approval from the Los Angeles County Department of Public Health shall be provided in compliance with the adopted Local Agency Management Program ordinance.

G. **Rental Terms.** No ADU or JADU may be rented for a term that is shorter than 30 days.

H. Conversion/Demolition Restriction. A legally constructed ADU or JADU may not be converted or demolished and rebuilt (except due to damage caused by natural disaster, fire or accident) to any other use for a period of ten years from the date a Certificate of Occupancy is granted for the ADU or JADU.

I. **Utilities.** The ADU may have wet and dry utilities that are separate from those of the primary dwelling unit, including gas, electricity, water and telephone service.

J. **Demolition Permits.** Where a demolition permit is required to replace a detached garage with an ADU, the demolition permit shall be issued concurrently with the building permit for the ADU.

K. **Existing Conditions.**

1. The city shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures (including the primary dwelling unit) that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

2. The city shall not deny a building permit for an unpermitted ADU constructed before January 1, 2020, due to violations of building standards or non-compliance with ADU laws, unless it finds that correction of a violation is specifically necessary to protect health and safety of the occupants or public and/or buildings deemed substandard under the State Housing Law.

L. **Tree Preservation.** If removal of a protected tree is required to allow a non-exempt ADU, the property owner shall replace it with a protected tree at the 48-inch box size (minimum), unless a certified arborist determines planting is unfeasible, in which case, payment into the city's tree fund per adopted resolution of the city council for protected tree removal shall be required.

M. **Occupancy Requirements**

1. If the JADU shares sanitation facilities with the existing or proposed single-family dwelling, the owner of the property must reside in either the primary residence or the JADU.

2. If the JADU does not share sanitation facilities with the existing or proposed single-family dwelling, the property owner is not required to live in either the primary residence or the JADU.

N. **Impact Fees.** The city shall not impose any impact fee upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less. Any impact fees charged for an accessory dwelling unit that has more than 750 square feet of interior livable space shall be charged proportionately in relation to the square footage of the primary dwelling unit.

1. An ADU or JADU that contains less than 500 square feet of interior livable space shall be considered other residential construction that does not increase assessable space by 500 square feet.

§11.4.02.006 Accessory Dwelling Units—Specific Requirements for New Construction.

The following standards apply to new construction ADU:

A. **Maximum Size.**

1. A detached, Statewide Exempt ADU shall be limited to a total floor area of not more than 800 square feet of livable space.

2. A Non-Exempt ADU on a single family lot shall comply with the following maximum size requirements:

a. The cumulative size of any non-exempt ADU and any roofed areas exceeding the livable space of the ADU, and any existing or proposed single-family dwelling, and any other existing or proposed accessory structure(s) shall comply with the total floor/roofed area as contained within Chapter 11.11 and any applicable slope factor guideline contained within Chapter 11.35.

b. The total floor area [FA(ADU)] of an attached ADU shall not exceed 50% of the floor area [FA(SFD)].

c. The total floor area [FA(ADU)] of a detached or attached ADU shall not exceed 1,200 square feet of livable space.

3. Attached covered patios or trellises shall count toward the total floor/roofed area permitted for the lot as identified within Section 11.11.050.

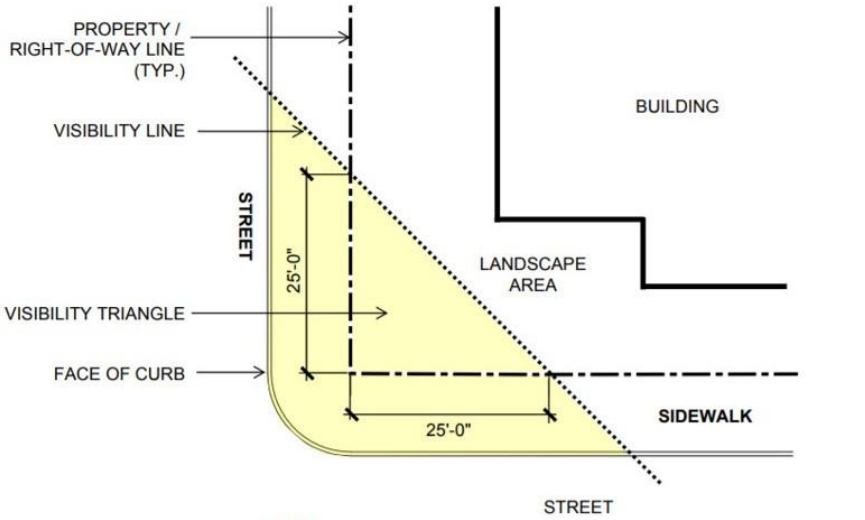
B. **Setbacks.** ADUs and associated mechanical equipment shall comply with the setbacks identified below. Setbacks shall be measured from property lines or vehicular access easement, as verified by a survey pursuant to Section 11.33.050(B), whichever is applicable.

1. **Front yard setbacks:**

a. A Non-Exempt ADU shall comply with the front setback requirement within the underlying zone.

b. A Statewide Exempt ADU shall not be constructed or placed within a visibility triangle. A visibility triangle means an area located near a street or driveway intersection in which no structure or landscaping may be installed which will obstruct views or create a traffic or pedestrian hazard as indicated in the figure below. The visibility triangle area shall be measured 25 feet from the intersecting front and side property lot lines, easement line(s) or driveway, whichever is applicable, to ensure adequate site visibility for pedestrian and vehicular safety.

Figure 11.4.02-1: Visibility Triangle



NOTES:
1 - All objects, except for trees and utility poles, installed or planted within the VISIBILITY TRIANGLE in the "yellow zone" shall not exceed 30 inches in height from top of curb or 36-inches from the top edge of the road pavement if no curb exists.

2 - All objects, except for trees and utility poles, installed or planted within the VISIBILITY TRIANGLE in the "yellow zone" shall be not less than 18inches set back from the front face of the curb or edge of the road pavement if no curb exists.

Note: Tree branches under 9 feet measured from the ground should be trimmed up.

2. **Side and rear yard setbacks:** four feet.

C. **Height.**

1. On lots with an existing or proposed single-family dwelling, height limitations are as follows:

   a. An attached Non-Exempt ADU is subject to the applicable height limit of the zone or 25 feet. An attached ADU shall not exceed two stories.

   b. A detached ADU may not exceed:

      i. 16 feet in height, measured to the peak of the structure consistent with Section 11.11.050(A)(1)(a); or

      ii. 18 feet, with an allowance of an additional two feet to accommodate a roof pitch aligned with the primary dwelling unit, if it is located within one-half mile walking distance of a major transit stop or high quality transit corridor.

2. On a lot with an existing or proposed multifamily dwelling, a detached ADU may not exceed 18 feet in height, measured from the lowest point at which the structure meets either natural grade or finished grade, whichever is lowest to the peak (highest point) of the structure, with an allowance of an additional two feet to accommodate a roof pitch aligned with the primary dwelling unit, if it is located within one-half mile walking distance of a major transit stop or high quality transit corridor.

D. **Passageway.** No passageway, as defined within Section **11.33.030**, is required for an ADU.

E. **Parking.**

1. **Generally.** One off-street, on-site parking space is required for each Non-Exempt ADU, in addition to the parking requirement for the existing or proposed single-family dwelling, except as provided in subsection (E)(2), below. The additional parking space may be provided in setback areas or as tandem parking unless specific findings are made that parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions. The additional space need not be covered but shall be paved or constructed utilizing an equivalent surface and accessible from a single, common driveway for both the existing or proposed single-family dwelling and the accessory units.

2. **Exceptions.** No additional parking is required for an ADU in any of the following situations:

   a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 11.33.030.

   b. The ADU is located within an architecturally and historically significant historic district.

   c. The ADU is attached to or located within an existing or proposed single-family dwelling or an existing accessory structure.

   d. When on-street parking permits are required but not offered to the occupant of the ADU.

   e. When there is an established car share vehicle stop located within one block of the ADU.

   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 paragraph.

g. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

F. **Objective Design Standards.** The following development standards shall apply to Non-Exempt ADUs.

1. The ADU shall be consistent with the primary dwelling unit's roof pitch, window size, proportion of window units to wall size, direction of window openings, muntin pattern, exterior building materials, lighting fixtures, and paint colors. Elevations and floor plans shall be submitted as part of the building permit process.

2. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance shall not be on the same elevation/side of the primary dwelling entrance unless this entrance is screened from public views.

3. Any windows less than five feet (5'-0") from a property line shall be obscured glass or clerestory windows placed at six feet (6'-0") or higher above adjacent ground level.

4. Eaves shall not be greater than 12 inches.

5. Balconies, second story decks and roof top patios/terraces/decks shall be prohibited.

6. Mechanical equipment shall not be roof mounted

G. **Historical Protections.** Where an ADU is proposed on real property that is listed in the California Register of Historic Resources or on a lot that has an identified historical resource listed on the federal, state, or local register of historic places, the exterior architectural treatment of the ADU must comply with Chapter 11.90, Historic Preservation.

§11.4.02.007 Accessory Dwelling Units—Specific Requirements for Conversion of Existing Structures or Spaces.

The following standards apply to existing structures or spaces converted to an ADU or JADU:

A. Maximum Size. An existing legally constructed structure may be demolished and rebuilt in the original location and to the same physical dimensions for the purposes of conversion to an ADU.

1. An expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

2. Converted structures which are expanded more than the 150 square feet for ingress and egress are permitted to maintain nonconforming zoning conditions and expand in conformance with Section 11.33.060, Specific requirements for new construction.

B. Setback. No setback is required for a legally constructed existing structure that is converted to an accessory dwelling unit provided that the original side and rear setbacks are sufficient for fire safety, as determined by the local fire agency.

1. New mechanical equipment associated with conversion of existing structures or space is subject to setbacks established in Section 11.33.060(B).

C. Height. An existing structure that is converted to an accessory dwelling unit may maintain its existing permitted height. No increase in height shall be permitted, unless the existing structure is less than 16 feet, as permitted within Section 11.33.060(C)(1)(b).

D. Passageway. No passageway, as defined within Section 11.33.030, is required for an ADU.

E. Parking. No additional parking is required for an ADU located within an existing or proposed single-family or multifamily dwelling or an existing accessory structure.

F. Historical Protections. Where an ADU is proposed on real property that is listed in the California Register of Historic Resources or on a lot that has an identified historical resource listed on the federal, state, or local register of historic places, the ADU must comply with Chapter 11.90, Historic Preservation.

§11.4.02.008 Accessory Dwelling Units—Building Code.

Construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, absent express written findings by the building official that the construction of the unit could have a specific, adverse impact on public health and safety. The city can still determine a change in occupancy, for purposes of applying building code requirements, if the space was previously unhabitable or was only permitted for nonresidential use and was converted.

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Chapter 11.4.03 Affordable Housing Density Bonus (Reserved)

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Chapter 11.4.04 Emergency Shelter Facilities

§11.4.04.001 Purpose.

In accordance with State law, the City of La Cañada Flintridge has a responsibility to provide adequate sites for emergency shelters that serve homeless individuals and families. This Chapter establishes standards for emergency shelter facilities.

§11.4.04.002 Emergency Shelter Facilities Permit Required.

A. **Permit Required.** Unless otherwise exempt, the operator of an emergency shelter facility shall first obtain an Emergency Shelter Facilities Permit pursuant to this Chapter prior to the establishment of an emergency shelter facility within the city.

B. **Permit Application Requirements.** The Emergency Shelter Facilities Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).

C. **Permit Fee.** The fee for an Emergency Shelter Facilities Permit shall be as established by Council resolution as may be amended from time to time.

D. **Decision.**

1. Within thirty (30) days of receiving a completed application, the Director shall issue a Emergency Shelter Facilities Permit or deny the issuance of a permit.
2. The Director shall not issue such permit unless the Director determines that all requirements of this Chapter have been met.
3. If the Director denies the permit, the Director shall provide the applicant, in writing, the specific reason(s) for the denial.
4. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).

§11.4.04.003 Standards for Emergency Shelter Facilities.

An Emergency Shelter Facilities Permit shall be issued by the Director only if the following standards are met:

A. **Minimum Separation.** Emergency shelters shall be located at least three hundred (300) feet apart, measured in a straight line between property lines of each shelter without regard to intervening structures or objects.

B. **Maximum Number of Beds.** Emergency shelters shall have no more than thirty (30) beds.

C. **Limited Terms of Stay.** The maximum term of stay at an emergency shelter is thirty (30) days in any consecutive twelve (12) month period.

D. **On-Site Waiting Area.** Emergency shelters shall provide an enclosed or screened waiting area that is physically separated from the public right-of-way in order to accommodate clients and to prevent queuing into the public right-of-way. Waiting areas shall be at least ten (10) square feet per bed.

E. **Lighting.** Lighting for emergency shelter facilities shall comply with the requirements of Chapter 11.5.05 (Outdoor Lighting Standards) except as provided in Subsection 11.5.05.005(F).

F. **Parking.** Parking for emergency shelter facilities shall be provided pursuant to Chapter 11.5.04 (Off-Street Parking).

G. **On-site Security.** Emergency shelters shall provide on-site security during all hours when shelters are open.

H. **Exterior Maintenance.** Emergency shelter operators shall ensure that the exterior of shelters, including signs and accessory structures, are properly maintained. Emergency shelter sites shall be kept free of litter and graffiti at all times. Graffiti shall be removed within forty-eight (48) hours of discovery.

I. **Supervision.** Emergency shelters shall provide on-site supervision at all times when shelters are open. Shelter operators or their designees shall patrol areas within one thousand (1,000) feet of the shelter when shelters are open and for one (1) hour after the closing each morning to ensure that shelter residents and/or individuals who have been denied shelter access do not congregate in the adjacent neighborhoods.

J. **Design and Amenities.**

1. **Facility layout.** Living, dining, and kitchen areas within emergency shelters shall be physically separated from sleeping areas.
2. **Sleeping area.** Sleeping areas within emergency shelters shall be at least thirty-five (35) square feet per bed.
3. **Secure area.** Secure areas shall be provided for personal property in emergency shelters.
4. **Bathroom facilities.** Emergency shelters shall provide facilities for personal care (i.e., bathroom and shower facilities).
5. **Telephone services.** Emergency shelters shall provide telephone services that are separate from the office phones to protect privacy. Any payphone provided at an emergency shelter shall allow for call-out service only.
6. **Contact information.** Emergency shelters shall post operator contact information at shelter entrances.

K. **Management Plan.** Emergency shelter operators shall provide the City with a management plan that addresses management experience, client supervision, client services, standards to govern expulsions, good neighbor issues, transportation, lights-out times, and food services provided. The management plan shall also include a floor plan that demonstrates compliance with all physical standards of this Chapter, as well as contact information for the shelter operator. Management plans shall be submitted to and approved by the Director prior to start of operations.

Chapter 11.4.05 Hillside Development

§11.4.05.001 Purpose

A. It is the City's position that its hillsides are a valuable resource to the community, providing a visible geographical boundary to the city and aesthetic relief to the viewscape from virtually every location in La Cañada Flintridge. To date, hillside development in this community has generally avoided creating the significant negative effects common to the practice of mass grading to provide building sites. The end product of past development practices in La Cañada Flintridge has largely been the retention of natural land forms and the community's "semi-rural" character. However, much of the remaining undeveloped acreage in the city can best be described as steep, consisting of slopes in excess of 30% or 40% (thirty or forty percent), and/or visually prominent. Further, the city's hillsides contain or surround several significant environmental and aesthetic resources and are traversed by hiking and riding trails.

B. The purpose of this Chapter's standards and guidelines is to protect existing open space and to ensure that any hillside development is orderly and consistent with desirable existing surrounding development patterns, is carried out in a manner which promotes and enhances public safety and general welfare, and is not disruptive of the predominant hillside character of the community.

§11.4.05.002 Policies.

The following policies are reflective of community standards and shall apply to all hillside development projects undertaken in the city:

A. Existing community character, as defined by such factors as visual appearance, density, road widths, and vegetation, shall be preserved and/or enhanced.

B. Prominent landforms within the community, including, but not limited to ridgelines, knolls, valleys, creeks (either dry or active), or other unique topographic features or viewscapes, shall be maintained. The most significant of such landforms are identified in, but not limited to, Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element.

C. Major hillside viewscapes visible from points within the city shall not be detrimentally altered by the intrusion of highly visible cut and/or fill slopes, building lines, and/or road surfaces.

D. The visual impact of grading shall be minimized.

E. Levels of development shall be coordinated with available and potential circulation capacities and shall be controlled by the ability to provide adequate access within the constraints defined in this Chapter.

F. Development in areas of exposure to high fire risk shall be subject to reasonable mitigation measures formulated during the project review process to reduce such risk.

G. Development shall be planned in such a manner as to avoid flood, mudslide, and subsidence to residents and structures on or near hillside areas as well as downstream of any project.

H. Significant environmental and recreational resources shall be maintained and enhanced, including measures to prevent visual or physical encroachment into such resources.

I. New lots created under the provisions of this Chapter shall be properly planned and designed to result in development which is in conformance with this Chapter.

§11.4.05.003 Applicability.

A. This Chapter shall apply to any R-1 zoned lot or parcel of land which has an average slope of 15% (fifteen percent) or greater. Additionally, the provisions of this Chapter shall apply to previously graded hillside lots, the slope of which had been equal to or greater than fifteen (15) percent prior to grading, and for which no building permits currently in effect have been issued.

B. For the purposes of this Chapter, "average slope" shall be defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The average slope "S" is computed on the net area of a parcel by the following formula:

$$S = \frac{100IL}{A}$$

Where: S is average percent slope;
I is contour interval in feet;
L is summation of all contours in feet; and
A is Area, in square feet, of parcel being considered.

C. In instances where this Chapter conflicts with any other ordinance or regulation of the City, the provisions of this Chapter shall take precedence and apply.

§11.4.05.004 Hillside Development Permit Required.

Approval of a Hillside Development Permit (HDP) is required of any project requiring a building or grading permit on a hillside lot as described in §11.4.05.003, except for actions and activities that are exempt from the requirements of this Chapter as specified in §11.4.05.005. The Hillside Development Permit prescribed in this Chapter includes three (3) levels of review, as follows: Director's Review, Zoning Hearing Officer Review, and Planning Commission Review. Procedures and requirements for each level of review for a Hillside Development Permit pursuant to this Chapter are provided for in §11.4.05.013. The level of said approval shall be according to the following review threshold schedule:

A. **Hillside Development on a Vacant Lot (as part of new development including a primary structure).**

1. All new development: Planning Commission

B. **Hillside Development on an Existing Developed Lot.**

1. **Single story review.**

a. New single story accessory structure (detached):

i. *600 sq. ft. or less:* Director's Review.

ii. *601-1,200 sq. ft.:* Zoning Hearing Officer Review.

iii. *Greater than 1,200 sq. ft.:* Planning Commission Review.

b. Addition to existing first story of a primary or accessory structure:

i. *600 sq. ft. or less:* Director's Review.

ii. *601-1,200 sq. ft.:* Zoning Hearing Officer Review.

iii. *Greater than 1,200 sq. ft.:* Planning Commission Review.

2. **Second story review.**

a. Any new second story of a primary structure (addition to first story): Planning Commission.

b. Additions to existing second story:

i. *600 sq. ft. or less:* Zoning Hearing Officer Review.

ii. *Greater than 600 sq. ft.:* Planning Commission Review.

iii. *600 sq. ft. or less:* Zoning Hearing Officer Review.

iv. *Greater than 600 sq. ft.:* Planning Commission Review.

c. Enclosure under existing roof, second story:

i. *600 sq. ft. or less:* Director's Review.

ii. *Greater than 600 sq. ft.:* Zoning Hearing Officer Review.

3. **Retaining walls, conventional (exposed height excluding freeboard).**

a. *Three (3) feet or lower:* Director's Review.

b. *Higher than three (3) feet, up to six (6) feet*: Zoning Hearing Officer Review.

c. *Higher than six (6) feet:* Planning Commission Review.

4. **Retaining walls, crib type (cribwalls) (exposed height excluding freeboard).**

a. *Eight (8) feet or lower:* Director's Review.

b. *Higher than eight (8) feet*: Planning Commission Review.

c. *Additional provisions:* Cribwalls are, for the purpose of this Chapter, retaining walls which are constructed of modular units between which planting areas are provided. Cribwall product certification shall be provided to the satisfaction of the Building Department, along with evidence that septic drainage will not undermine the cribwall structure.

5. **Pools, Spas, and associated equipment: Director's Review.**

a. *Within the front yard:* See Subsection 11.3.03.005.E.6.

b. *Exceptions.* See §11.4.05.005.

6. **Grading within one hundred (100) feet of an identified ridge line:** Planning Commission (see Subsection 11.4.05.009(B)).

C. **Additional Thresholds:** Additional thresholds are contained under subsequent sections of this Chapter.

§11.4.05.005 Exemptions from Hillside Development Permit.

The following actions and activities shall be exempted from the requirements of a Hillside Development Permit, provided that the actions and activities otherwise comply with the requirements of this Chapter, the underlying zone, and as otherwise provided for in this Zoning Code.

A. Interior remodels, including any remodel that does not add square footage (whether or not offset by other reductions in square footage) and does not alter the exterior appearance of a structure or add another story.

B. Re-roofing of any structure, using the same color and type of materials as existing.

C. Accessory dwelling units as provided for in Chapter 11.4.02 (Accessory Dwelling Units).

D. A new spa that is developed completely within the footprint of an existing pool that complies with all other development standards.

E. A new spa that has at least fifty (50) percent of its total perimeter and associated area within the footprint of an existing pool may be exempted from the requirements of a Hillside Development Permit as determined by the Director.

F. Emergency slope repair and measures necessary to stabilize a slope may be exempted from the requirements of a Hillside Development Permit, at the discretion of the City Manager. The City Manager's action shall be reported to the City Council, who may require additional measures to address aesthetics.

G. Fences and freestanding walls; except that such structures shall comply with Subsection 11.4.05.009(B)(2).

H. Roof-top solar panels.

I. Unroofed stairways or steps: Director's Review

J. Mechanical equipment: Zoning Clearance

K. Lighting: Refer to §11.5.05 Outdoor Lighting Standards

L. Street fronting fences and walls. Refer to underlying zone standards

M. Driveway Gates: Refer to underlying zone standards

N. Flags and flagpoles: See §11.4.30.

O. Sports courts / batting cages: See §11.4.37.

§11.4.05.006 Standards, Guidelines, and Thresholds.

Each hillside parcel is unique. For many criteria, a fixed standard may not be an appropriate means of ensuring harmonious development due to the complexities of topography, the varying degree of site visibility, the effects of local soil conditions on prospective landscaping, and many other variables. Thus, this Chapter contains not only development standards, but also guidelines. Thresholds are also included, indicating the level of review required for a given category of project. The intent is not to discourage appropriate project characteristics which require higher levels of review, but rather to ensure that the opportunity is provided for public review of projects of any theoretical potential for disruption of the hillside environment. Refer to other chapters for general regulations, including but not limited to standards that

apply to the base zone, and for parking and vehicular access for hillside development, grading, lighting, special uses, etc.

§11.4.05.007 Parcel Standards and Guidelines.

A. Density.

1. **Newly created lots–density standards.** Every property in any residential zone which is subject to the provisions of this Chapter also shall be subject to the requirements of the A/B Line, as shown on the Zoning Map in accordance with Figure LUE-1 in the Land Use Element of the General Plan, and as specified in this Section.

    a. Property on the "A" side of the A/B Line shall maintain development densities not exceeding one (1) dwelling unit per one (1) acre of site area as to any tract map (i.e. the creation of five (5) or more lots). Maximum density for divisions of less than five (5) parcels is determined by the underlying zone.

    b. The "B" side of the A/B Line is applied to severe hillside areas of the city where developments with higher use densities could not be achieved in compliance with the policies and standards of this Chapter and without detrimental effects upon public safety and aesthetics as identified in the General Plan and this Chapter. Property on the "B" side of the A/B Line shall maintain development densities not exceeding one (1) dwelling per ten (10) acres of site area for any land division.

    c. Density shall be subject to additional reduction with increasing slope when necessary to meet required findings per Subsection 11.4.05.013(E), using the slope factor in Subsection (A)(2) of this Section.

2. **Slope factor.** The slope factor is a development standard for land divisions and a guideline for floor area restrictions. As average lot slope increases, allowable minimum size of newly created lots shall increase per the Slope Factor as defined in Part 7.

B. Lot Configuration.

1. **Minimum lot dimension standards.**

    a. *Average Lot Width*: Fifty-five (55) feet,

    b. *Depth*: One hundred fifty (150) feet,

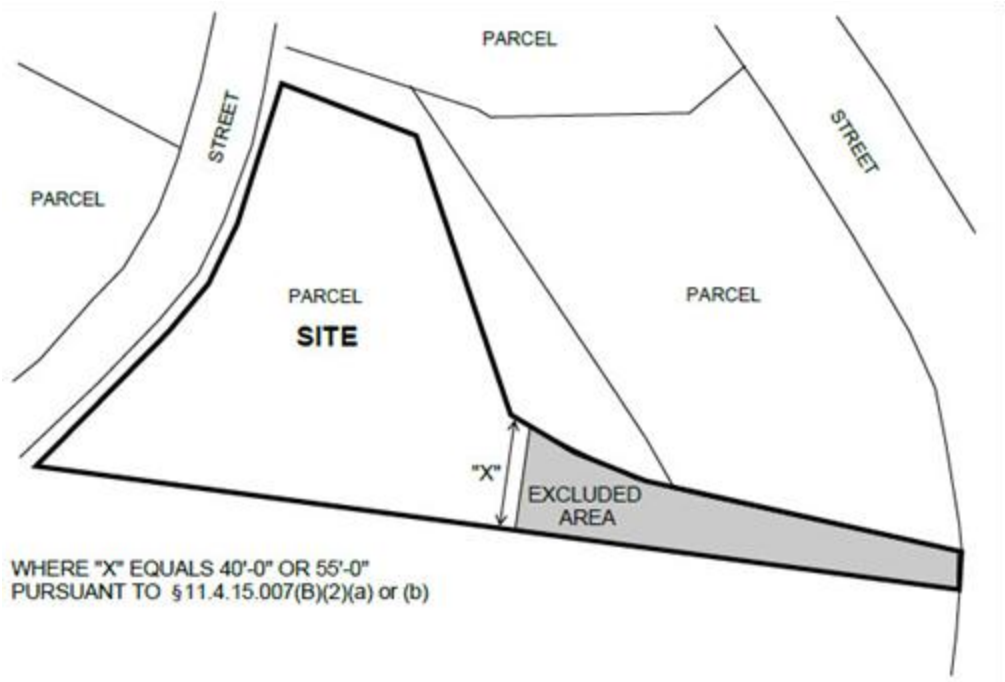
    c. *Frontage*: Forty (40) feet.

2. **Excluded areas.** Any portion of a site less than the following width shall not be included in the tabulation of lot area for the purposes of calculating allowable lot size, density, lot coverage, or floor area, unless the required findings in Subsection 11.4.05.013(E) can otherwise be made (see **Error! Reference source not found.**).

    a. *R-1-40,000 or "B" density overlay:* Fifty-five (55) feet,

    b. *Other zones:* Forty (40) feet.

Figure 11.4.05-1: Excluded Areas



3. **Flag lots.** The creation of new flag lots shall be prohibited in proposed subdivisions or lot line adjustments.

§11.4.05.008 Grading.

A. **Review Threshold.** The provisions of §11.5.01.002 shall apply to development that is subject to this Chapter.

B. **Slopes.** The height of retaining wall(s) exposed to view shall be deducted from the permitted height of the slope, as follows.

1. **Cut slopes.**

a. *Height threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the sum of the vertical heights, at any one (1) section through the site, of any finished cut slopes created for the purpose of developing the lot, shall be limited to the height of the proposed structure wherever it is to be concealed from general view by that structure, or to a maximum of ten (10) feet where exposed to general view.

b. *Width standard.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the lateral extension (width) of the finished cut slope shall not exceed the maximum width of the structure by more than twenty (20) feet, with an additional twenty (20) feet allowed for tapering to existing grade.

c. *Gradient threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing), maximum exposed cut slope at any one (1) section through the site shall not exceed that allowed by the City's Building Code in effect at the time of grading permit issuance, and shall be further limited to the average existing grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.

2. **Fill slopes.**

a. *Height threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the vertical height of any finished fill slope created for the purpose of developing a residential dwelling site shall not exceed ten (10) feet.

b. *Gradient threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing), maximum fill slope shall not exceed that allowed by the City's Building Code in effect at the time of grading permit issuance, and shall be limited to the average natural grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.

c. *Slope contours.* Any manufactured slope, and the radius of any slope forming a transition between manufactured and natural slope, shall follow the natural topography to the greatest extent possible. Contour grading techniques shall be used to provide a variety of slope percentages and slope directions in a three-dimensional, undulating pattern similar to adjacent existing terrain. Hard edges left by cut and fill operations shall be given rounded appearances that closely resemble adjacent, natural contours, as shown in Figure 11.4.05-2 and Figure 11.4.05-3. In no event shall less than a twenty-five (25) foot radius be used for the convex blending curvature at the outside corners and edges of any cut slope or fill slope or for the concave curvature where a cut slope or fill slope meets natural grade. The top and bottom of any cut slope or fill slope shall be rounded with a radius of not less than five (5) feet.

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Figure 11.4.05-2: Contour Grading Technique

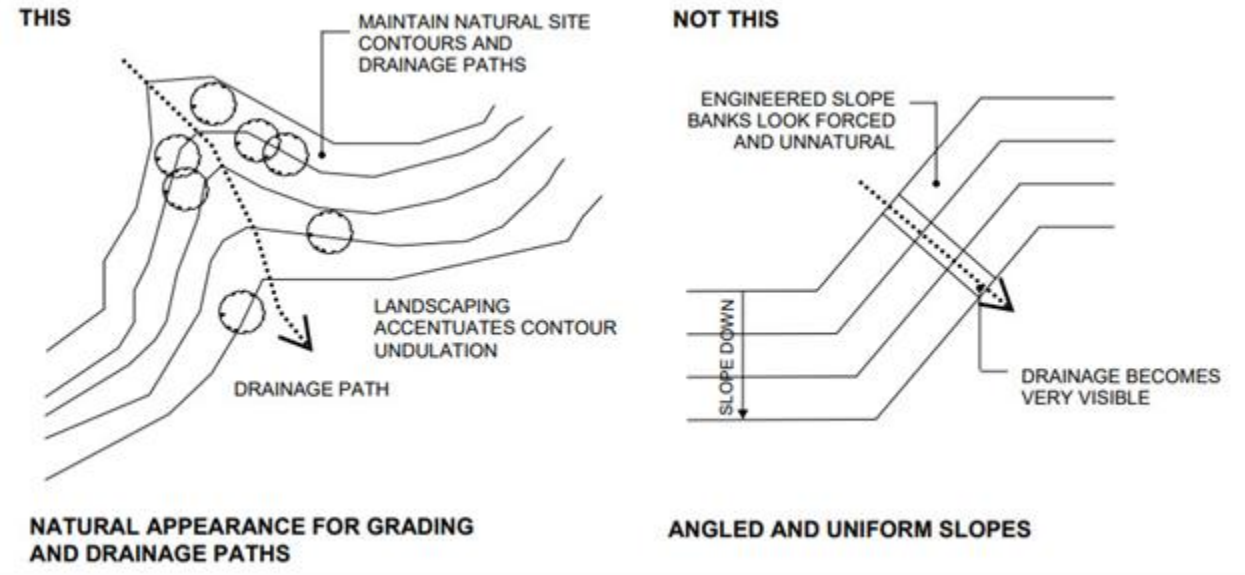
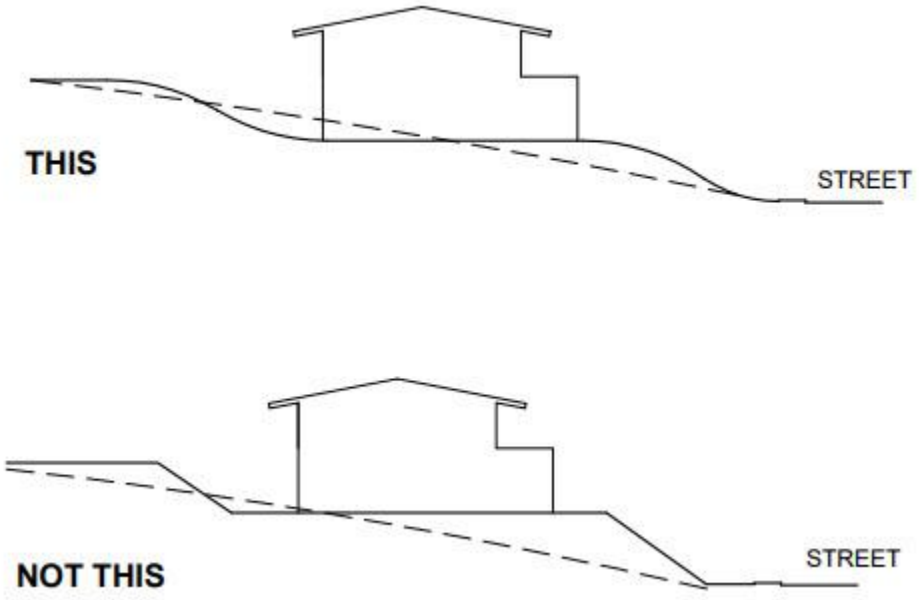


Figure 11.4.05-3: Manufactured Slope



d. *Road or driveway cut/fill.* For a driveway or roadway, the maximum total vertical height of any combination of finished cut and fill slopes from grade shall not exceed eight (8) feet unless approved at a Zoning Hearing Officer level (or higher) public hearing.

C. **Drainage.** Projects shall comply with the following requirements unless the Director determines alternative design is preferable.

1. **Debris collection.** Where applicable, lot designs and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements or other properties downslope, and with access to a street to provide for cleanup and removal. Debris basins, rip rap, and energy-dissipating devices shall be constructed and maintained where necessary to reduce erosion. Except for necessary flood control, significant natural drainage courses shall not be altered by grading activity. If a drainage crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems. Where brow ditches are required, they shall be naturalized with plants and native rock.

2. **Runoff and subsurface discharge.** Passage for bulked-flow and subsurface runoff shall be provided to a safe point of discharge, such as a street, channel, or debris basin, in a manner such that damage to improvements, slopes, or other properties will not result. Drainage channels shall be placed in inconspicuous locations, and shall receive a naturalizing treatment including native rock, colored concrete, and landscaping, so that the structure appears as an integral part of the environment. Natural stream gradients shall not be flattened.

3. **Overflow route.** An emergency overflow route for flood and debris flows which exceed the design capacity of planned drainage, flood control, and debris facilities and devices shall be provided. Overflow routes shall direct overflows away from slopes and improvements and toward safe points of discharge.

4. **Downdrains.** All required exposed downdrains shall follow an oblique, rather than vertical, path down the slope, and shall be screened to the maximum extent possible by color and/or appropriate vegetation.

§11.4.05.009 Siting.

A. **Minimum Setback Dimensions.**

1. Minimum dimensions shall conform to the standards for the underlying zone.

2. **Exception.** A front setback reduction for a one-story structure or the first story portion of a multi-story structure to no less than twenty (20) feet may be approved through a public hearing in accordance with the provisions of §11.4.05.004, if the additional findings in Subsection 11.4.05.013(E)(2)(f) can be made.

B. **Ridgeline Protection.**

1. **Sites and structures.** Proposed building sites and/or structures shall not detrimentally impact a primary ridgeline or knoll as identified on Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element of the City's General Plan. New development and/or grading on any parcel within one hundred (100) feet of an identified ridgeline shall be subject to Planning Commission approval.

2. **Fences and freestanding walls.** Fences and freestanding walls shall be located away from any ridgeline or crest of any slope so that such fences and walls are not visible against the sky from offsite.

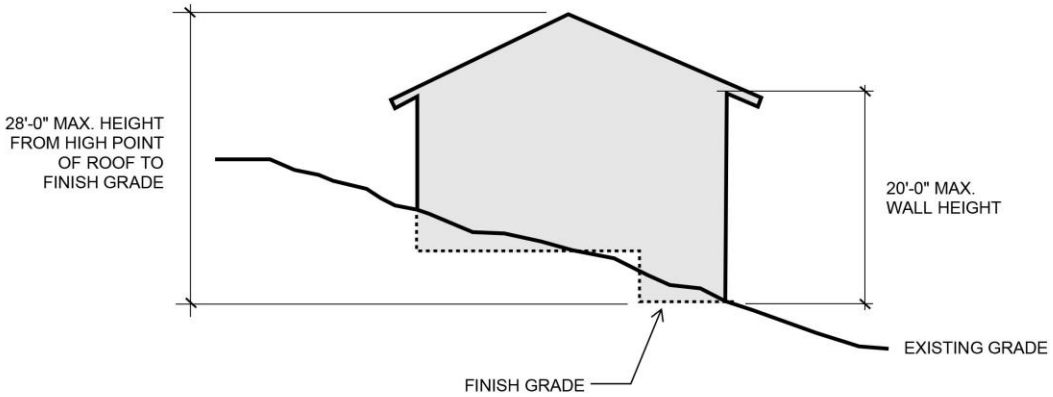
C. **Watercourse Protection.** Development in the vicinity of Blue Line Streams may be subject to Army Corps of Engineers and California Department of Fish and Wildlife approval prior to any issuance of grading or building permits.

§11.4.05.010 Building Dimensions.

A. **Height.**

1. **Maximum building height of primary structure.** Maximum allowed building height for the primary structure is twenty-eight (28) feet as measured from the lowest finish grade adjacent to the building or directly beneath a projecting wall surface, to the highest roof structure, as depicted in **Error! Reference source not found.**, aside from the following exceptions in Subsections (A)(1)(a) through (A)(7)(f) of this Section as measured from the same grade:

Figure 11.4.05-4: Hillside Building Heights



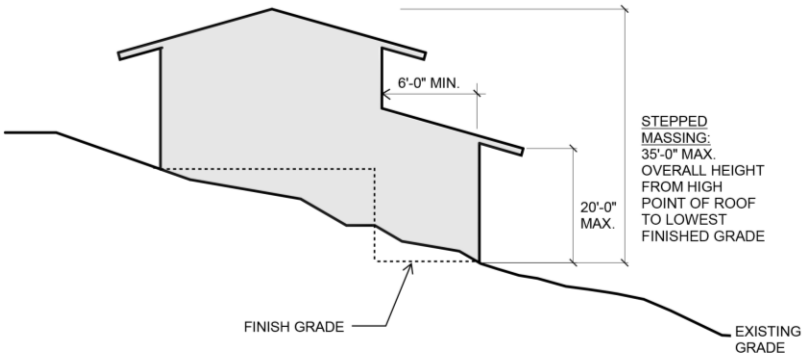
a. *Downslope wall height.* Maximum allowed height of the downslope wall, aside from architectural extensions per Subsection (A)(1)(c) of this Section, shall be twenty (20) feet as measured from the lowest finish grade adjacent to the wall or directly beneath its outermost projection, except that for any project on a lot or parcel with an average slope of less than forty (40) percent, an upper wall section set back six (6) feet or more from the building line established by the lower wall may be considered a separate wall.

b. *Upslope lot.* Building height shall not exceed fifteen (15) feet as measured from the lower of natural grade or finished grade at the front setback line of the lot, and shall not exceed the height of a plane extending from a height of fifteen (15) feet at the front setback line up and toward the rear of the lot at a forty-five (45) degree angle, as depicted in **Error! Reference source not found.**.

c. *Architectural extensions.* A maximum height of forty (40) feet for architectural extensions of up to twenty (20) feet in width or depth may be allowed, subject to approval through a Zoning Hearing Officer level (or higher) public hearing. Such extensions shall not be used for inhabited floor area above the highest story of the rest of the house.

d. *Stepped massing.* A maximum overall height of thirty-five (35) feet may be allowed, subject to approval through a Zoning Hearing Officer level (or higher) public hearing for buildings which, in stepping down the slope, diminish effectively viewed bulk, provided that at no point around the perimeter of the building is the twenty-eight (28) foot height limit exceeded except for architectural extensions per Subsection (A)(1)(c) of this Subsection, as depicted in **Error! Reference source not found.**). A building is considered to step down the slope if the line connecting its corresponding components is no steeper than the average of the natural slopes adjacent to the entire structure.

Figure 11.4.05-5: Hillside Building Heights-Stepped Massing



e. *Vertical additions.* Any vertical addition to any habitable structure shall be subject to approval through a Zoning Hearing Officer level (or higher) public hearing.

f. *Retaining or crib walls adjacent to buildings.* Any retaining or crib wall less than twenty (20) feet from a building wall may be considered a part of that building wall for the purposes of calculating building height.

2. **Maximum building height of accessory structure.** Maximum allowed building height of an accessory structure is fifteen (15) feet as measured from the lowest finish grade adjacent to the building or directly beneath a projecting wall surface, to the highest roof structure, as depicted in **Error! Reference source not found.**.

B. **Overall Horizontal Dimension Guideline.** Maximum horizontal dimension shall not exceed one hundred twenty (120) feet, unless the required findings in Subsection 11.4.05.013(E) can otherwise be made.

C. **Floor Area.** As average lot slope increases, underlying zoning limits on total floor area in relation to lot size shall be lowered per the Slope Factor identified in Table 11.7.01-1, unless the required findings per Subsection 11.4.05.013(E) can otherwise be made. In addition, for existing lots, allowable floor area shall be lowered per the Slope Factor as defined in Chapter 11.7.01 (Definitions), unless the required findings per Subsection 11.4.05.013(E) can otherwise be made.

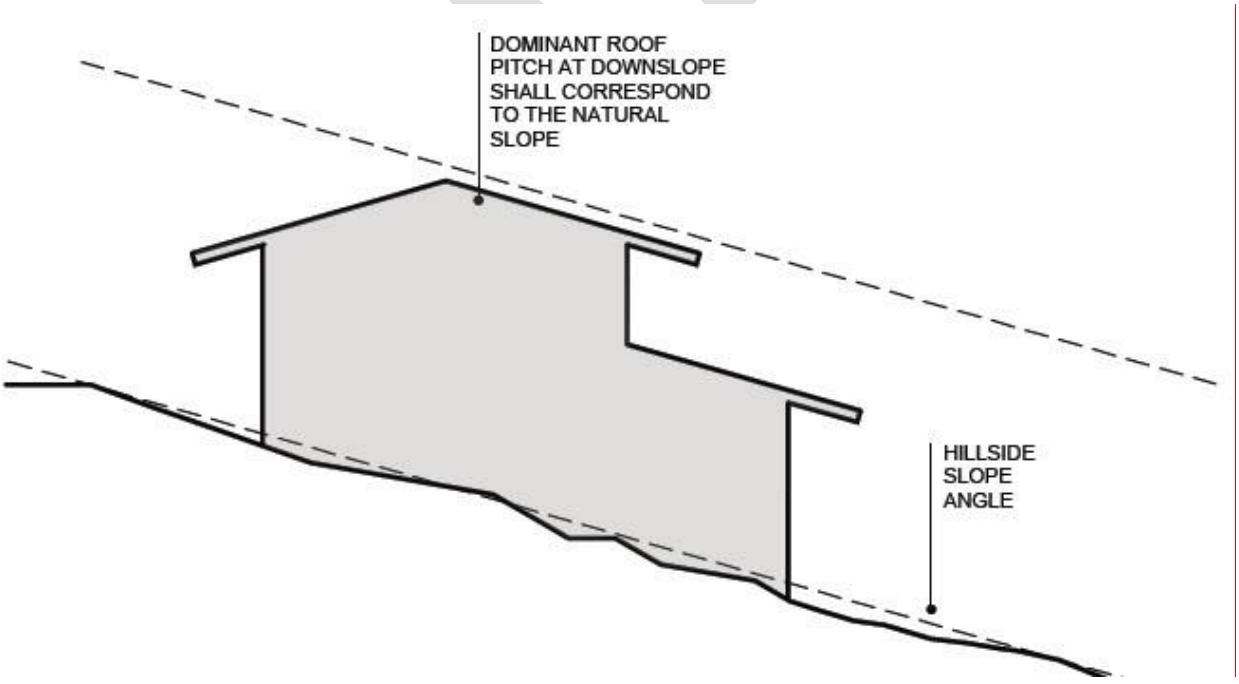
§11.4.05.011 Architectural Design.

The following standards and guidelines shall apply, unless it can be demonstrated that the project, though not complying, is consistent with the findings in Subsection 11.4.05.013(E).

A. **Standards.**

1. **Roof pitch.** The dominant roof pitch at the downslope side shall correspond to the natural slope of the site, as depicted in **Error! Reference source not found.**, and no more than twenty-five (25) percent of the total roof area should be flat.

Figure 11.4.05-6: Hillside Roof Pitch

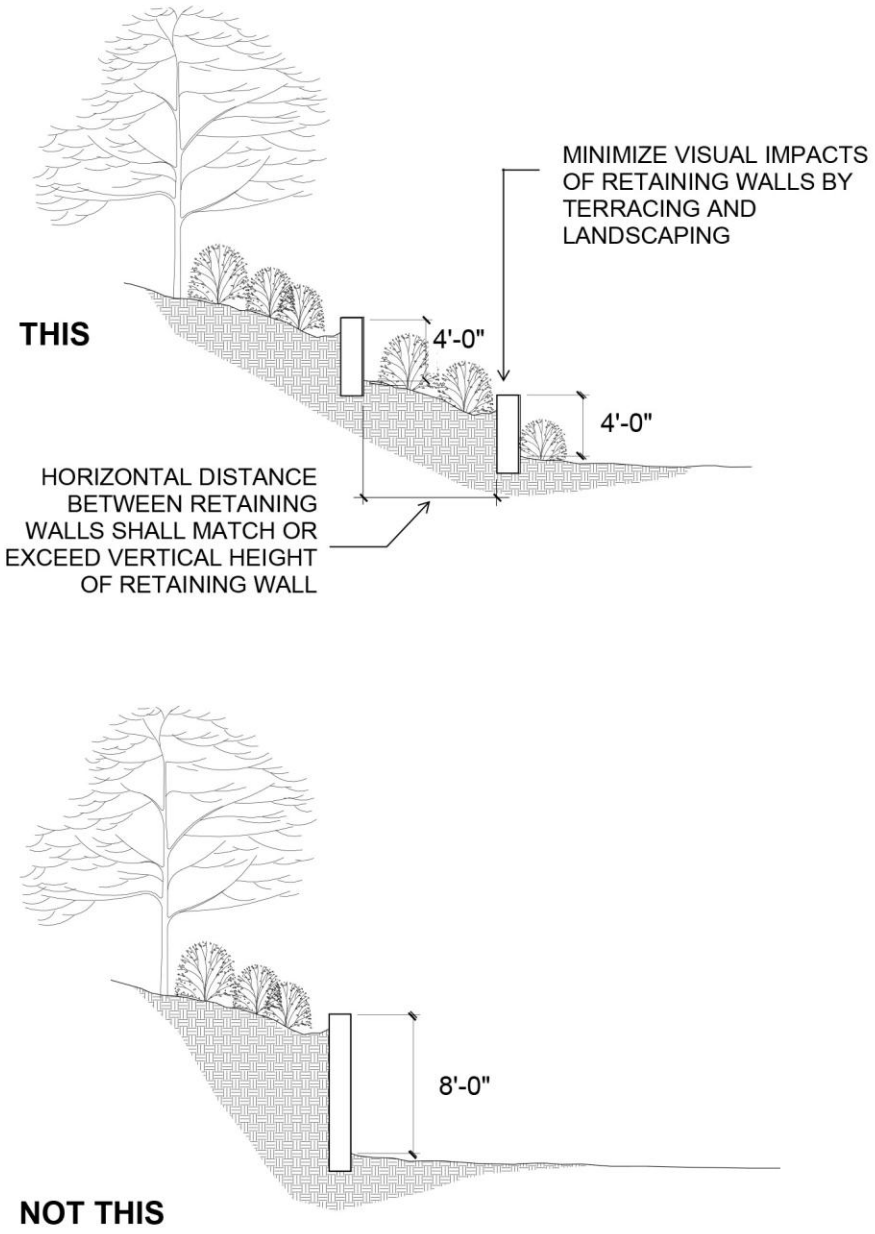


2. **Brightness.** Reflectance value (LRV) shall not exceed fifty (50) percent for walls or fences, or thirty (30) percent for roofs. An LRV over thirty (30) percent may be permitted based on the State Green Building Code cool roof requirements.

3. **Screening.**

a. *Retaining walls.* Any retaining wall over three (3) feet in height shall be screened from offsite view by a building or by landscaping. See **Error! Reference source not found.**).

Figure 11.4.05-7: Retaining Wall Screening



b. *Building screening.* Where building bulk as seen from downslope is a concern, effective mitigation through landscape screening shall be provided. Blockage by such landscaping of neighboring views over the site is discouraged.

4. **Plant characteristics.** The plant palette shall be consistent with the objectives of erosion control, overall drought tolerance, incorporation of native plants, and as otherwise required pursuant to Chapter 4.23 (Water Efficient Landscaping). Transitional plant character shall be provided in areas separating natural slope growth from planted and irrigated areas.

5. **Tree removal and replacement.** Any existing trees that are removed shall conform to the replacement requirements of Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property).

6. **Site lighting.** Site lighting shall be in accordance with Chapter 11.5.05 (Outdoor Lighting Standards).

B. **Guidelines.**

1. **Vertical accents.** Vertical accents are encouraged (see Building Height, Subsection 11.4.05.010(A)(1)), and shall be accompanied by a vertical break in wall surface.

2. **Symmetry.** Overall symmetry is strongly discouraged.

3. **Wall Modulation.**

a. *Separation between breaks.* A vertical break or breaks in each wall surface should be provided at least each forty (40) feet on the first story and each twenty (20) feet on the second story.

b. *Break dimensions.* The breaks in plane recommended in preceding Subsection (D)(1) of this Section shall consist of significant projecting or recessed areas.

4. **Surface Depth.** Creation and expression of surface depth, through the use of deeply recessed wall openings, reveals, moldings, cornices, and similar devices, is encouraged.

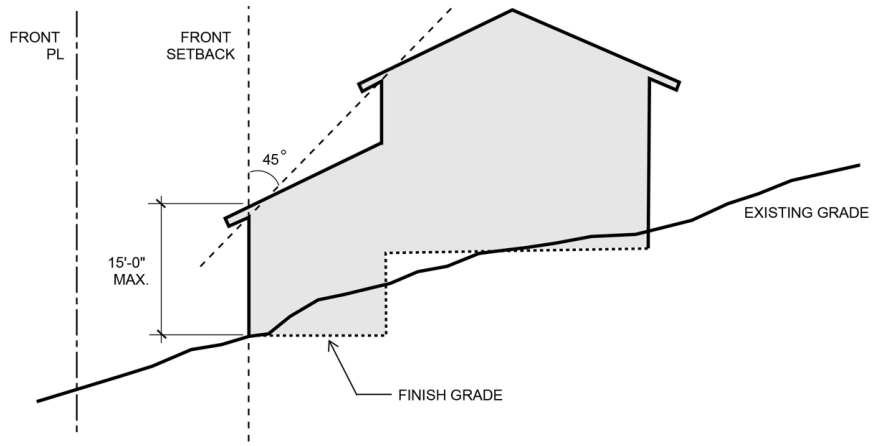
5. **Cantilevers.** Cantilevers and dominant overhangs, except for eaves, are discouraged.

6. **Reflectivity.** Reflective glass and glossy roofing materials are discouraged.

7. **Retaining Walls.** Retaining walls constructed of stone or natural materials architecturally consistent with the development may be permitted in lieu of or in combination with cut or fill slopes.

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Figure 11.4.05-8: Hillside Building Heights-Upslope Lot



§11.4.05.012 Story Pole and Site Marking Requirements.

Any development proposal for which a Hillside Development Permit is required pursuant to this Chapter shall provide a Site Marking Plan and install story poles in accordance with Chapter 11.5.09 (Story Pole and Site Marking Requirements).

A. Exception. No story poles are required for a development proposal for which a Hillside Development Permit is required pursuant to this Chapter in any of the following situations:

1. Grading,
2. Where the addition of retaining walls (conventional and cribwalls) or accessory structures (including pools and spas) is not readily visible from the public right-of-way or adjacent properties;
3. Additions (first or second story) over thirty-five (35) feet in height; or
4. Additions (first or second story) where, based on Director's review, it is determined that public health and safety issues prevent installation of story poles.

B. Requesting Director's Review for Exemption. In the event there are justifiable reasons why story poles cannot be accommodated for all structures proposed to be constructed on the project site, the applicant shall submit a letter to the Community Development Director no later than forty-five (45) days prior to the required installation date, clearly articulating the reasons why an exception to the Story Pole requirement is warranted.

1. Requests for an exception and alternative plan will only be considered if the applicant can clearly demonstrate and the Director agrees, that the installation of the story poles would: (1) cause a threat to public health and safety or (2) would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible.

2. Where the Director determines an exemption is necessary, 3D renderings or visual simulations may be required.

§11.4.05.013 Project Approval.

A. **Initiation.** A proposal for hillside development may be initiated by application for a Hillside Development Permit according to the provisions of Chapter 11.6.01 (Filing and Processing of Applications). A Zoning Hearing Officer Review also may be initiated by referral by the Director. A Planning Commission Review also may be initiated by referral by the Zoning Hearing Officer, or by appeal of a Zoning Hearing Officer review action by any party.

B. **Authority.**

1. **Hillside Development Permit—Director's Review.** Applications for a Director's Review of a Hillside Development Permit pursuant to §11.4.05.004 shall be reviewed and acted upon by the Director subject to Review Process A (Subsection 11.6.02.004(A)). Any project which exceeds the thresholds established by this Chapter or does not meet the standards of this Chapter may not be approved, unless a Zoning Hearing Officer hearing or Planning Commission public hearing is held, in accordance with procedures contained herein.

2. **Hillside Development Permit—Zoning Hearing Officer Review.** Applications for a Zoning Hearing Officer Review of a Hillside Development Permit pursuant to §11.4.05.004 shall be acted upon by the Zoning Hearing Officer. A public hearing shall be required subject to Review Process C (Subsection 11.6.02.004(C)). The Zoning Hearing Officer may approve, approve with conditions, disapprove, or forward to the Planning Commission, with or without recommendation, any application subject to Zoning Hearing Officer review.

3. **Hillside Development Permit—Planning Commission Review.** Projects exceeding the threshold for the Zoning Hearing Officer Review as established in §11.4.05.004, single lot development projects referred from the Zoning Hearing Officer to the Planning Commission, and all applications for multiple lot development projects, as defined in this Section, shall be subject to review and action by the Planning Commission. A public hearing shall be required pursuant to Review Process D-2 (Subsection 11.6.02.004(D)(2)). For the purposes of this Section, a multiple lot development project shall be considered to be any development of two (2) or more contiguous lots or parcels of land.

C. **Notification.**

1. Notice of Director's Review shall be pursuant to §11.2.02.003.

2. Notice of a public hearing required for Zoning Hearing Officer Review or Planning Commission Review shall be as provided for in §11.2.02.003.

D. **Conditions of Approval.** At any level of review, conditions may be imposed as a part of any approval such as are deemed necessary to fulfill the purposes of the Zoning Code and may include reasonable guarantees and evidence that such conditions are being, or will be, complied with.

E. **Required Findings.** The designated decision-making authority may approve an application following a determination that all of the following findings can be met:

1. **Director.**

a. The project will conform to the goals, policies, and objectives set forth in the General Plan.

b. All applicable provisions of this Chapter are met by the project.

2. **Zoning Hearing Officer or Planning Commission.**

a. The project will conform to the goals, policies, and objectives set forth in the General Plan.

b. The project, through elements of architectural and landscape design, will uphold the policies of this Chapter, and will be harmonious with the better aspects of the built and natural setting.

c. The project will not create a nuisance, hazard, or enforcement problem or require the City to provide an unusual or disproportionate level of public services.

d. There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of the Slope Factor Guidelines (Table 11.7.01-1) or the Guidelines provided in Subsection 11.4.05.011(B).

e. For any project on a lot or parcel with an average slope of 40% (forty percent) or greater:

i. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far,

ii. The privacy of the residents of other properties will not be unreasonably impacted.

f. Additional findings for Subsection 11.4.05.009(A):

i. The project minimizes grading, building visibility, and/or paving,

ii. The project achieves compatibility with the neighborhood setting.

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Chapter 11.4.06 Low-Barrier Navigation Center

§11.4.06.001 Purpose.

Through the passage of AB 101, state law requires the City to permit low barrier navigation centers, which facilitate interim housing sites that transition those experiencing homelessness into permanent housing, until January 1, 2027, unless extended. This Chapter establishes development standards for the development and operation of low barrier navigation center uses to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code §65660.

§11.4.06.002 Location.

A low barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if it meets the requirements in §11.4.06.003.

§11.4.06.003 Requirements for Low-Barrier Navigation Centers.

A. A Low Barrier Navigation Center development shall be permitted by right if it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing;
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to §576.400(d) or §578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals;
3. It complies with Chapter 6.5 (commencing with §8255) of Division 8 of the Welfare and Institutions Code; and
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by §578.3 of Title 24 of the Code of Federal Regulations.

B. **Standards for Low Barrier Navigation Centers.**

1. Low Barrier Navigation Centers shall include no more than forty (40) beds, which may be located in shared or private rooms.
2. Exterior lighting shall be provided for pedestrian pathways and parking areas that serve low barrier navigation centers. Lighting shall be adequate for security and designed to prevent spillover on adjacent properties.

3. Operators shall ensure that the exterior of navigation centers, including signs and accessory structures, are properly maintained. The site shall be kept free of litter and graffiti at all times. Graffiti shall be removed within forty-eight (48) hours of discovery.

4. Low barrier navigation centers shall have at least one (1) staff member present on site at all times. Operators shall provide the City with a management plan that addresses management experience, client supervision, client services, standards to govern expulsions, good neighbor issues, transportation, and services provided. The management plan shall also include a floor plan that demonstrates compliance with all physical standards of this chapter, as well as contact information for the shelter operator. Management plans shall be submitted to and approved by the Director prior to the start of operations.

5. Living, dining, kitchen, bathroom, and service areas within low barrier navigation centers shall be physically separated from sleeping areas.

6. Sleeping areas within low barrier navigation centers shall be at least (thirty-five) 35 square feet per bed. When beds are located within shared rooms, partitions shall be provided between beds.

7. Amenities provided in low barrier navigation centers shall include private bathroom facilities, secure areas for personal property, computer and telephone services designated for client use, and laundry facilities.

8. Pets shall be allowed in designated areas of low barrier navigation centers.

9. Operator contact information shall be posted at the low barrier navigation center entrance.

C. An application for a low barrier navigation center shall be submitted with the Director on a form provided by the Director. When an application for the development of a Low Barrier Navigation Center is submitted, the Director shall notify the developer whether the application is complete within thirty (30) days.

D. Within sixty (60) days of receipt of a complete application for development of a low barrier navigation center, the Director shall act upon the application.

E. This Section shall be in effect until January 1, 2027, and shall be repealed on that date unless extended under state law.

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Chapter 11.4.07 Senior Citizen Multifamily Residential

§11.4.07.001 Purpose.

This Chapter provides standards and guidelines in support of Goal 6 of the Land Use Element to provide a mix of residential types to satisfy a variety of senior housing needs, and to ensure that multifamily housing that is designed for senior citizens facilitates their ability to live independently and provides enhanced safety and convenience features.

§11.4.07.002 Applicability.

This Chapter applies to senior citizen multifamily housing development in the R-3, RPD, and MU zones of this Zoning Ordinance, and in the Residential, Mixed Use 1, and Mixed Use 2 districts of the Downtown Village Specific Plan except as otherwise provided for in this Chapter. If any portion of a residential development or a portion of the residential part of a mixed-use development is limited to senior citizens, the provisions of this Section may apply, provided that all of the criteria provided in §11.4.07.003 through §11.4.07.004 of this Chapter are met.

§11.4.07.003 Standards.

The development standards of the base zone shall apply, except as provided below.

A. **Density.** Any site should be developed with a minimum of twenty (20) dwelling units per acre and shall be developed with a maximum of thirty (30) dwelling units per acre, except as provided in Chapter 11.4.03 (Affordable Housing Density Bonus). This Subsection shall not apply senior citizen multifamily housing in the Downtown Village Specific Plan.

B. **Standards for Individual Units.** All senior citizen multifamily residential units shall be designed to reflect the safety and convenience needs of senior residents. Specific design features shall include:

1. **Kitchens.** Each unit shall contain a kitchen that includes at least two (2) burners, one (1) oven, one (1) refrigerator/freezer, one (1) sink with hot and cold running water, counter space, and storage.
2. **Drawers and shelves.** All drawers and shelves shall be on gliders or rotating to assist in reaching;
3. **Door handles.** All door handles shall be of a lever design instead of knobs for easier grip;
4. **Security.** All units shall have the following:
    a. A front door peep hole,
    b. A dead bolt lock on all exterior doors,
    c. A mechanism that will activate an emergency signal at a designated central location.

C. **Convenience Features Required.** Senior citizen multifamily residential projects shall be designed in a manner that offers convenience to their residents. Convenience features that shall be provided for all multifamily senior housing projects include:

1. **Common recreation room.** Every senior citizen multifamily residential development shall contain at least one (1) common recreation room for use by all project residents. Spaces shall be provided for both active and passive activities. The total usable area shall not be less than one hundred fifty (150) square feet.

2. **Open space.** A minimum of fifty (50) square feet of open space per unit shall be provided. The open space may be provided as private open space directly adjacent to the dwelling unit, as common open space within a unified project for the use by all residents within a project or designated portion of a project; or some combination. The minimum horizontal dimension of private open space shall not be less than five (5) feet. The minimum horizontal dimension of patios, decks, courtyard areas, and other common open space shall not be less than ten (10) feet. Common open space shall be designed for active and passive recreational uses and be of a type and intensity compatible with the residents' lifestyle and health.

3. **Elevators.** All buildings housing senior citizen multifamily residential units that are over one (1) story in height shall be served by at least one (1) elevator. At least one (1) elevator shall be capable of handling a two thousand five hundred (2,500) pound load suitable for handling ambulance stretchers.

4. **Laundry facilities.** Accessible self-service laundry facilities shall be required unless each dwelling unit is provided with its own laundry facilities, including a washer and dryer. If the multifamily senior housing development is a condominium, only the laundry hook-ups in individual units shall be required.

5. **Accessibility.**

   a. All internal site sidewalks shall be a minimum width of five (5) feet unless adjacent to parking spaces, in which case they shall be a minimum width of seven (7) feet.

   b. All internal site sidewalks shall be lightly textured (non-slip) concrete surfaces, such as light-broom finished concrete.

   c. Ramps shall be provided between every change of elevation intended to be used by pedestrians or persons in wheelchairs except for any change in elevation between stories that is served by an elevator.

   d. All common areas shall be wheelchair accessible.

   e. All senior citizen multifamily residential projects shall provide for units that are handicapped accessible as specified in Title 24, §1214 of the California Code of Regulations.

D. **Ancillary Non-Residential Facilities.** Senior citizen multifamily residential developments may provide one (1) or more of the following non-residential facilities without a requirement for additional parking, provided that the facilities shall only be for the exclusive use of the residents.

1. Beauty and barber shop;

2. Central cooking and dining rooms (may also be used by guests of the residents);

3. Small scale drug store/pharmacy;

4. A use determined by the Director to be similar in nature.

E. **Objective Design Standards.** Senior citizen multifamily residential developments shall comply with the Objective Design Standards in Chapter 11.5.13.

§11.4.07.004 Covenant Required.

A. The property owner shall enter into a covenant, running with the land, requiring that the senior citizen multifamily housing (or portion thereof, in a mixed-use development) shall be maintained pursuant to the following conditions:

1. That at least one (1) person in residence in each dwelling unit be required to be a senior citizen and that each other resident in the same dwelling unit shall be a qualified permanent resident pursuant to California Civil Code §51.3.

2. That a person hired for compensation to provide live-in, long-term, or terminal health care to a senior citizen may occupy the dwelling unit for such period of time the person is providing the service.

3. That upon death, dissolution of marriage, or upon hospitalization or other prolonged absence of the senior citizen, any qualified permanent resident shall be entitled to continue occupancy of the dwelling unit with the full rights of the senior citizen.

4. That temporary residency shall be permitted by a person of less than fifty-five (55) years of age for periods of time, not less than sixty (60) days in any year, as specified in the covenant.

B. The covenant shall be submitted to the City for review and approval by the City Attorney and recorded in the Office of the County Recorder prior to issuance of building permits for the senior citizen housing development.

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Chapter 11.4.08 Single Room Occupancy Facilities

§11.4.08.001 Purpose.

The purpose of this Chapter is to provide for the development of single room occupancy (SRO) facilities within the city to serve the housing needs of lower-income residents, and to regulate the development and operation of SRO facilities within the city.

§11.4.08.002 Standards.

A. **Unit Size.** The minimum size of a single-occupancy SRO unit shall be two hundred (200) square feet. The minimum size of a double-occupancy SRO unit shall be three hundred fifty (350) square feet.

B. **Occupancy.** An SRO unit shall accommodate a maximum of two (2) persons. Double occupancy units shall make up no more than ten (10) percent of an SRO facility.

C. **Common Area.** SRO facilities shall provide a minimum of ten (10) square feet of interior common area for each unit within the SRO facility, or two hundred (200) square feet total, whichever is greater. Common areas shall not include: (a) janitorial storage; (b) laundry facilities; (c) shared kitchen facilities; or (d) common hallways.

§11.4.08.003 Design and Amenities.

A. **Kitchens.** Each SRO unit shall have a kitchen sink with hot and cold water, a garbage disposal, a countertop measuring a minimum of eighteen (18) inches wide by twenty-four (24) inches deep, a refrigerator, a stove/oven unit and/or microwave. If the SRO unit does not have a stove/oven unit then at least one (1) stove/oven unit shall be provided on each story of the structure in a common kitchen available for residents.

B. **Bathrooms.** Each SRO unit shall include a bathroom containing a sink, toilet, and shower or bathtub. If the unit is double occupancy, the bathroom shall be in a separate enclosed compartment within the unit with an interior lockable door. This compartment shall be a minimum of fifteen (15) square feet.

C. **Closets.** Each SRO unit shall have a separate closet located within the unit.

D. **Laundry Facilities.** SRO facilities shall provide laundry facilities in a separate room at the ratio of one (1) washer and (1) dryer for every ten (10) SRO units, with at least one (1) washer and (1) dryer per story.

E. **Cleaning Supply Room.** SRO facilities shall provide a cleaning supply room or utility closet on each story, including a wash tub with hot and cold running water.

§11.4.08.004 Management.

A. A management plan shall be submitted to the Director for review and approval with the Conditional Use Permit application. Approval or denial shall be at the discretion of the Director.

B. The management plan shall contain management policies and operations, rental procedures and rates, tenant screening procedures, procedures for handling tenant grievances, maintenance plans, residency and guest rules and procedures, security procedures, and staffing expectations.

C. An SRO manager shall be on-site at all times.

D. The SRO owner shall file an annual report with the Director that includes the range of monthly rents charged, occupancy rates, and the number of vehicles owned by residents parked at the site.

E. SRO units shall be rented for a minimum of one (1) month. Rental terms shall not exceed six (6) months per term.

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Chapter 11.4.09 Supportive Housing

§11.4.09.001 Purpose.

This Chapter regulates the development and operation of supportive housing uses. State law requires the City to permit supportive housing as a residential use for a target population, subject to those restrictions that apply to comparable residential uses in the same zone.

§11.4.09.002 Definitions.

As used in this Section:

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV, AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with §4500) of the Welfare and Institutions Code) and may include, among other populations, 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.

§11.4.09.003 Development Standards.

A. Supportive housing uses shall be subject to the same permit requirements and development standards that apply to comparable residential uses in the same zone, except as otherwise provided for in Table 11.5-04-1 (Required Minimum Off-Street Vehicle Parking Spaces)

B. No off-street parking spaces for units occupied by supportive housing residents shall be required for supportive housing located within one-half mile of a public transit stop.

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Chapter 11.4.10 Transitional Housing

§11.4.10.001 Purpose.

This Chapter regulates the development and operation of transitional housing uses, which facilitate the transition of homeless individuals and families from temporary to permanent housing. State law requires the City to permit transitional housing as a residential use subject only to those restrictions that apply to comparable residential uses in the same zone.

§11.4.10.002 Location.

Transitional housing units shall be subject to the same permit requirements and development standards that apply to comparable residential uses in the same zone.

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Chapter 11.4.11 Community Gardens

§11.4.11.001 Purpose.

This Chapter provides regulations for operation and maintenance of community gardens.

§11.4.11.002 Standards.

Notwithstanding any other provisions of this Zoning Code, community gardens shall comply with all of the following standards:

A. **Limitations.** Community gardens are limited to the cultivation, growing, production, and harvesting of fruits, vegetables, plants, flowers, and/or herbs, tillage of soil, and composting as provided for in Subsection (E) of this Section.

B. **Hours of Operation.** The hours of operation for community gardens shall be from sunrise to sunset.

C. **Prohibited.** The following are not allowed at community gardens:

1. Beehives and keeping;
2. Livestock, farm fowl, and animal-keeping;
3. Plants prohibited by State and/or federal law;
4. Cultivation of marijuana;
5. Fertilizing with fresh manure;
6. Use of herbicides and weed killers;
7. Use of insecticides made from synthetic chemical materials;
8. Smoking;
9. On-site sales, including sales of items grown or harvested in the community garden.

D. **Structures.** Storage structures for tools and gardening materials shall be considered accessory structures. Structures shall comply with the requirements for accessory structures for the zone within which the community garden is located.

E. **Composting.**

1. Compost at community gardens shall be covered and/or kept in containers located as close to the middle of the property as possible. In no case shall composting bins be located within any required setback.
2. Compost materials shall include only materials generated on site or provided by active members of the community garden.
3. Composting activities shall:
   a. Not create a nuisance (odor, litter, dust, noise, or attract vectors or pests);
   b. Provide vector and pest control;
   c. Provide surface water control to prevent composting material from ponding.

F. **Trash and Recycling.**

1. Trash and recycling containers shall be screened from view or stored in a neat and orderly manner at a location at least twenty (20) feet from the front property line, and in no case shall be located within a required front setback.

2. Community gardens shall establish and maintain trash collection service from a City-approved solid waste contractor.

G. **Signs.**

1. A sign shall be displayed at the garden entrance that provides the name and phone number of a person responsible for maintaining the garden and responding to complaints.

2. A sign identifying the site as a community garden is permitted in accordance with Chapter 11.5.08 (Sign Regulations).

H. **Water.**

1. Gardeners shall follow best practices for water-efficient cultivation, which may include, but are not limited to:

   a. Equipping hoses with water nozzles;

   b. Applying mulch to exposed soil;

   c. Amending soils with water-retaining matter.

2. The community garden shall be designed and maintained so that water will not drain onto adjacent property or to the public right-of-way.

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Chapter 11.4.12 Alcoholic Beverage Sales

§11.4.12.001 Purpose.

This Chapter provides regulations which are intended to mitigate potential adverse land use impacts on the peace, health, safety, and welfare of residents in nearby areas, which may arise from the undue proliferation and/or inappropriate location of establishments selling alcoholic beverages.

§11.4.12.002 Standards—On-Sale and Off-Sale Alcoholic Beverage Sales.

A. **Prohibition of Sales.** Convenience stores shall be prohibited from the "off sale" sales of alcoholic beverages.

B. **Sales Activities.** Alcoholic beverages shall not be sold, served, or given away:

1. Outside of the exterior walls of the business, except for approved outdoor dining areas of eating and drinking establishment and craft breweries, wineries, or distilleries;

2. From walk-up service windows.

C. **Litter and Graffiti.** The owner/operator shall:

1. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;

2. Provide for daily removal of trash, from the premises and abutting sidewalks or alleys within twenty (20) feet of the premises; and

3. Remove graffiti within forty-eight (48) hours of written notice from the City.

D. **Security.** The decision-making authority may require the establishment to provide security personnel, security programs, and/or surveillance devices.

E. **Conditions.** In addition to the conditions provided for in §11.6.06, the following condition shall be required for approval of a Conditional Use Permit pursuant to this Chapter:

1. The owner/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post a notice that these are available for review on the premises. The posted notice shall be signed by the permittee.

F. **Signs.** Signs shall comply with Chapter 11.5.08 (Sign Regulations). In addition, the following standards shall apply:

1. Window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.

2. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the California Department of Beverage Control (ABC).

G. **Site and Floor Plans.** The site and floor plans of any establishment that sells, serves, or gives away alcohol shall incorporate design features to reduce alcohol-related problems. The decision-making authority may require the incorporation of preventive design features (e.g., openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public rights-of-way and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior) and other safety features (e.g., security, restrooms, additional exits, etc.).

H. **Bars, Nightclubs, and Lounges.** Bars, nightclubs, and lounges shall comply with the standards in Subsections (A) through (H) of this Section. In addition, the structure in which the bar, nightclub, or lounge is located shall be adequately soundproofed so that interior noise is not audible beyond the lot line with the doors and windows closed.

§11.4.12.003 Standards—Alcoholic Beverage Sales—Off-Sale Establishments (Liquor Stores).

In addition to the standards in §11.4.12.002, the following standards shall apply to Off-Sale Alcoholic Beverage Sales—Off-Sale (Liquor Store) establishments that are not defined as Off-Sale Alcoholic Beverage Sales, Accessory:

A. **Location.** Any proposed liquor store shall comply with the following location standards:

1. **Minimum distance from a residential zone (R-1 and R-3) boundary:** Five hundred (500) feet, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zone boundary;

2. **Minimum distance from other alcoholic beverage sales—off-sale establishments:** One thousand (1,000) feet, as measured from any point upon the outside walls of the building or building lease space containing the alcoholic beverage sales—off-sale establishment to the nearest point of the outside walls of the building or building lease space containing other such establishments;

3. **Minimum distance from a public or private school, library, religious or cultural institution, and public park:** Five hundred (500) feet as measured from any point upon the outside walls of the building or building lease space containing the alcoholic beverage sales—off-sale establishment to the nearest property line of the public or private school, library, religious or cultural institution, and public park.

4. **Visibility:** The alcoholic beverage sales—off-sale establishment shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety purposes.

B. **Packaging.** Wine, beer, and other distilled spirit shall be sold in the factory manufactured packages for retail sales. Factory multiple-packed bottles or cans shall not be unpackaged to be sold individually. This restriction is not intended to prohibit the sale of beverages in a single container packaged by the manufacturer for individual sale.

§11.4.12.004 Findings.

A. **Standard Findings.** Prior to approval of a new or amended use permit for an alcohol beverage sales establishment, the decision-making authority shall find that the use is consistent with the purpose and intent of this Chapter. This finding shall be in addition to the findings required by Chapter 11.6.06 (Use Permits). In making the required finding of this Subsection, the decision-making authority also shall consider the following:

1. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.
2. The distance of the proposed use from the following:
    a. Residential uses;
    b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and
    c. Other establishments dispensing alcoholic beverages.
3. Whether the noise levels generated by the operation of the establishment would exceed the level of background noise normally found in the area or would otherwise be intrusive.
4. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

B. **Public Convenience or Necessity (PNC) Finding.** The ABC has established a process that allows local jurisdictions to support or reject an application for off-sale and on-sale alcoholic beverage licenses in census tracts with an "undue concentration" of ABC licenses, where "undue concentration" is defined by the ABC pursuant to §23958.4 of the Business and Professions Code of the State, as may be amended from time to time. As provided for in §23958.4, the governing body of a local jurisdiction has the authority to determine PNC findings within ninety (90) days of notification by the ABC.

1. If notified by the ABC that a PNC finding is required, the decision-making authority shall support or reject an application for off-sale and on-sale alcoholic beverage license by making the finding that public convenience or necessity would be served by the issuance of the ABC license because the applicant has demonstrated that the benefit to the City outweighs potential risks. This finding shall be in addition to the findings required by Chapter 11.6.06 (Use Permits) and Subsection (A) of §11.4.12.004 (Findings).
2. It is the responsibility of the applicant to justify the PNC finding for alcohol sales to the satisfaction of the decision-making authority. The applicant shall provide justification for public convenience or necessity by completing and submitting a PNC justification in a form as provided by the Director.

§11.4.12.005 Revocation.

The decision-making authority may revoke a permit for an alcohol sales establishment, upon making one (1) or more of the following findings in addition to the findings required in Chapter 11.2.04 (Enforcement):

A. The establishment is being operated in an illegal manner or in a manner that violates the public peace, pursuant to Title 5 (Public Peace).

B. Noise from the establishment violates Chapter 5.02 (Regulation of Community Noise) of Title 5 (Public Peace).

C. The establishment fails to fully comply with the rules, regulations, and orders of the California Department of Alcoholic Beverage Control (ABC), including a violation of, or failure to maintain, a valid ABC license.

§11.4.12.006 Expiration.

A permit for an alcohol beverage sales establishment shall expire if the use is discontinued for ninety (90) consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.

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Chapter 11.4.13 Commercial Marijuana Activities Prohibited

§11.4.13.001 Purpose and Intent.

A. In order to preserve the public health, safety, and welfare of the residents and businesses of the City, all marijuana-related businesses, activities and uses are prohibited, unless local control is otherwise preempted by State law, and except as provided for by Chapter 11.4.36 (Personal Indoor Cultivation of Marijuana).

B. This Chapter is not intended to interfere with a patient's right to medical marijuana as provided for in §11362.5 of the Health & Safety Code.

C. The City affirms that Title 11 ("Zoning") of the La Cañada Flintridge Municipal Code is structured as a permissive Zoning Code, wherein any use not enumerated as allowed is prohibited, and the express prohibitions on commercial marijuana activities imposed by this Chapter 11.4.13 are enacted to fully comply with requirements of state law when a city desires to prohibit commercial marijuana activities.

§11.4.13.002 Definitions.

The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:

"Cannabis" has the same definition as "marijuana" provided in this Chapter.

"Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of marijuana and marijuana products; except, as applicable, as set forth in Chapter 11.4.36 (Personal Indoor Marijuana Cultivation) of this Zoning Code.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

"Delivery" means the commercial transfer of marijuana or marijuana products to a customer, and includes the use of any technology platform owned and controlled by the same person making such use.

"Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities licensed for and/or engaged in commercial marijuana activities.

"Distributor" means a person engaged in distribution.

"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

"Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or relabels its container.

"Marijuana" has the same definition as provided in §26001 of the Business & Professions Code for the term "cannabis," and as may be amended, defined as "all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from cannabis. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."

"Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated marijuana, or an edible or topical product containing marijuana or concentrated marijuana and other ingredients.

"Medical marijuana" or "medical marijuana product" means marijuana or a marijuana product used for medical purposes in accordance with state law, including the Compassionate Use Act (Health and Safety Code §11362.5) and the Medical Marijuana Program Act (Health and Safety Code §11362.7, *et seq.*).

"Microbusiness" shall have the same definition as provided for in §26070 of the Business and Professions Code, and as may be amended from time to time.

"Nursery" means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.

"Person" means any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

"Retailer" shall mean a person engaged in the retail sale and delivery of marijuana or marijuana products to customers.

"Testing laboratory" means a laboratory, facility, or entity that offers or performs tests on marijuana or marijuana products.

§11.4.13.003 Prohibition of Commercial Marijuana Activities.

A. All commercial marijuana activities, whether medical or recreational (adult use) and including non-profit operations, are expressly prohibited in all zones (except for as preempted by state law). No person shall establish, operate, conduct, or allow commercial marijuana activities anywhere within the city except for as preempted by State law.

B. The City shall not issue any permit, license, or entitlement for any commercial marijuana activity (except for as preempted by state law), including, but not limited to, any activity covered by the state license classifications listed below as provided for in §26050 of the Business & Professions Code:

   1. Type 1 = Cultivation; Specialty outdoor; Small.
   2. Type 1A = Cultivation; Specialty indoor; Small.
   3. Type 1B = Cultivation; Specialty mixed-light; Small.
   4. Type 1C = Cultivation; Specialty cottage; Small.

5. Type 2 = Cultivation; Outdoor; Small.
6. Type 2A = Cultivation; Indoor; Small.
7. Type 2B = Cultivation; Mixed-light; Small.
8. Type 3 = Cultivation; Outdoor; Medium.
9. Type 3A = Cultivation; Indoor; Medium.
10. Type 3B = Cultivation; Mixed-light; Medium.
11. Type 4 = Cultivation; Nursery.
12. Type 5 = Cultivation; Outdoor; Large.
13. Type 5A= Cultivation; Indoor; Large.
14. Type 5B = Cultivation; Mixed-light; Large.
15. Type 6 = Manufacturer 1.
16. Type 7 = Manufacturer 2.
17. Type 8 = Testing laboratory.
18. Type 10 = Retailer.
19. Type 11 = Distributer.
20. Type 12 = Microbusiness.

C. This prohibition includes any activities authorized under new or revised State licenses, or any other State authorization, to allow any type, category or classification of medical or recreational (adult use) marijuana commercial activities, or similar operations, including non-profit, collective or cooperative operations.

D. The prohibition provided by this Section includes medical marijuana collectives and cooperatives that operate pursuant to §11362.775 of the Health & Safety Code, the Compassionate Use Act, or otherwise.

§11.4.13.004 Violations and Penalties; Public Nuisance.

A. At the discretion of the City Prosecutor, any violation of this Chapter is punishable as an infraction pursuant to Subsection 1.04.010(B) of the LCFMC, or punishable as a misdemeanor pursuant to Subsection 1.04.010(A) of the LCFMC, except for as preempted by state law.

B. **Public Nuisance Abatement.**

1. Any commercial marijuana activity that is conducted in violation of any provisions of this Chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 4.33 (Property Maintenance Requirements) of the LCFMC as reasonably applied to enforcement of this Chapter.

2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the property owner where the nuisance is occurring.

3. Any appeal to a determination that commercial marijuana activity constitutes a public nuisance shall be pursuant to the appeal provisions in Chapter 4.33 (Property Maintenance Requirements) of the LCFMC.

C. The remedies described in this Section are not mutually exclusive. Pursuit of any one remedy shall not preclude the City from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity."

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Chapter 11.4.14 Drive-Through Facilities

§11.4.14.001 Purpose.

This Chapter establishes standards and regulations for the establishment of drive-through facilities, as defined in Part 8 (Definitions), for the purpose of mitigating potential adverse effects on the subject property, adjacent properties, and the city's public streets that could occur as a result of circulation, queuing, and noise issues that can be associated with drive drive-through facilities.

§11.4.14.002 Applicability.

This chapter shall apply to a drive-through facility whether it is the primary or accessory use on the property.

§11.4.14.003 Drive-Through Facilities—Traffic Queueing Analysis Required.

Drive-Through facilities, as defined in Chapter 11.7 "Definitions", shall be subject to an applicant-prepared queueing impact analysis. The queueing impact analysis shall be reviewed by the City Traffic Engineer prior to Planning Commission review. The comments from the City Traffic Engineer shall be forwarded to the Planning Commission for their consideration.

§11.4.14.004 Drive-Through Facilities – Parking and Access

The provision of drive-through service facilities shall not reduce the number of required off-street parking spaces unless otherwise approved pursuant to other provisions in this Code.

§11.4.14.005 Drive-Through Facilities—Development Standards.

Any facility with an aisle, lane, or route to which vehicles are directed expressly for the purpose of receiving goods or services, without the customer leaving the vehicle, shall comply with the following standards:

A. **Entries and/or Exits.** Entries and/or exits to drive-through facilities shall be a minimum of fifty (50) feet from any intersection right-of-way, or from another drive-through facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the Public Works Director determines that public health, safety and/or welfare will not be adversely impacted.

B. **Stacking Aisles.** Businesses that provide drive-through facilities are required to provide stacking aisles, which are spaces for vehicles waiting in the drive-through line. Stacking aisles shall meet the following requirements:

   1. Each stacking aisle shall be a separate aisle from the circulation routes and aisles necessary for ingress to, or egress from, the property or access to any off-street parking spaces. Each such aisle shall be striped, marked, or otherwise distinctively delineated.

   2. Stacking aisles shall be designed and located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.

3. Stacking aisles shall be a minimum of one hundred (100) feet from any residential (R-1 and R-3) lot. The Planning Commission may modify or waive this requirement if it determines that potential impacts to nearby residences will be minimal.

4. Stacking aisles shall have a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections. Stacking aisles shall have a minimum twenty-eight (28) foot outside turning radius.

5. Stacking aisles shall provide two hundred forty (240) feet minimum stacking length (to accommodate twelve (12) vehicles), measured from the service window to the point of ingress to the stacking aisle, unless additional queuing is determined necessary by the City Traffic Engineer.

6. Stacking aisles shall be integrated with the on-site circulation. The entire length of the designated stacking lane shall not encroach upon parking spaces, back-up and maneuvering areas, aisles, or driveways essential for proper on-site traffic circulation.

C. **Noise.**

1. Noise levels shall be no more than fifty (50) decibels at four (4) feet away from the drive-through speaker, and shall not be audible above daytime ambient noise levels beyond property boundaries. Further, a drive-through facility shall not increase the existing ambient noise levels above the standards contained in the Noise Element of the General Plan and this Zoning Code.

2. A sound level analysis shall be submitted to the Community Development Director with all development proposals for drive-through facilities, which include outdoor speakers to determine maximum speaker sound levels.

3. All speakers shall be directed away from any residential (R-1 and R-3) zone.

§11.4.14.006 Drive-Through Facilities—Design Standards.

All drive-through facilities shall be subject to review and approval by the Design Commission. The Design Commission shall review the project for compliance with the following design standards.

A. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City approval.

B. Landscaping shall screen drive-through aisles, all service areas, and ground mounted mechanical equipment from the public right-of-way. Landscaping shall minimize the visual impacts of menu signs and drive-through windows while providing adequate lighting which is shielded from adjacent properties.

C. Each drive-through aisle shall be appropriately screened with a combination of decorative walls and/or landscape to prevent headlight glare onto adjacent streets and parking lots, and to buffer adjacent uses.

D. Menu boards shall not obstruct driver sight distance.

Chapter 11.4.15 Service Stations

§11.4.15.001 Purpose.

This Chapter provides standards for the establishment and operation of new service station operations and for the modification or expansion of existing service stations.

§11.4.15.002 Uses and Activities.

A. **Allowed Accessory Uses and Activities.** The following uses may be allowed as accessory uses to a service station:

1. Convenience stores;
2. Vehicle/equipment repair, limited;
3. Towing.

B. **Prohibited Uses and Activities.** The following uses are prohibited in conjunction with the operation of a service station:

1. Sales of alcoholic beverages;
2. Storage or repair of wrecked or abandoned vehicles;
3. Vehicle painting;
4. Body or fender work;
5. Rental of vehicle storage or parking spaces;
6. Walk-in refrigeration units;
7. Arcade and game machines.

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Chapter 11.4.16 Tobacco and/or Electronic Cigarette Shops and Lounges

§11.4.16.001 Purpose.

This Chapter regulates the location and operation of retail purveyors of tobacco products and/or tobacco paraphernalia and/or electronic cigarette products and/or paraphernalia, and tobacco and electronic cigarette lounges to prevent adverse impacts that can be brought about by the concentration of tobacco and electronic cigarette shops and lounges and their location near sensitive uses and to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

§11.4.16.002 Permits Required.

No person shall cause or permit the creation or expansion of any tobacco and/or electronic cigarette shop or lounge without first obtaining and maintaining the following:

A. A Conditional Use Permit pursuant to Table 11.3.02-1 (Land Use Permit Table for All Zones), as applicable; and

B. A Tobacco Retail License pursuant to Chapter 6.07 (Tobacco Retail Licensing) of Title 6 (Business Licenses and Regulations).

§11.4.16.003 Development Standards.

A. **Location.**

1. No tobacco or electronic cigarette shop or lounge shall be located within one hundred fifty (150) feet of any parcel of land that contains any one or more of the following specific land uses:

   a. Religious facility;

   b. School (public or private);

   c. Child day care facility; or

   d. Public park or recreation facility.

2. No tobacco and/or electronic cigarette shop or lounge, located in a building sharing one (1) or more common walls with another retail or commercial establishment, or sharing common attic space with any other use, shall permit smoking anywhere on the premises.

B. **Admission Charge.** There shall be no charge, nor shall tickets be sold, for admission to a tobacco or smoke shop or lounge, or electronic/vapor substance inhalation shop or lounge.

C. **Alcohol and Marijuana Prohibited.** The sale or consumption of alcoholic beverages and marijuana shall not be permitted on the premises.

D. **Age of Patrons.** All patrons of tobacco and/or electronic cigarette shops and lounges shall be at least eighteen (18) years or over.

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Chapter 11.4.17 Animal Sales and Services

§11.4.17.001 Purpose.

This Chapter provides standards for various animal sales and services establishments for the purpose of protecting residents from their potentially adverse effects. The keeping of dogs, cats, and other small animals that does not constitute an animal boarding facility, as defined by this Zoning Code, shall be subject to the requirements of Chapter 11.4.27 (Animal Keeping and Animal Clubs in Residential and Mixed Use Zones).

§11.4.17.002 Animal Boarding.

A. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.

B. Animal boarding facilities shall be entirely enclosed, soundproofed, and air-conditioned. Outside kennel runs shall be prohibited unless they comply with the following:

1. Animal boarding facilities with outdoor kennel enclosures (either individual or group) shall not be located within fifty (50) feet from the property line of any property zoned residential or mixed use.
2. Dust and drainage from the outside kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.
3. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.
4. The outside kennel enclosure shall be screened by a nontransparent fence of a minimum six (6) feet in height.
5. No outdoor kennel run shall be located within the required setbacks for the zone.
6. Animals shall not be allowed in the outside kennel enclosures between the hours of 6:00 p.m. and 9:00 a.m.

C. Grooming services for the animals being boarded may be allowed as an accessory use provided the grooming services are conducted indoors and the grooming area is limited to two hundred (200) square feet in area.

§11.4.17.003 Animal Grooming.

A. Animal grooming facilities shall be entirely enclosed, soundproofed, and air-conditioned.

B. Boarding of animals shall be limited to a maximum of three (3) hours in association with grooming activities only.

C. Use of outside kennel runs or cages in conjunction with animal grooming, outside trash containers, and offensive odors shall be prohibited.

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§11.4.17.004 Animal Sales.

A. Animal sales establishments shall be entirely enclosed and air-conditioned.

B. Boarding of animals not offered for sale shall be prohibited.

C. Outside kennel runs or cages, outside trash containers, and offensive odors shall be prohibited.

D. Grooming activities shall be accessory to the retail use only.

E. Only those animals that are allowed within the city of La Cañada Flintridge in accordance with Chapter 11.4.27 (Animal Keeping and Animal Clubs in Residential and Mixed Use Zones) are allowed to be sold in animal retail stores.

§11.4.17.005 Veterinary Clinics.

A. Veterinary clinics shall be entirely enclosed, soundproofed, and air-conditioned.

B. Outside kennel runs or cages, outside trash containers, and offensive odors shall be prohibited.

C. Animal cremation shall be prohibited.

D. Grooming activities shall be accessory to the veterinary clinic use.

E. Temporary boarding of animals which are related to medical purposes shall be allowed as an accessory use.

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Chapter 11.4.18 Bed and Breakfast Inns

§11.4.18.001 Purpose.

This Chapter provides standards for bed and breakfast inns (B&Bs), which constitute small commercial lodging facilities in residential zones. This requires special regulations that are not normally covered by standards for motels and hotels.

§11.4.18.002 Operational Standards.

A. The B&B shall be operated and managed only by a person or persons owning the dwelling and residing therein as their principal place of residence.

B. A Conditional Use Permit for a B&B shall be voided upon the sale or transfer of the property ownership.

C. A B&B within a residential zone shall be limited to rental of a maximum of four (4) guest rooms.

D. Service shall be limited to the rental of bedrooms or suites (e.g., attached bathrooms).

E. Meal/beverage service shall be provided for registered guests only; except that a B&B within a residential zone may be used for receptions, private parties, or similar activities only with approval of a Major Temporary Use Permit in accordance with Chapter 11.6.12 (Temporary Use Permit).

§11.4.18.003 Development Standards.

A. Individual guest rooms shall not contain cooking facilities.

B. No change in the outside of the structure is permitted, except as necessary to comply with Title 24 of the California Code of Regulations or to comply with the Americans with Disabilities Act (ADA). Where any change to the exterior of the B&B is necessitated by compliance with Title 24, such change shall retain the aesthetic appearance of a residence.

C. Any change(s) to the interior of the dwelling must be convertible to the original residential use if/when the B&B use is ceased.

D. A minimum of one hundred twenty (120) square feet is required for each guest room.

E. Not more than twenty-five (25) percent of the structure can be used for rental.

F. Landscaping shall be required to screen parking areas from the view of adjacent properties and from public/private streets.

G. Signs shall be in compliance with Chapter 11.5.08 (Sign Regulations).

H. Any approved accessory dwelling unit may not be used as a guest room.

I. Parking shall be provided in accordance with Chapter 11.5.04 (Off-Street Parking)

§11.4.18.004 Transient Occupancy Tax.

B&Bs shall be subject to all applicable provisions of a transient occupancy tax of the LCFMC, if adopted.

Chapter 11.4.19 Short-Term Vacation Rentals Prohibited

§11.4.19.001 Purpose.

The purpose of this Chapter is to prohibit the establishment and operation of short-term vacation rentals, as defined in Chapter 11.7.01 (Definitions), in any zone located within the city of La Cañada Flintridge.

§11.4.19.002 Short-Term Vacation Rentals Prohibited.

The establishment and operation of a short-term vacation rental, as defined in Chapter 11.7.01 (Definitions) of this Zoning Code, is prohibited in all zones throughout the city of La Cañada Flintridge. No permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment and operation of a short-term vacation rental within the city limits.

§11.4.19.003 Violation.

The establishment and/or operation of a short-term vacation rental shall be considered a violation of this Zoning Code and shall be subject to enforcement as provided for in Chapter 11.2.04 (Enforcement) and other applicable provisions of the LCFMC.

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Chapter 11.4.20 Tattooing, Body Piercing, and Body Art Establishments

§11.4.20.001 Purpose.

This Chapter regulates tattooing, body piercing, and body art establishments to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of tattoo and body piercing parlors and their location near sensitive uses and to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

§11.4.20.002 Standards.

A. **Location.**

1. No tattooing, body piercing, or body art establishment shall be located within one hundred fifty (150) feet of any parcel of land that contains any one (1) or more of the following specific land uses:

   a. Religious facility;

   a. School (public or private);

   b. Child day care facility;

   c. Public park or recreation facility; or

   d. Any establishment with an on-sale or off-sale alcoholic beverage permit.

B. **Hours of operation.** In no case shall the hours of operation be earlier than 7:00 a.m. or later than 11:00 p.m.

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Chapter 11.4.21 Massage Establishments

§11.4.21.001 Purpose.

A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city, while recognizing massage as a legitimate business interest that provides benefits to its patrons in a therapeutic setting.

B. This chapter is enacted pursuant to the provisions of the State Constitution, California Government Code Sections 37100, 51030 et seq., California Business and Professions Code Sections 460, 4600 through 4620 and Section 16000, Section 13 of the Chiropractic Act (initiative measure approved by the electors November 7, 1922, as amended) and AB 1147 (2014).

C. There is a significant risk of injury to massage clients by persons improperly trained and/or educated in providing massage services, and this chapter provides reasonable safeguards against injury and economic loss.

D. There is opportunity for acts of prostitution, lewdness, and other unlawful sexual activity to occur in massage establishments, as well as problems relating to human trafficking in massage establishments. Courts have long recognized massage as a pervasively regulated activity and massage establishments are often brothels in disguise. The establishment of reasonable standards for issuance of permits and restrictions on operations would serve to reduce the risk of illegal activity and would thereby benefit the public health.

E. The restrictions and requirements contained in this chapter are intended to be in addition to the requirement of a valid business license issued pursuant to Title 6 Business Licenses and Regulations of the La Cañada Flintridge Municipal Code.

F. The regulations and restrictions contained in this chapter are intended to discourage massage establishments from degenerating into houses of prostitution, and the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved within the confines allowed by state law.

G. The provisions of this chapter are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal service businesses.

H. The California Massage Therapy Council ("CAMTC") can more efficiently regulate massage technicians in order to best protect the public and it is in the public interest to require that all persons providing massage in the city have a certificate from the CAMTC.

§11.4.21.002 Definitions.

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

"California Massage Therapy Council" or "CAMTC" means the nonprofit organization created to regulate and issue massage practitioner and therapist certificates pursuant to California Business and Professions Code §4600 et seq.

"CAMTC certificate" means a massage practitioner or massage therapist certificate issued by the CAMTC.

"City" means the city of La Cañada Flintridge.

"City Council" means the City Council of the city of La Cañada Flintridge.

"City Manager" means the City Manager of the city of La Cañada Flintridge or designee.

"Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

"Employee" means any person, other than a massage practitioner, massage therapist, or operator, who renders any service, with or without compensation, to the operator or agent of an operator of a massage establishment relating to the day-to-day operation of the massage establishment whether as an employee or independent contractor.

"Manager" means the person(s) designated by the owner of the massage establishment to act as the representative and agent of the owner in managing day-to-day operations with corresponding responsibilities. Evidence of management includes, but is not limited to, the ability of the individual to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies, and ensure that the massage establishment complies with the requirements of this Code and of other laws. A manager may also be an owner.

"Massage" means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purpose. "Massage" includes, but is not limited to, treatment by means of manual pressure, acupressure, friction, stroking, kneading, rubbing, tapping, pounding, vibrating, with or without the aid of or by means of any mechanical, electronic, or electrical apparatus or appliance, and with or without rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations. Massage specifically includes the application of any of these methods to the scalp, neck, or feet of any individual. (Some persons practicing massage may be exempt from all or parts of the permit requirements; please consult §6.40.015.)

"Massage establishment" means any enterprise or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any of the activities set forth in the definition of massage in this Section.

"Massage practitioner", "Massage technician" and "Massage therapist" means a person who is certified as such by the CAMTC in accordance with the Massage Therapy Act.

"Massage Therapy Act" means California Business and Professions Code Sections 4600 through 4620, as the same may be amended from time to time.

"Off-premises massage" means any business or enterprise that engages in or performs massage for any form of consideration or in exchange for anything of value whatsoever at a location other than a massage establishment.

"Operator" means all persons who own or manage a massage establishment.

"Owner" means all of the following:

1. The sole proprietor of a massage establishment, i.e., where the owner is the only person performing massage at that establishment;
2. In the case of a general business, each owner of the business;
3. In the case of a corporation, each stockholder holding more than ten percent of the corporation and each officer and director of the corporation;
4. In the case of a partnership, each partner, excluding limited partners owning less than ten percent of the partnership, and where a partner is a corporation, the provisions pertaining to a corporate applicant in Subsection (3) above apply.

"Patron" means an individual on the premises of a massage establishment for the purpose of receiving a massage.

"Proof of bona fide employment" means proof of an employer-employee relationship between the operator of the massage establishment and any person working at the massage establishment. Satisfactory proof of bona fide employment must be shown by written payroll documentation evidencing the employer's compliance with California Employment Development Department (EDD) requirements for the withholding of California income tax, unemployment insurance contributions, and disability contributions from the employee and written payroll documentation of the employer's compliance with Internal Revenue Service (IRS) requirements for the withholding of federal income taxes, Social Security (FICA) and Medicare contributions from the employee. Such written documentation can include, but is not limited to, W-2 wage and tax statements.

"Residence address" means the actual physical home address and shall not include a P.O. Box, mailbox service, or other similar location.

"Sheriff's Department" means any representative of the Los Angeles County Sheriff's Department. "Sole provider" means a massage business where the owner owns 100% of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active CAMTC certificate, and has no other employees or independent contractors.

"Specified anatomical areas" means any of the following human anatomical areas: genitals, pubic area, buttocks, anus, or female breasts below a point immediately above the top of the areolae, without a health care referral and written consent of the patron.

§11.4.21.003 Exceptions.

A. **Complete Exception.** The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to:

1. Any physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice such profession in the state of California, within the scope of their license.

2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the state of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, osteopath, or physical therapist, duly licensed to practice their respective professions in this state.

    a. Any other person providing massage services that is employed by a physician, surgeon, chiropractor, osteopath, or physical therapist, shall be required to have a valid CAMTC certificate, as well as work under the adequate supervision of such physician, surgeon, chiropractor, osteopath, or physical therapist as required by state law or regulation. If no specific law or regulation applies, adequate supervision shall have the same meaning as set forth in 16 California Code of Regulations §312.

    b. If a duly licensed acupuncturist wishes to provide massage therapy services to his or her clients by an individual(s) other than him or herself, said individual(s) must have a valid CAMTC certificate and the office of the acupuncturist shall be subject to all the provisions of this chapter as well as any other applicable provisions of the La Cañada Flintridge Municipal Code.

3. Any person licensed to practice any healing art under the provisions of California Business and Professions Code Division 2 (commencing with §500) when engaging in such practice within the scope of such license.

4. State-licensed hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the state of California, and the employees of such facilities while working on the premises of such state-licensed facilities.

5. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

6. Barbers, beauticians, or manicurists who are duly licensed by the state of California pursuant to the Barbering and Cosmetology Act set forth in California Business and Professions Code §7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves, and/or feet at a state licensed facility. However, if a state licensed establishment also has a certificate of operation from the City to operate as a massage establishment, the business must also comply with all provisions of this chapter.

7. Schools of cosmetology or barbering which comply with the requirements of California Business and Professions Code §7362 et seq., when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of California Business and Professions Code §7395.1.

8. Any other business or professions exempt by state law.

B. **Partial Exception.**

1. Businesses that offer massage services that are accessory to the primary business shall only be required to comply with the provisions set forth in Subsection (B)(2) of this Section. For purposes of this Subsection, accessory massage services shall be those services where less than 15% (fifteen percent) of the gross floor area of the business is devoted to massage.

2. Massage services provided under Subsection (B)(1) of this Section shall be required to comply with the following:

   a. Massage services must be performed by the holder of a valid CAMTC certificate.

   b. The business shall comply with the following provisions of §11.4.21 (Massage Establishment – Operating Requirements).

   c. All businesses that claim a partial exemption from this chapter pursuant to Subsection 11.4.21.003(B) shall be required to submit scaled floor plans in order to verify the applicability of the exemption. No changes may be made to the approved floor plan without written approval from the community development department, which may require modification of any applicable conditional use permit.

C. **Evidence of Entitlement to Exception.** Any person claiming exception under this Section shall furnish satisfactory evidence upon request that he or she is entitled to such exception, including, proof of bona fide employment, or if applicable, a citation to the particular provision of state law upon which that person relies.

§11.4.21.004 Business License and Other Permits Required.

A. Nothing herein relieves an individual or business from obtaining a city business license, Conditional Use Permit in accordance with Title 11 of this Code, or other permit if otherwise required by law.

B. Any individual applying for a business license as a massage practitioner or a massage therapist shall provide proof of a current CAMTC certificate before being issued a business license.

§11.4.21.005 Massage Establishment Permit Required.

A. It is unlawful for any person to engage in, operate, conduct or carry on, in or upon any premises, a massage establishment without first obtaining a massage establishment permit pursuant to this chapter, securing the necessary business license as required by this Code, and complying with Title 5 of this Code. A separate permit shall be obtained for each separate massage establishment operated by such person.

B. No owner or operator of a massage establishment shall hire as an employee or utilize as an independent contractor any person to perform massage unless such person has been issued a CAMTC certificate and is in good standing with the California Massage Therapy Council.

§11.4.21.006 Massage Establishment Permit – Application

A. All persons desiring a permit for a massage establishment shall file an application on the required form available at the City's Planning Division. The application, to be signed under penalty of perjury, shall be accompanied by the appropriate filing fee established by resolution of the City Council. The application shall be completed and signed by the owner of the proposed massage establishment, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; and one participant, if the operator is a joint venture. The application for a permit does not authorize operation of a massage establishment unless and until such permit has been properly granted. The application shall contain or be accompanied by the following information:

1. A complete massage establishment permit application signed by the applicant.
2. A nonrefundable fee as determined by the City Council, and set forth in the City's master fee schedule.
3. An operations description letter that describes in detail the massage establishment business and how it will satisfy the design and performance standards of this chapter.
4. A diagram or floor plan describing the proposed project and a written explanation of how it complies or will comply with the requirements of this chapter. The diagram or floor plan shall be to scale and must show all measurements relating to the size of the business.
5. A signed statement that the applicant, and/or the applicant's officers, partners or investors have not had a massage establishment permit revoked within the previous two years by any jurisdiction. This requirement applies to all owners.
6. Legal name of all massage therapists who will perform massages at the massage establishment, and a copy of their current, valid and authentic California Massage Therapy Council Certificate. The legal name of any massage therapist hired after the submittal of an application must be reported to the City prior to the massage therapist performing any massage.
7. Legal name and current residential address and telephone number and current business address and telephone number of all owners and operators of the massage establishment.
8. Current, valid, and authentic driver's license or photo identification card issued by a state or federal government agency, or other photographic identification bearing a bona fide seal by a foreign government, of all owners and operators of the massage establishment.
9. For each person who will be providing massage at the massage establishment, a copy of his or her CAMTC certificate and a copy of his or her current CAMTC issued identification card.
10. A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct. This requirement applies to all owners.

11. Signed statement by each owner and operator of the massage establishment acknowledging the following: (a) all of the information contained in the massage establishment license application is true and correct; (b) all owners and operators are familiar with the requirements of this chapter and all applicable requirements of the Municipal Code, and shall communicate those requirements to employees of the massage establishment, and also to patrons of the massage establishment on inquiry or as called for by specific circumstances; (c) all owners and operators are responsible for the massage establishment and the conduct of all persons who perform massages at the massage establishment, and ensuring compliance with this chapter and all applicable requirements of the Municipal Code; (d) any act or omission of any employee of the massage establishment constituting a violation of any provision of this chapter shall be deemed to be an act or omission of the owner and operator for purposes of determining whether to suspend or revoke or deny the renewal of a massage establishment license; and (e) failure to comply with the California Business and Professions Code Sections 4600 et seq., or with any local, state or federal laws, rules or regulations, and/or the provisions of this chapter may result in revocation of the massage establishment license.

B. **Determination of Completeness.** The City Manager shall determine whether the application contains all the information required. If the application is not complete, the applicant shall be notified in writing within 10 business days of the date of receipt of the application that the application is not complete and the reasons therefore, including any additional information necessary to render the application complete. The applicant shall have fourteen (14) days to resubmit the application. Failure to timely resubmit the application, or an incomplete resubmittal, will be deemed a withdrawal of the application. Within fourteen (14) days of resubmittal, the applicant shall be notified in writing that the application is complete, or that the application is deemed withdrawn for incompleteness. An applicant whose application is deemed abandoned must submit a brand-new application in order to obtain a massage establishment permit, including the payment of all fees.

§11.4.21.007 Off-Premises Massage Permit.

No person shall perform or administer a massage off the premises of a massage establishment, for any form of consideration, without being CAMTC certified consistent with the provisions of §11.4.21.004 and obtaining an off-premises massage permit under this Section. Any person desiring an off-premises massage permit shall file a written application on the required form with the City along with a filing fee established by resolution of the City Council. The application shall contain or be accompanied by the following information:

A. Legal name of all massage therapists who will perform off-premises massages, and a copy of their current, valid and authentic California Massage Therapy Council Certificate and a copy of his or her current CAMTC issued identification card.

B. Current, valid, and authentic driver's license or photo identification card issued by a state or federal government agency, or other photographic identification bearing a bona fide seal by a foreign government, of all massage therapists who will perform off-premises massages.

C. The specific reasons necessitating the performance of the massage at a location other than a massage establishment. If the off-premises massage is to be conducted at a commercial business during normal business hours while patron remains fully clothed, a letter from the commercial business confirming these conditions shall accompany the application.

§11.4.21.008 Massage Permits – Notice of Approval or Denial.

The Director shall issue a massage establishment or off-premises massage permit within forty-five (45) days of receipt of a complete application if he/she finds that the application fully complies with the requirements of this chapter; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States postal service within three (3) business days of the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial.

§11.4.21.009 Grounds for Denial, Suspension, or Revocation of Massage Permits.

A. The Director shall deny, suspend, or revoke a massages establishment permit when the Director or the sheriff's department finds, by a preponderance of the evidence, that any of the following have occurred within the prior three (3) years:

1. Failure to comply with any of the provisions of this chapter relating to such businesses.
2. The permittee has knowingly made false, misleading, or fraudulent statements of material fact in the application, or in any report or record required to be filed with the City; or has failed to apply for an amendment to a permit following substantial changes to the business.
3. The permittee has committed, or has knowingly allowed the occurrence of violations of local, state, or federal law on the premises of the massage establishment business.
4. The permittee, or an employee or independent contractor working on the premises, is conducting operations in a manner which constitutes a public nuisance.
5. The permittee has failed to abide by any conditions or restrictions imposed on the business by the City Manager following a warning or suspension.
6. The permittee has knowingly allowed the approved use to be substantially enlarged or modified without City approval.
7. The permittee, or any owner of the business, is convicted of violating any provision of this chapter, or the equivalent provisions of another jurisdiction, or has a massage establishment or off-premises massage permit revoked in any jurisdiction.
8. The applicant, permittee, or any owner of the business is convicted of any of the following:

    a. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.

    a. Lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.

    b. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, Sections 311.5 through 311.7, 311.12, and 313.1.

B. The Director shall deny, suspend, or revoke an off-premises massage when the City Manager or the Sheriff's Department finds, by a preponderance of the evidence, that the applicant or permittee has:

1. Knowingly made a false, misleading, or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the City.

2. The applicant or permittee has, within the prior three (3) years, engaged in one of the activities described below while on the premises of a massage establishment business:

   a. Sexual intercourse, sodomy, oral copulation, or masturbation.

   b. Solicitation of sexual intercourse, sodomy, oral copulation, or masturbation.

   c. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.

   d. Lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.

   e. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, Sections 311.5 through 311.7, 311.12, and 313.1.

   f. Any conduct prohibited by this chapter.

3. The applicant or permittee has, within the prior three (3) years, been convicted of any of the following:

   a. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.

   b. Lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.

   c. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, Sections 311.5 through 311.7, 311.12, and 313.1.

§11.4.21.010 Term of Massage Permits.

A. A massage establishment permit shall be valid for twenty-four (24) months from the date of issuance unless suspended or revoked, or unless relinquished by the permittee. If a massage establishment ceases operating as such prior to the expiration of its permit, then the permittee shall relinquish the permit by written notice to the City Manager within three calendar days of the cessation of operations.

B. An off-premises massage permit shall be valid for twenty-four (24) months from the date of issuance unless suspended or revoked, or unless relinquished by the permittee.

§11.4.21.011 Renewal of Massage Permits.

A. A massage establishment permittee shall submit an application for renewal no later than thirty (30) calendar days prior to its expiration. The renewal application shall be on a form provided by the City, and shall include any change of information for the applicant and/or the business, and shall include an updated Live Scan reports. The renewal application shall be submitted together with a nonrefundable renewal fee in the amount set by resolution of the City Council. The Director shall approve or deny the renewal on the same basis as a new application.

B. An off-premises massage permit shall submit an application for renewal on a form provided by the City prior to the expiration of their permit. The renewal application shall include any updated information for the applicant. The renewal application shall be submitted together with a nonrefundable renewal fee in the amount set by resolution of the City Council. The Director shall approve or deny the renewal on the same basis as a new application.

§11.4.21.012 Massage Permits Non-Transferrable.

A. No massage establishment permit may be sold, transferred, or assigned to any other person, group, partnership, corporation or any other entity. A massage establishment permit shall only be valid for the location specified on the permit. Any sale, transfer, or assignment or attempted sale, transfer, or assignment of a massage establishment permit shall be deemed to constitute a voluntary surrender of the permit, and the permit shall be thereafter null and void.

B. No off-premises massage permit shall be transferable to any other individual. Any sale, transfer, or assignment or attempted sale, transfer, or assignment of an off-premises massage permit shall be deemed to constitute a voluntary surrender of the permit, and the permit shall be thereafter null and void.

§11.4.21.013 Suspension and Revocation of a Massage Permit.

A. This Section is applicable to both massage establishment permits and off-premises massage permits.

B. On determining that grounds for permit revocation exist, the Director shall furnish written notice of intent to suspend or notice of intent to revoke the permittee. Such notice shall set forth the time and place of a public hearing where the permittee will have the opportunity to be heard, and the grounds upon which the proposed suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee. The hearing shall be held no sooner than (ten) 10 days and no later than thirty (30) days following the notice. The permittee shall be provided with copies of all the evidence against him or her no later than seven (7) days prior to the hearing.

C. Hearings shall be conducted in accordance with procedures established by the Director. All parties involved shall have a right to: 1) offer testimonial, documentary, and tangible evidence bearing on the issues; 2) be represented by counsel; and 3) confront and cross examine witnesses. The formal rules of evidence shall not apply; any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness.

D. If, following the hearing, the Director determines that grounds exist for disciplinary action, the Director shall impose one of the following penalties, based on the number and severity of the violations:

1. A warning will be issued for minor technical violations that can be corrected within twenty-four (24) hours. The warning will be in writing and include directions regarding correcting any remaining violations, and a period of time during which the permittee will be on probation. The monitoring period will be no less than thirty (30) days and no more than six (6) months. During that time, if the Director establishes any additional violations, the permit will be suspended or revoked.

2. The permit shall be suspended for a specified period not to exceed six (6) months, on the basis of any violation of the operational and performance requirements for massage establishment permits, or off-premises massage permits.

3. The permit shall be revoked when more three (3) or more violations have occurred within a ninety (90) day period of the operational and performance requirements for massage establishment permits, or off-premises massage permits. A massage establishment where more than three (3) total violations have occurred shall have its permit revoked.

E. The Director may, in conjunction with the issuance of a warning or the suspension of a massage permit, order the permittee to take appropriate corrective action within a specified amount of time.

F. The Director shall issue a written decision, and shall articulate findings in support thereof.

§11.4.21.014 Appeal of Director's Decision.

Any interested person may appeal the Director's decisions regarding the issuance, denial, suspension, or revocation of a massage establishment permit or off-premises massage permit to the City Manager in accordance with the provisions of §11.4.21.016.

§11.4.21.015 Director's Decision Stayed During Appeal.

Any decision of the Director to suspend or revoke a massage establishment permit or an off-premises massage permit, or to deny renewal of any such permit, shall be stayed during: (1) the appeal period set forth in this article; and (2) the pendency of any appeal.

§11.4.21.016 Appeal Hearing Before the City Manager.

A. An interested party may appeal a decision by the Director to City Manager by submitting a request for appeal in writing to the City Clerk. The request for appeal must be filed within fifteen (15) days of the decision.

B. The City Manager shall set the matter for an appeal hearing to be held not fewer than fifteen (15) nor more than forty-five (45) days from the date of filing of the request for appeal.

C. The permittee (and the interested party, if a different person) shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least ten (10) days prior to the hearing. The hearing may be continued from time to time upon the mutual consent of the parties.

D. At the time of such hearing, the City Manager shall review all relevant evidence presented by the parties.

1. The formal rules of evidence shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

2. The City Manager's decision shall be communicated in writing to the appellant (and to the permittee, if different from the appellant) within ten (10) days after the close of the hearing. The City Manager's decision shall state whether the permit is suspended, and for how long, or revoked, and shall state the factual basis thereof.

3. The decision of the City Manager may be appealed to the City Council in accordance with Sections 11.4.21.014 through 11.4.21.016.

4. The City Council's decision shall be final, and shall include notice that judicial review may be sought of the decision pursuant to California Civil Procedure Code §1094.8.

§11.4.21.017 Notices.

A. All notices required to be given pursuant to this chapter shall be served on the permittee, applicant, appellant, or a representative thereof, either by personal delivery or certified mail to such responsible party as the name and address appear in the most recent application on file with the City. Notices shall include information regarding appeal rights and a statement that the failure to file an appeal shall constitute a failure to exhaust administrative remedies.

B. In all cases where the certificate holder is not the property owner, notices shall also be sent to the property owner of record where the notice relates to possible closure of the business due to suspension or revocation.

§11.4.21.018 Massage Establishment – Operating Requirements.

No person, association, partnership, or corporation may engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a massage establishment unless each and all of the following requirements are met:

A. Massage services may only be conducted, and the premises may only be open to customers, between the hours of 8:00 a.m. and 10:00 p.m.

B. A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The service shall be described in readily understandable language in English and may also then be described in any other language. No owner, operator, responsible managing employee, manager, permittee, or licensee in charge of or in control of the massage establishment shall permit and no massage therapist shall offer or perform, any service other than those posted.

C. The massage establishment business license and a copy of the permit of each and every massage therapist employed by or working in the establishment must be displayed in an open and conspicuous public place on the premises. This subdivision shall not apply to off-premises massage businesses.

D. Hot and cold running water under pressure shall be provided to all washbasins, bathtubs, showers, and similar equipment. Each washbasin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

E. Clean and sanitary towels, sheets and linens shall be provided for each patron receiving massage services. No common use of towels or linens shall be permitted, and reuse is prohibited unless they have been first laundered. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle.

F. Disinfecting agents and sterilizing equipment shall be available for any instruments used in performing any massage. Instruments will be disinfected or sterilized after each use.

G. Each establishment shall provide to all patrons clean, sanitary, and opaque coverings capable of covering the patron's specified anatomical areas. Such coverings shall be used for one customer only and shall not be reused without first being cleaned.

H. No owner, operator, responsible managing employee, manager, or permittee in charge of or in control of a massage establishment shall permit a massage to be given unless the patron's specified anatomical areas are covered during the entire massage by the covering referred to in Subsection (G).

I. With the exception of bathrooms or dressing rooms not open to public view, no person or persons shall be permitted in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area, unless the specified anatomical areas of all persons within that area are fully covered.

J. It is unlawful for an owner, operator, responsible managing employee, manager, permittee in charge of or in control of a massage establishment to permit any person or any massage therapist to perform any service or task while in the presence of a patron or to be on the premises of a massage establishment during its hours of operation unless the massage therapist is dressed in a manner that does not violate paragraph (10) of subdivision (a) of §4609 of the California Business and Professions Code.

K. Any person performing services as a massage therapist must wear a visible California Massage Therapy Council identification card and have a copy of their driver's license or any other photo identification card issued by a state or federal agency readily available for inspection by City or County investigating officials.

L. An owner, operator, or responsible managing employee that has been approved by the City must be on the business premises at all times during hours of operation of the business.

M. For each massage service provided, every massage establishment shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by law enforcement or designee, or may be used by any massage practitioner or operator as records of service provided, but may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage establishment for a period of two years and be immediately available for inspection during business hours.

N. All signs shall be in accordance with the current ordinances of the city of La Cañada Flintridge.

§11.4.21.019 Off-Premises Massage – Prohibitions.

It is unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted or carried on, massage, for any form of consideration, in any hotel room, motel room, guesthouse, home-sharing rental or other place of public accommodation. This Section shall not be construed to prohibit:

A. Maintaining a licensed massage establishment upon the premises of a place of public accommodation;

B. Conducting massage services as a vendor at a festival, farmers market, or other event of limited or temporary duration; or

C. The holder of a massage practitioner certification issued by the California Massage Therapy Council pursuant to Chapter 10.5 of the California Business and Professions Code from giving or administering massages within hospitals, convalescent centers, rest homes, offices, or the private home of a patron. For the purposes of this Section, offices and private homes shall not include hotel rooms or motel rooms.

§11.4.21.020 Inspections.

The owner, operator, or other person in charge of a massage establishment shall allow City officers and their authorized representatives to conduct unscheduled inspections of the patron-accessible areas of the premises for the purpose of ensuring compliance with this chapter. Such access shall be afforded at any time the massage establishment business is open for business or is occupied.

§11.4.21.021 Violations.

In addition to the disciplinary actions provided in this chapter, any violation of the provisions of this chapter may also be punished or abated pursuant to the provisions of Chapter 1.04 and 1.07, in addition to any other remedy at equity or at law available to the City. No remedy shall be exclusive of any other remedy.

Chapter 11.4.22 Personal Wireless Service(s) Facilities

§11.4.22.001 Purpose and Intent.

A. The city of La Cañada Flintridge intends this chapter to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this chapter are intended to, and should be applied to, consistent with federal and state law, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This chapter is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained on a case-by-case basis; (2) protecting the city's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure; (3) protecting and preserving the city's environmental resources; and (4) promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

B. This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

§11.4.22.002 Definitions.

If any definition assigned to any phrase, term or word in this chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control:

"Amateur station" means the same as defined by the FCC in 47 C.F.R. §97.3, as may be amended or superseded, which defines the term as "a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications." This term includes amateur radio antennas mast and related equipment used for amateur radio services.

"Approval authority" means the City official or body responsible for application review and vested with authority to approve or deny such applications.

"Code" refers to the La Cañada Flintridge Municipal Code.

"Concealment" means a facility that is integrated into or hidden behind an architectural feature of an existing structure and designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. Concealment techniques include, without limitation: (1) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying support structure; and (2) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality.

"Director" means the director of community development of the city of La Cañada Flintridge or that director's designee. In addition to his/her authority specified herein, the director shall have all powers specified in §8.03.040.A as may be appropriate to the administration of private property wireless facilities and as applied to the community development director for purposes of this chapter's administration.

"Eligible facilities request" means the same as defined in 47 U.S.C. §1455(a)(2), as may be amended or superseded, and as interpreted by the FCC in 47 C.F.R. §1.6100(b)(3), as may be amended or superseded.

"FCC" means the Federal Communications Commission, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §151 *et seq.* or its duly appointed successor agency.

"OTARD" means any "over-the-air reception device" subject to 47 C.F.R. §1.4000 *et seq.*, as may be amended or superseded, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

"Personal wireless service facilities" mean the same as defined in 47 U.S.C. §332(c)(7)(C)(ii), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.

"Personal wireless services" mean the same as defined in 47 U.S.C. §332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"RF" means radio frequency.

"Section 6409" means §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. §1455(a), as may be amended.

"Shot clock" means the presumptively reasonable time defined by the FCC in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.

"Small wireless facility" means the same as defined by the FCC in 47 C.F.R. §1.6002(l), as may be amended or superseded.

"Stealth" means any wireless facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include without limitation street light, faux tree, water tower, or flag pole designs.

"Zoning Code" means Title 11 of the city of La Cañada Flintridge Municipal Code.

"Wireless facility" means a personal wireless service facility including any facility, base station or tower that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or

similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other associated installation development."

§11.4.22.003 Applicability.

A. **General.** This chapter applies to all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities on private property within the City's territorial and jurisdictional boundaries, unless expressly exempted pursuant to Subsection 11.4.22.003(C). Notwithstanding that Chapter 8.03 of the Code applies to wireless facilities in the public rights-of-way, several of the procedural and administrative terms of Chapter 8.03 overlap with this chapter and are thus incorporated into this chapter to govern the processing and review of wireless applications on private property.

B. **Wireless Facilities on City Property.** This chapter applies to permit applications for wireless facilities on property or structures owned or controlled by the City in its proprietary capacity, except those right-of-way areas governed by Chapter 8.03; provided, however, that this chapter does not govern whether or under what terms and conditions the City would lease, license or otherwise allow a wireless facility on such property or structures.

C. **Exemptions.** Notwithstanding anything in this chapter to the contrary, this chapter does not apply to the following:

1. Wireless facilities operated by the City for public purposes;
2. Wireless facilities operated by another governmental entity for public purposes or under the jurisdiction of such other government entity, to the extent such other governmental entities are immune from City zoning regulations;
3. Wireless facilities installed completely indoors and used to extend personal wireless services into a business or the subscriber's private residence;
4. OTARD antennas;
5. Antennas and related transmission equipment used in connection with a duly authorized amateur station; or
6. Wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D.

§11.4.22.004 Required Permits and Other Approvals.

A. **Administrative Approval for Minor Wireless Telecommunications Facilities on Private Property ("Administrative WTFPP").** An Administrative WTFPP is an administrative approval reviewed and approved by the director as the approval authority, and is required for:

1. Stealth or concealed wireless facilities on private property in preferred locations as described in Subsection 11.4.22.009(A) that do not require a special exemption under Subsection 11.4.22.003(C),
2. Eligible facilities requests, and/or
3. Small wireless facility applications.

B. **Special Use Permit for Major Wireless Telecommunications Facilities on Private Property ("Major WTFPP").** All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are not qualified for an Administrative WTFPP shall be subject to a Major WTFPP, reviewed and approved by the planning commission as the approval authority, subject to Planning Commission hearing and approval unless otherwise provided for in this chapter, and provided the findings in §11.4.22.006 can be made or the proposed facility is subject to a special exemption under §11.4.22.012.

C. **Other Permits and Regulatory Approvals.** In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other City divisions, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other City divisions, state or federal agencies. Building and encroachment permits, and all City standards and requirements therefore, are applicable.

§11.4.22.005 Permit Applications.

A. **Application Required.** The approval authority shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities except upon a complete and duly filed application consistent with this Section and any other written rules or requirements the City or the Director may establish from time to time in any publicly-stated format. All applications for a permit must include all the information and materials required by the director for the application. The City Council authorizes the director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the director finds necessary, appropriate or useful for processing any application governed under this Chapter.

B. **Appointment for Application Submittal.** All wireless facility applications under this chapter must be submitted to the City at a pre-scheduled appointment with the department. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The department shall use reasonable efforts to provide the applicant with an appointment within a reasonable time after the department receives a written request therefor. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.

C. **Optional Pre-application Conferences.** The department shall provide prospective applicants with the opportunity to schedule and attend a pre-application conference with department staff. The City strongly encourages pre-application conferences for all proposed projects that: (1) require planning commission approval; (2) the prospective applicant believes will qualify as a stealth or concealed facility; and/or (3) involve any wireless facilities proposed to be located in or within 200 feet from a residential zone or legally established residential use. The pre-application conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless facility, such as compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments and/or divisions responsible for application review; and application completeness issues.

D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City on any application within thirty calendar days after the application is deemed incomplete in a written notice to the applicant. The director may, in his or her discretion, grant a written extension for up to an additional thirty calendar days when the applicant submits a written request prior to the ninetieth day that shows good cause to grant the extension.

E. **Peer and Independent Consultant Review; Deposit and Reimbursement of Costs.** The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues for the purposes of reviewing or assisting the City with any permit application under this chapter. The director is further authorized to collect deposits and a reimbursement of costs from applicants. The process and authority for retaining consultants and collection of deposits and costs shall be the same those procedures set forth in §8.03.050 Subparagraphs D through F.

§11.4.22.006 Pre- and Post- Decision Notices Required.

Notice of any project application subject to this chapter shall be subject to all those notice requirements (pre- and post- final determination) set forth in §11.6.02.004(B) for an Administrative WTFPP and Subsection 11.6.02.004(D)(2) for a Major WTFPP. Notices of final decisions for WTFPs shall be noticed in accordance with the procedures and content requirements set forth in Subsection 8.03.060(D)(3).

§11.4.22.007 Approvals; Denials

A. **Required Findings.** The approval authority may approve a wireless facility application only when the approval authority makes all the following findings:

1. The proposed wireless facility is either (a) in a "preferred location" (Subsection 11.4.22.008(B) below), or (b) the proposed wireless facility is in a discouraged location and the applicant has demonstrated through a meaningful comparative analysis that no more favored location under Subsection 11.4.22.008(B) or favored support structure under Subsection 11.4.22.008(D) would be technically feasible and potentially available;
2. The proposed wireless facility complies with all applicable development and aesthetic standards in this Code and any other applicable regulations;
3. The applicant has provided a signed acknowledgment that indicates its willingness to allow other carriers and site operators to collocate transmission equipment with the proposed wireless facility, to the extent such facility or portions thereof are owned or controlled by the applicant, whenever technically feasible and aesthetically desirable in accordance with applicable provisions in this Code;
4. The applicant has demonstrated that the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
5. In addition, wireless facility permit applications for a WTFPP shall demonstrate the proposed installation is designed, stealthed, and/or concealed to be aesthetically compatible with the surrounding built and/or natural environment to the extent technically feasible.

B. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or state laws, nothing in this chapter is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application governed under this chapter as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, this Code, or this chapter.

C. **Notice of Shot Clock Expiration.** The City acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the City must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the City written notice of the expiration of any shot clock, which the applicant shall ensure is received by the City (e.g. overnight mail) no later than twenty (20) days prior to the expiration**.**

D. **Appealability.**

1. A. determination by regarding WTPPs pursuant to Chapter 11.4.22 and Table 1.6.02-1 shall be final and effective unless appealed following the issuance of such determination. Because §332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, appeals of the administrative decision premised on the environmental effects of radio frequency emissions will not be considered. An extension on appeal filing deadlines may not be granted where an extension would result in approval of the application by operation of law or shot clock expiration.

    a. A Director's decision on an Administrative WTFPP shall be appealable to the City Manager. Such appeals must be filed with the director within two (2) business days of the written administrative decision, unless the director extends the time therefore.

    a. A Planning Commission decision on a Major WTFPP shall be appealable to the City Council. Such appeals must be filed with the City Manager within seven (7) business days of the written Planning Commission decision, unless the City Manager extends the time therefore.

2. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

§11.4.22.008 Location Standards.

A. **Preface to Location Standards.** This Section sets out criteria to determine whether a wireless facility is proposed in a preferred location and on a most preferred support structure, or if a facility must be located in a discouraged location (due to technical feasibility or availability) then the facility should be located in a most favored land use designation. The City cumulatively considers whether the facility is in a preferred location and on a preferred support structure to evaluate the least intrusive means for an applicant to provide its services to the public. Subsection 11.4.22.008(B) describes land use designations where wireless facilities are in a "preferred location" and thus not subject to an alternative sites analysis. Subsection 11.4.22.008(C) provides specific locations where wireless facilities are discouraged. It is possible for a proposed facility to be simultaneously in a "preferred" zone but also in a "discouraged" location, such as a proposal within an commercial zone (a "preferred" location) that also happens to be within 200 feet from a residence (a "discouraged" location). In such cases, the location would not be deemed to be a "preferred" location under Subsection 11.4.22.008(B), and thus shall be subject to an alternative sites analysis presenting the most favored location under Subsection 11.4.22.008(C)(2) and the most preferred support structure technically feasible and potentially available under Subsection 11.4.22.008(D). In situations involving discouraged locations where the applicant must consider alternative sites, preferences for facility locations and preferred support structures are ranked in Subsections 11.4.22.008(C)(2) and (D), respectively.

B. **Preferred Locations.** All applicants must, to the extent technically feasible and potentially available, propose wireless facilities in a preferred location. No alternative sites analysis is required for stealth or concealed facilities proposed in any preferred location. To qualify as a preferred location site, the wireless facility must be stealthed or concealed. For all other facilities, the approval authority shall consider whether any more preferred location would be technically feasible or potentially available. The following locations are all considered "preferred locations" *so long as the site is not simultaneously in a discouraged location under Subsection 11.4.22.008(C)*:

   1. Parcels within commercial zoning districts.

C. **Discouraged Locations.** When an application involves a facility in a discouraged location, the approval authority shall consider whether any alternative site within a preferred location would be technically feasible and potentially available. If no such preferred location alternative exists, the approval authority shall consider whether any less discouraged location would be technically feasible and potentially available per the ranking of locations listed in Subsection 11.4.24.007(C)(2) hereof. The following locations are all "discouraged" and ordered from most discouraged to least discouraged:

   1. Any location where the wireless facility would be 200 feet from:

      a. A structure approved for residential use,

      a. A local, state, or nationally designated historic property, structure, or district, or

      b. Any property, structure, or district eligible for local, state, or national historic designation,

      c. A school or day care facility,

      d. Parks or recreational facility.

2. When an application involves a wireless facility in a discouraged location, regardless of zone, applicants must propose the facilities on parcels with the most favored land use designation listed below whenever technically feasible and potentially available. Applications must include a written justification, supported by factual and verifiable evidence, that shows that no higher-ranked location is technically feasible and potentially available, unless the proposed facility is in the most favored land use designation and/or is a stealth or concealed facility. The following Zoning Code designations are ranked from most favored to least favored for facilities in a discouraged location:

    a. Commercial;

    a. Other nonresidential zones;

    b. Residential zones.

D. **Support Structure Preferences.** When an application involves a facility in a discouraged location, the approval authority shall, in addition to considering the preferred locations in 11.4.22.008.B, consider whether any more preferred support structure would be technically feasible and potentially available. The approval authority may require the applicant to use a more preferred support structure when the alternative is technically feasible and potentially available. The City's preferences for support structures are as follows, ordered from most preferred to least preferred:

1. Collocation on an existing structure with existing wireless facilities;
2. Installations on a rooftop;
3. Installations on a building façade;
4. A stealthed or concealed freestanding facility;
5. Stealthed or conceale installations within the public rights-of-way.
6. Installations on a replacement pole(s) within private streets. Parking lots, private access easements;
7. Installations on a new freestanding structure within a private street.

§11.4.22.009 Design Standards.

A. **Concealment/stealthing.** All wireless facilities must be concealed and/or stealthed to the maximum extent feasible with design elements and techniques that hide, mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.

B. **Overall Height.** To maintain the natural appearance of the community, wireless facilities may not exceed the maximum height allowed by Zoning Code for the applicable zone. If the applicant plants new natural trees around the proposed wireless facility, the approval authority shall consider the future mature height of such trees when evaluating compliance with this standard.

C. **Setbacks.** All wireless facilities must be compliant with all setback requirements applicable to structures on the underlying parcel.

D. **Noise.** No equipment shall be operated so as to increase the noise in the vicinity of the equipment in excess of five decibels, other than in emergency situations requiring the use of a backup generator or monthly testing of said generator if the testing lasts no longer than fifteen minutes. In all emergency situations, the City shall be immediately notified of the use of a backup generator and, on the next City business day, the operator shall secure all required permits and approvals necessary for the operation of the generator.

E. **Landscaping.** All ground mounted equipment shelters shall be screened by walls, fences, trellises or landscaping at least six feet in height so as to completely screen, camouflage and/or obscure visibility of the equipment shelter or any other ground mounted equipment, from public view. The equipment shelter shall be designed so as to be harmonious with and blend with the natural features, and be compatible with buildings and structures surrounding such structure. In addition and when applicable, landscaping shall be of a type and variety, and installed at sufficient size, to be capable of growing within one year to a landscape screen which obscures the visibility or camouflages the equipment shelter or antenna as appropriate. Irrigation shall also be installed when needed to maintain landscaping.

F. **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti- climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealthing or concealment, and the approval authority may condition approval on additional stealth or concealment elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences, chain link or any similar fencing/security measures.

G. **Secondary Power Sources.** The approval authority may approve secondary or backup power sources and/or generators on a case-by-case basis. The approval authority shall not approve any permanent diesel generators or other similarly noisy or noxious generators in or within 200 feet from any residential structure absent a showing of extraordinary need, by clear and convincing evidence, such as a declared public emergency; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

H. **Lights.** Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights used shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

I. **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies.

J. **Future Expansion.** To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and other expansions that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance. The approval authority may waive the requirements in this Section when the approval authority determines future expansions at a proposed wireless facility would be aesthetically undesirable.

K. **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities; there shall be no exposed cabling. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse. Meters, panels, disconnect switches and other associated equipment must be concealed in inconspicuous locations to the fullest extent technically feasible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost. Microwave or other wireless backhaul is discouraged when it would involve a separate and unstealthed or unconcealed antenna.

L. **Parking; Access.** Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use and comply with applicable safety codes.

M. **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state, regional, and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, the La Cañada Flintridge Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

N. **Towers and Freestanding Wireless Facilities.** In addition to all other design requirements in this chapter, the following provisions shall be applied to a new tower or other new freestanding wireless facility

1. **Tower-mounted equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as technically feasible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.

2. **Ground-mounted equipment.** To the extent technically feasible all ground-mounted equipment must either be concealed underground, or concealed within an existing or new structure, or other enclosure(s) or stealth design subject to the approval authority's prior approval. The approval authority may require additional concealment or stealthing elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.

3. **Faux trees.** In addition to all other design requirements in this chapter, the following provisions shall apply to a WTFPP for a faux tree:

    a. Shape and Branching**.** Faux trees shall be designed and shaped from bottom to top to resemble the natural tree shape associated with the actual tree species that the faux tree is intended to resemble.

    a. Bark Cladding. The entire tower above any fence line shall be fitted with faux-bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural tree bark resembling the actual tree species that the faux tree is intended to resemble.

    b. Equipment Stealthing. All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the faux tree must be painted or colored with a flat greens, browns or other appropriate earth tones to blend into the faux branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux tree "sock" with faux leaves. No tower-mounted equipment shall be permitted to protrude beyond the faux branch canopy such that it would materially alter the applicable tree shape.

    c. Material Selection and Approval. All materials and finishes used to stealth wireless facilities mounted on a faux tree shall be subject to prior approval by the department. Applicants shall use only high-quality materials to stealth the wireless facility. The applicant shall use color- extruded plastics for elements such as the faux leaves and faux bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.

4. **Fall zone.** All freestanding towers outside the public rights-of-way must be setback from habitable structures approved for residential occupancy by a distance equal to one horizontal foot for every foot of the tower height, or the distance from the highest engineered break point to the top of the tower. The approval authority may waive the setback requirement for freestanding towers that meet Class 3 structural standards for critical infrastructure as defined in the most current revision of the ANSI/TIA-222 Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures.

O. **Building-Mounted Wireless Facilities.** In addition to all other design requirements in this chapter, the following provisions shall be applied to a wireless facility installed on a building rooftop or facade:

1. **Architectural integration.** All applicants should, to the extent feasible, propose non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

2. **Rooftop wireless facilities.** All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish to the maximum extent practicable. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

3. **Façade-mounted wireless facilities.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this Subsection 11.4.22.009(O)(3). All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

P. **Administrative Design Guidelines.** The Director may develop, and from time to time amend, design guidelines consistent with the generally applicable design regulations to clarify the aesthetic and public safety goals and standards in this chapter for City staff, applicants and the public. The design guidelines shall provide more detailed standards to implement the general principals articulated in this Section and may include specific standards for particular wireless facilities or site locations but shall not unreasonably discriminate between functionally equivalent service providers. The design guidelines, and any subsequent amendments, shall not be effective unless approved by a resolution adopted by the City Council. If a conflict arises between the development standards specified in this chapter and the design guidelines adopted under this Section, the development standards specified in this chapter shall control.

§11.4.22.010 Standard Conditions for Approved Permits.

A. **General.** Except as may be authorized in Subsection 11.4.22.012, all wireless facilities approved under this chapter or deemed approved by the operation of law shall be automatically subject to the following conditions:

1. **Permit term; approval applies to land.** The WTFPP permit will automatically expire ten (10) years and one day from its final approval unless California Government Code §65964(b) authorizes the City to establish a shorter term for. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. No change in ownership of the wireless facility, the site, or the subject property shall affect the permit term. This permit may not be transferred to another site or property.

2. **Permit renewal.** The permittee may apply for permit renewal not more than one year before the permit expires. The permittee must demonstrate that the subject wireless facility complies with all the conditions of approval associated with its permit and all applicable provisions in this Code that exist at the time the decision to renew or not renew is rendered. With respect to Administrative WTFPPs and ministerial permits, the director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this Code or other applicable law. Upon renewal, this permit will automatically expire ten (10) years and one day from its issuance. Additional permit renewals shall be subject to the procedures in this condition.

3. **Build-out period.** This permit will automatically expire twelve (12) months from the approval date (the "build-out period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility and its use. The permittee may request in writing, and the director may grant in writing, one twelve (12) month extension to the build-out period if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for a twelve (12) month extension. If the build-out period (and any extension) finally expire, the permit shall be automatically void but the permittee may resubmit a complete application, which includes, without limitation all application fees, for the same or substantially similar project.

4. **Approved plans.** Any construction plans submitted to the building official shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the "approved plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, shall be subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the approved plans, the director may refer the request to the original approval authority if the Director finds that it proposes a substantial change from the approved plans or implicates a significant or substantial land-use concern.

5. **Post-installation certification.** Within sixty (60) calendar days after the permittee commences full, unattended operations at a wireless facility, the permittee shall provide the director with documentation reasonably acceptable to the director that the wireless facility has been installed and/or constructed in strict compliance with the approved plans. Such documentation shall include without limitation as-built drawings, GIS data and site photographs. In a written notice to the permittee, the director shall either certify that the wireless facility complies with the approved plans or order the permittee to correct any noncompliance.

6. **Adverse impacts on other properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by Code §5.02.110. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons. The director may issue a stop work order for any activities that violates this condition in whole or in part.

7. **Compliance with applicable laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit. If the director finds good cause to believe that the wireless facility is not in compliance with any laws applicable to human exposure to RF emissions, either individually or cumulatively with other transmitters in the vicinity, that result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population, the director may require the permittee to submit a written report certified by a qualified radio frequency engineer familiar with the wireless facility that certifies that the wireless facility is in compliance with all such laws. The director may order the facility to be powered down if, based on objective evidence, the director finds that the wireless facility is in fact not in compliance with any laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in this Code, this chapter, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in this Code, this chapter, any permit, any permit condition or any applicable law or regulation.

8. **Site maintenance.** The permittee shall keep the site area, which includes, without limitation, any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean, safe and code compliant condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. Routine maintenance shall be restricted to normal construction work hours specified in Code §5.02.110. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

9. **Landscape features.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species in accordance with the requirements of Chapter 11.4.22 (Personal Wireless Service(s) Facilities) and/or Chapter 11.5.06 (Preservation and Protection of Designated Trees on Private Property). Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City. The permittee shall, at all times, be responsible for maintaining any replacement landscape features.

10. **Abandonment.** The permittee shall notify the director when the permittee intends to abandon or decommission the wireless facility authorized under this permit. In addition, the wireless facility authorized under this permit shall be deemed abandoned if the wireless facility has not operated for any continuous six (6) month period and the permittee fails to resume operations within ninety (90) days from a written notice from the director. Within ninety (90) days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation this Code. The permittee and/or property owner may request an extension to complete restoration to one-hundred eighty (180) days after a wireless facility is abandoned or deemed abandoned, which the director may grant if the applicant presents evidence of good cause for the extension. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within the required period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities; the City may also collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the City has no obligation to store such facility or associated equipment.

11. **Inspections; emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee and/or property owner. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee and/or property owner, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

12. **Safety hazard protocol.** If the building official (or designee) finds good cause to believe that the wireless facility presents an immediate fire risk, electrical hazard or other threat to public health and safety in violation of any applicable law, the building official may order the facility to be shut down and powered off until such time as the immediate threat has been mitigated, after a good faith effort is made to notify the applicant, if feasible. Any mitigations required shall be at the permittee's sole cost and expense.

13. **Contact information.** Prior to final inspection and at all times relevant to this permit, the permittee shall keep on file with the division, basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility's continued operation; (C) the facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (D) a toll-free telephone number to the facility's network operations center where a live person with power-down control over the facility is available twenty-four (24) hours-per-day, seven days-per-week. Within ten (10) business days after a written request by the City, the permittee shall furnish the City with an updated form that includes all the most-current information described in this condition.

14. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (B) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the wireless facility. If the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the approval authority to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of the WTFPP.

15. **Insurance.** The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by City's risk management. The relevant policy(ies) shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the Community Development Director of the cancellation or material modification of any applicable insurance policy.

16. **Performance bond.** Prior to issuance of a WTFPP permit, the permittee shall file with the City, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to one hundred percent of the cost of removal of the facility as specified in the application for the WTFPP or as that amount may be modified by the community development director in the permit based on the characteristics of the installation. The permittee shall reimburse the City for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review.

17. **Record retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the WTFPP application, the WTFPP, the approved plans and photo simulations incorporated into such approval, all conditions associated with the approval, any ministerial permits or approvals issued in connection with the WTFPP approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, "records"). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City- controlled copies or records and the permittee's electronic copies.

18. **Permit revocation.**

    a. Any Administrative WTFPP approval may be revoked for failure to comply with any imposed conditions, the Code, any City standard, or any applicable code, regulation or law. Said revocation shall be preceded by notice and a reasonable opportunity to cure. The decision of the community development director to revoke an approval shall be final unless appealed to the planning commission within fifteen calendar days after the date of such decision in accordance with the Chapter 11.2.04 of the Code.

    a. Any Major WTFPP approval may be revoked in accordance with Code §11.2.04.

19. **Truthful and accurate statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the City in connection with the permit or the wireless facility, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

20. **City's standing reserved.** The City's grant or grant by operation of law of a permit does not waive, and shall not be construed to waive, any standing by the City to challenge any provision in federal or state law or any interpretation thereof.

B. **Modified Conditions.** Each owner or operator of a PWSF shall routinely and regularly inspect each site to ensure compliance with the standards set forth in this Section.

§11.4.22.011 Legal Nonconforming Wireless Telecommunications Facilities on Private Property.

A. Legal nonconforming wireless telecommunications facilities are those private property wireless facilities that existed but did not conform to this chapter on the date this chapter became effective.

B. Legal nonconforming wireless telecommunications facilities subject to this chapter shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this chapter; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this Code at such time, to the extent the City can require such compliance under federal and state law.

C. An aggrieved person may file an appeal to the City Council of any decision of the director or other approval authority made pursuant to this section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the City Council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

§11.4.22.012 Special Exceptions for Federal or State Preemption.

A. **Preface.** The provisions in this section establish a procedure by which the City may grant an exception to the standards in this chapter but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in Subsection 11.4.22.012(B) in addition to the findings required under Subsection 11.4.22.006(A). Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

B. **Findings for an Exception.** The approval authority may grant an exception to any provision or requirement in this chapter only if the approval authority finds that a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both.

C. **Scope of Exception.** If the approval authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this chapter to least extent necessary for compliance with federal or state law.

D. **Burden of Proof.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

Chapter 11.4.23 Recycling Facilities

§11.4.23.001 Purpose.

This Chapter establishes standards for the siting and operation of various types and sizes of commercial recycling facilities to implement the California Beverage Container Recycling and Litter Reduction Act, as amended, and to protect the surrounding properties from impacts related to the operation of such recycling facilities. Recycling facilities shall comply with the following standards.

§11.4.23.002 Reverse Vending Machines.

A. **Accessory Use Only**. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Zoning Code, and shall not require additional parking.

B. **Location Requirements.** If located outside of a structure, the machines shall not occupy required parking spaces, and shall be located within thirty (30) feet of a building entrance, and shall be constructed of durable waterproof and rustproof materials.

C. **Maximum Size.** When located outdoors, the area occupied by the machines shall not exceed fifty (50) square feet, including any protective enclosure, nor eight exceed (8) feet in height.

D. **Signs.** Signs shall not exceed a maximum area of two (2) square feet for each machine, exclusive of operating instructions.

E. **Hours of Operation.** The machines shall have operating hours which are consistent with the operating hours of the primary use.

§11.4.23.003 Small Collection Facilities.

A. **Accessory Use Only.** A small collection facility shall only operate as an accessory use in compliance with the applicable provisions of this Zoning Code.

B. **Location Requirements.** Small collection facilities shall:

1. Not be located within one hundred (100) feet of a lot zoned for or occupied by a residential use; and

2. Be set back at least ten (10) feet from a public right-of-way and shall not obstruct pedestrian or vehicular circulation.

C. **Maximum Size.** Small collection facilities shall not exceed an area of three hundred fifty (350) square feet or three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers;

D. **Appearance of Facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

E. **Operating Standards for Small Collection Facilities:**

1. Only California Redemption Value (CRV) eligible glass, aluminum, or plastic containers, paper, and other recyclable items shall be accepted;

2. No power-driven processing equipment shall be used, except for bulk reverse vending machines;

3. Only containers that are constructed with durable waterproof and rustproof material(s) shall be used. Containers shall be secured from unauthorized entry and removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.

4. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

5. The operation shall not exceed noise levels of fifty (50) dBA as measured at the property line of the nearest residentially zoned or occupied property, otherwise shall not exceed sixty (60) dBA.

6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

7. Attended small collection facilities located within five hundred (500) feet of a residential zone shall only operate and have materials picked up or delivered between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. and 7:00 p.m. on Saturday and Sunday.

F. **Signs.** Signs shall comply with Chapter 11.5.08 (Sign Regulations), subject to the following requirements:

1. Identification signs shall not exceed a maximum area of ten (10) square feet;

2. Signs shall be compatible and harmonious with the character of their location; and

3. Directional signs, consistent with Chapter 11.5.08 (Sign Regulations) and without advertising message, may be approved by the Director only if determined necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

§11.4.23.004 Large Collection Facilities Prohibited.

Large collection facilities shall not be permitted in La Cañada Flintridge.

Chapter 11.4.24 Day Care Facilities (Child and Adult)

§11.4.24.001 Purpose.

This Chapter provides standards for day care facilities for children and adults, including small family day care, large family day care, small adult day care home, large adult day care home, and day care centers for children and adults.

§11.4.24.002 Care Provider Occupancy.

The single-family dwelling in which each small and large adult or child day care home is located shall be the principal residence of the care provider, and the use shall be clearly residential in character, and shall be accessory to the use of the property as a residence.

§11.4.24.003 Small Family Day Care, Large Family Day Care, and Small Adult Day Care.

Small family day care, large family day care, and small adult day care homes are considered a residential use of property and shall comply with the development standards of the residential district in which they are located.

§11.4.24.004 Standards—Day Care Centers.

A. All day care centers shall comply with this Section and with any additional requirements imposed as part of any other applicable permit, including but not limited to the following:

1. The minimum setback between the exterior wall of the main facility building and a residential zone shall be thirty (30) feet.

2. Any outdoor play or activity area shall not be located in the front yard or street side yard and shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas. A minimum four (4) foot high fence shall enclose an outdoor play or activity area and a minimum five (5) foot high fence shall enclose a pool.

3. Day care centers that are located adjacent to a residential use shall limit outdoor activities to the hours between nine (9) a.m. and seven (7) p.m.

B. Childcare facilities as an accessory use on the premises of a public or private school or religious facility are exempt from the provisions of this Section. The child day care center may be either operated by the school or religious facility or privately operated.

Chapter 11.4.25 Residential Care Facilities

§11.4.25.001 Purpose and Applicability.

This Chapter provides regulations for the establishment and operation of Large Residential Care Facilities and Residential Care Facilities for the Elderly. A Small Residential Care Facility for six (6) or fewer person is a use regulated by the State and shall be considered a permitted use in all zones permitting residential uses in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones) and is not subject to the provisions of this Chapter.Standards.

The following standards are intended as minimum requirements for large residential care facilities and residential facilities for the elderly, unless applicable State requirements are more restrictive

A. The use shall comply with all property development standards applicable to the underlying zone.

B. Sleeping areas must meet all of the following criteria:

   1. A minimum of seventy (70) square feet of sleeping area per resident, exclusive of closet or storage space, shall be provided.

   2. No room commonly used for other purposes shall be used as a sleeping area.

   3. No sleeping area shall be used as a public or general passageway to another room, bath, or toilet.

   4. A minimum of eight (8) square feet of storage (closet and/or drawers) shall be provided per bed.

C. The facility shall provide at least one (1) full bathroom (toilet, sink, shower, and/or bathtub) per every seven (7) beds.

D. The facility shall be required to provide a common living area of a minimum of one hundred (100) square feet plus additional common area of five (5) square feet per bed, exclusive of the sleeping, dining, and kitchen areas.

§11.4.25.002 Licenses, Permits, Certifications, and Approvals.

The operator of a residential care facility shall be required to obtain and maintain all applicable licenses, permits, certifications, and approvals as required by any and all governing agencies.

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Chapter 11.4.26 Adult Oriented Businesses and Entertainers

§11.4.26.001 Purpose.

A. The intent of this chapter is to regulate adult oriented businesses and adult entertainers so as to mitigate the significant secondary effects these businesses have on the community, such as: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of the adult oriented businesses; higher crime rates, noise, debris, or vandalism in the vicinity of adult oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which have a deleterious effect upon adjacent areas. Special regulation of adult oriented businesses and adult entertainers is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult oriented businesses.

B. These regulations are not intended to impose limitations or restrictions on the content of any communicative material, to restrict or deny access by adults to sexually oriented materials or merchandise protected by the First Amendment, or to deny access by the distributors or exhibitors of adult oriented business to their intended market.

§11.4.26.002 Definitions.

Unless it is clear from the context that a different meaning is intended, the following definitions shall apply to this chapter:

"Adult arcade" means an establishment where, for any form of consideration, as a regular and substantial course of conduct one or more still or motion picture projectors, or similar machines, for viewing by 5 or fewer individuals each, are used to show films, computer generated images, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Adult bookstore" means an establishment that, for any form of consideration, as a regular and substantial course of conduct offers for sale, rent, or viewing either adult entertainment material, adult oriented merchandise, or both.

"Adult cabaret" means an establishment that serves food or beverages and that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities or feature any nude or seminude person.

"Adult entertainment material" means any audiotape, book, periodical, magazine, photograph, drawing, sculpture, motion picture film, recording, or other visual or audio representation, characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Adult entertainer" means any person who dances, models, entertains, and/or performs specified sexual activities or displays specified anatomical parts in an adult oriented business. Such persons shall constitute "entertainers" regardless of their legal relationship (e.g., employee, owner, or independent contractor) with the adult oriented business.

"Adult entertainer permit" shall refer to a permit issued by the City of La Cañada Flintridge to an adult entertainer pursuant to §11.4.26.005.

"Adult modeling studio" means an establishment that provides, for any form of consideration, figure models who expose specified anatomical areas for the purpose of observation, sketching, photography, painting, sculpting or other depiction by persons paying such consideration. This definition shall not include schools maintained pursuant to standards set by the state board of education.

"Adult motion picture theater" means an establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer generated images, motion pictures, videos, slides, or other photographic or digital reproductions to six (6) or more individuals, which are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Adult oriented business" means any business establishment which as a regular and substantial course of conduct performs as an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or adult modeling studio; any business establishment or concern which as a regular and substantial course of conduct sells or distributes adult oriented merchandise or adult entertainment material; or any other business establishment or concern which as a regular and substantial course of conduct 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. Adult oriented business shall not include any business (e.g., web-based) that provides adult entertainment merchandise but that does not provide its customers with access to its premises.

"Adult oriented business permit" shall refer to a permit issued by the City of La Cañada Flintridge to an adult oriented business pursuant to §11.4.26.004.

"Adult oriented permits" shall refer to adult entertainer permits and adult oriented business permits, collectively.

"Adult oriented merchandise" means any adult entertainment implements or paraphernalia, such as, but not limited to: dildos; auto sucks; vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas; and similar adult entertainment devices that are designed or marketed primarily for sexual stimulation.

"Adult theater" means an establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities or feature any seminude person.

"City Manager" shall have the same meaning as Chapter 2.04 of this Code, and shall include their designee.

"Director" shall mean the Director of Community Development of the City of La Cañada Flintridge and shall include their designee.

"Nude" or "seminude" shall mean a state of dress in which any or all of an individual's specified anatomical areas are totally or partially visible. An individual, for purposes of this definition, includes a natural person, as well as characters that are created digitally or by any other medium and that are identifiable as having specified anatomical areas.

"Owner" means any of the following:

1. The sole proprietor of an adult oriented business.
2. Any general partner of a partnership that owns and operates an adult oriented business.

3. The owner of a controlling interest in a corporation that owns and operates an adult oriented business.

4. The person designated by the officers of a corporation to be the permit holder for an adult oriented business owned and operated by the corporation.

"Perform at an adult oriented business" means to engage in or participate in, at an adult oriented business, any live performance that is characterized by an emphasis upon specified sexual activities or features any nude or seminude person.

"Permittee" or "permit holder" means either the holder of a current and valid adult oriented business permit or adult entertainer permit issued by the City.

"Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

"Regular and substantial course of conduct" means that any or all of the following:

1. At least 15% (fifteen percent) of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials, or entertainment that is characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas. This criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

2. At least fifteen 15% (fifteen percent) of the total display area or 15% (fifteen percent) of the total merchandise (by volume or wholesale value), whichever is greater, is devoted to adult entertainment material, adult oriented merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

3. The business presents or offers to present, on any four (4) or more separate days within any thirty (30) day period, live entertainment that is characterized by an emphasis upon specified sexual activities or features any nude or seminude person.

4. The business presents or offers to present, on any four (4) or more separate days within any thirty (30) day period, non-live entertainment that is characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Specified anatomical areas" means any of the following:

1. Less than completely and opaquely covered genitals, pubic region, buttocks, and nipple of the female breast.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. Any device, costume, or covering, or any animated or digitally created character that simulates any of the body parts included in subsection 1 or 2 of this definition.

"Specified sexual activities" means any of the following, whether performed directly or indirectly through clothing or other covering, or performed by natural persons, animated characters, or digitally created characters:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breasts;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Excretory functions as part of, or in connection with, any of the other activities described in subsections 1 through 3 of this definition.

§11.4.26.003 Adult Oriented Permits – Required.

A. It is unlawful for any person to operate any adult oriented business unless the owner of such business first obtains, and continues to maintain in full force and effect, both an adult oriented business permit and a business license from the City of La Cañada Flintridge.

B. No person in charge of an adult oriented business shall allow any individual to provide a live performance at the business unless the entertainer is in possession of a valid adult entertainer permit issued by the City of La Cañada Flintridge.

C. Businesses that provide adult oriented merchandise in an amount less than their regular and substantial course of conduct shall not be required to obtain an adult oriented business permit, but shall be required every two (2) years to submit proof that the merchandise comprises less than 15% (fifteen percent) of the gross receipts, merchandise, or total floor area.

§11.4.26.004 Adult Oriented Business Permit – Application.

A. The owner of a proposed adult oriented business shall be the only person eligible to obtain an adult oriented business permit for such business. The owner shall not be eligible to obtain an adult oriented business permit unless the owner is at least eighteen (18) years of age. If the business has more than one owner, the application shall include the necessary identifying and background information for all owners.

B. The following information shall be submitted to the Director at the time an application for an adult oriented business permit is submitted:

1. A complete adult oriented business permit application signed by the applicant.
2. The applicant's completed Live Scan. Any fees for the Live Scan fingerprinting process shall be paid by the applicant. This requirement applies to all owners.
3. A nonrefundable fee as determined by the City Council, and set forth in the City's master fee schedule.
4. An operations description letter that describes in detail the proposed adult oriented business and how it will satisfy the design and performance standards of this chapter.
5. A diagram or floor plan describing the proposed project and a written explanation of how it complies or will comply with the requirements of this chapter. The diagram or floor plan shall be to scale and must show all measurements relating to the size of the business, as well as the layout, including identification of total display area, if any. The floor plan will include a lighting plan for the interior and exterior of the premises.
6. A signed statement that the applicant, and/or the applicant's officers, partners or investors have not had an adult oriented business permit revoked within the previous two years by any jurisdiction. This requirement applies to all owners.

7. A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct. This requirement applies to all owners.

8. All other information as required by City of La Cañada Flintridge adult oriented business permit information sheet.

C. **Determination of Completeness.** The City Manager shall determine whether the application contains all the information required. If the application is not complete, the applicant shall be notified in writing within ten (10) business days of the date of receipt of the application that the application is not complete and the reasons therefore, including any additional information necessary to render the application complete. The applicant shall have fourteen (14) days to resubmit the application. Failure to timely resubmit the application, or an incomplete resubmittal, will be deemed a withdrawal of the application. Within fourteen (14) days of resubmittal, the applicant shall be notified in writing that the application is complete, or that the application is deemed withdrawn for incompleteness. An applicant whose application is deemed abandoned must submit a brand new application in order to obtain an adult oriented business permit, including the payment of all fees.

§11.4.26.005 Adult Entertainer Permit Application.

A. No person less than eighteen (18) years of age shall be eligible for an adult entertainer permit.

B. A completed application form signed by the applicant shall be submitted to the Director at the time of application for an adult entertainer permit.

C. The application shall include the following information:

1. The applicant's legal name and any other names (including stage names and aliases) used by the applicant.

2. A good quality color copy of the applicant's current and valid government issued identification document, such as a state driver's license or identification card. If the applicant does not possess a state driver's license or state identification card, then the applicant shall submit a description of the applicant that sets forth the applicant's date of birth, height, weight, and hair and eye color, including satisfactory written evidence that the applicant is at least 18 years of age.

3. The applicant's current address.

4. A nonrefundable application fee in the amount determined by the City Council and included in the City's master fee schedule.

5. The business name and address where the applicant intends to perform.

D. If the Director determines that the applicant has completed the application improperly, the Director shall promptly notify the applicant in writing. An applicant shall have ten (10) days to complete the application properly. An application that is resubmitted improperly completed shall be denied in writing. The City Manager shall provide a decision on an adult entertainer permit within ten (10) business days of receiving a properly completed application.

§11.4.26.006 Adult Oriented Permits – Notice of Approval or Denial.

The Director shall issue an adult oriented business permit within forty-five (45) days of receipt of a complete application if the City Manager finds that the application fully complies with the requirements of this chapter; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States postal service within three (3) business days of the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial.

§11.4.26.007 Grounds for Denial, Suspension, or Revocation of Adult Oriented Permits.

A. The Director shall deny, suspend, or revoke an adult oriented business permit when the City Manager or the Sheriff's Department finds, by a preponderance of the evidence, that any of the following have occurred within the prior three (3) years:

1. Failure to comply with any of the provisions of this Chapter relating to such businesses.
2. The permittee has knowingly made false, misleading, or fraudulent statements of material fact in the application, or in any report or record required to be filed with the City; or has failed to apply for an amendment to a permit following substantial changes to the business.
3. The permittee has committed, or has knowingly allowed the occurrence of violations of local, state, or federal law on the premises of the adult oriented business.
4. The permittee, or an employee or independent contractor working on the premises, is conducting operations in a manner which constitutes a public nuisance;
5. The permittee has failed to abide by any conditions or restrictions imposed on the business by the City Manager following a warning or suspension.
6. The permittee has knowingly allowed the approved use to be substantially enlarged or modified without City approval.
7. The permittee, or any owner of the business, is convicted of violating any provision of this chapter, or the equivalent provisions of another jurisdiction, or has an adult oriented permit revoked in any jurisdiction.
8. The applicant, permittee, or any owner of the business is convicted of any of the following:
    a. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.
    b. Lewdness, assignation, or prostitution, including any conduct constituting violations of sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.
    c. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, sections 311.5 through 311.7, 311.12, and 313.1.

B. The Director shall deny, suspend, or revoke an adult entertainer permit when the City Manager or the Sheriff's Department finds, by a preponderance of the evidence, that the applicant or permittee has:

1. Knowingly made a false, misleading, or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the City.
2. Is under eighteen (18) years of age.
3. The adult entertainer permit is to be used for performing anywhere other than the location and business indicated on the permit.
4. The applicant or permittee has, within the prior three (3) years, engaged in one of the activities described below while on the premises of an adult oriented business:
    a. Sexual intercourse, sodomy, oral copulation, or masturbation.
    b. Solicitation of sexual intercourse, sodomy, oral copulation, or masturbation.
    c. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.
    d. Lewdness, assignation, or prostitution, including any conduct constituting violations of sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.
    e. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, sections 311.5 through 311.7, 311.12, and 313.1.
    f. Any conduct prohibited by this chapter.
5. The applicant or permittee has, within the prior three (3) years, been convicted of any of the following:
    a. Any conduct constituting a criminal offense, which requires registration under §290, et seq. of the California Penal Code, or the equivalent statute of another state or of the federal government.
    b. Lewdness, assignation, or prostitution, including any conduct constituting violations of sections 315, 316, or 318 or subdivision b of §647 of the California Penal Code.
    c. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, sections 311.5 through 311.7, 311.12, and 313.1.

§11.4.26.008 Display of Adult Oriented Permits.

A. Every adult oriented business shall display a current and valid adult oriented business permit for the business. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the adult oriented business.

B. Every entertainer shall have his or her adult entertainer permit available for inspection at all times the entertainer is on the premises of the adult oriented business for the purpose of performing.

§11.4.26.009 Term of Adult Oriented Business and Adult Entertainer Permit.

A. An adult oriented business permit shall be valid for twenty-four (24) months from the date of issuance unless suspended or revoked, or unless relinquished by the permittee. If an adult oriented business ceases operating as such prior to the expiration of its permit, then the permittee shall relinquish the permit by written notice to the City Manager within three calendar days of the cessation of operations.

B. An adult entertainer permit shall be valid for twenty-four (24) months from the date of issuance unless suspended or revoked, or unless relinquished by the permittee.

§11.4.26.010 Renewal of Adult Oriented Permits.

A. An adult oriented business permittee shall submit an application for renewal no later than thirty (30) calendar days prior to its expiration. The renewal application shall be on a form provided by the City, and shall include any change of information for the applicant and/or the business, and shall include updated Live Scan reports. The renewal application shall be submitted together with a nonrefundable renewal fee in the amount set by resolution of the City Council. The City Manager shall approve or deny the renewal on the same basis as a new application.

B. An adult entertainer shall submit an application for renewal on a form provided by the City prior to the expiration of their permit. The renewal application shall include any updated information for the applicant. The renewal application shall be submitted together with a nonrefundable renewal fee in the amount set by resolution of the City Council. The City Manager shall approve or deny the renewal on the same basis as a new application.

§11.4.26.011 Adult Oriented Permits Non-Transferrable.

A. No adult oriented business permit may be sold, transferred, or assigned to any other person, group, partnership, corporation or any other entity. An adult oriented business permit shall only be valid for the location specified on the permit. Any sale, transfer, or assignment or attempted sale, transfer, or assignment of an adult oriented business permit shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void.

B. No adult entertainer permit shall authorize the permittee to perform at an adult oriented business other than the business stated in the application for the permit. No adult entertainer permit shall be transferable to any other individual. Any sale, transfer, or assignment or attempted sale, transfer, or assignment of an adult oriented entertainer permit shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void.

§11.4.26.012 Suspension or Revocation of an Adult Oriented Permit.

A. This section is applicable to both adult oriented business permits and adult entertainer permits.

B. On determining that grounds for permit revocation exist, the Director shall furnish written notice of intent to suspend or notice of intent to revoke the permittee. Such notice shall set forth the time and place of a public hearing where the permittee will have the opportunity to be heard, and the grounds upon which the proposed suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee. The hearing shall be held no sooner than (ten) 10 days and no later than thirty (30) days following the notice. The permittee shall be provided with copies of all the evidence against him or her no later than seven (7) days prior to the hearing.

C. Hearings shall be conducted in accordance with procedures established by the City Manager. All parties involved shall have a right to: 1) offer testimonial, documentary, and tangible evidence bearing on the issues; 2) be represented by counsel; and 3) confront and cross-examine witnesses. The formal rules of evidence shall not apply; any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

D. If, following the hearing, the City Manager determines that grounds exist for disciplinary action, the Director shall impose one of the following penalties, based on the number and severity of the violations:

1. A warning will be issued for minor technical violations that can be corrected within twenty-four (24) hours. The warning will be in writing and include directions regarding correcting any remaining violations, and a period of time during which the permittee will be on probation. The monitoring period will be no less than thirty (30) days and no more than six (6) months. During that time, if the Director establishes any additional violations, the permit will be suspended or revoked.

2. The permit shall be suspended for a specified period not to exceed six (6) months, on the basis of any violation of the operational and performance requirements for adult oriented businesses, or of adult entertainers.

3. The permit shall be revoked when three (3) or more violations have occurred within a ninety (90) day period of the operational and performance requirements for adult oriented businesses, or of adult entertainers. An adult oriented business where more than three (3) total violations, including those by adult entertainers, shall have its permit revoked.

E. The City Manager may, in conjunction with the issuance of a warning or the suspension of an adult oriented permit, order the permittee to take appropriate corrective action within a specified amount of time.

F. The Director shall issue a written decision, and shall articulate findings in support thereof.

§11.4.26.013 Appeal of the City Manager's Decision.

Any interested person may appeal the City Manager's decisions regarding the issuance, denial, suspension, or revocation of an adult oriented business permit or adult entertainer permit to the City Council in accordance with the provisions of §11.4.26.015.

§11.4.26.014 City Manager's Decision Stayed During Appeal.

Any decision of the City Manager to suspend or revoke an adult oriented business permit or an adult entertainer permit, or to deny renewal of any such permit, shall be stayed during: (1) the appeal period set forth in this article; and (2) the pendency of any appeal.

§11.4.26.015 Appeal Hearing Before City Council.

A. An interested party may appeal a decision by the City Manager to City Council by submitting a request for appeal in writing to the City Clerk. The request for appeal must be filed within fifteen (15) days of the decision.

B. The City Council shall set the matter for an appeal hearing to be held not fewer than fifteen (15) nor more than forty-five (45) days from the date of filing of the request for appeal.

C. The permittee (and the interested party, if a different person) shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least ten (10) days prior to the hearing. The hearing may be continued from time to time upon the mutual consent of the parties.

D. At the time of such hearing, the City Council shall review all relevant evidence presented by the parties.

1. The formal rules of evidence shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

2. The City Council's decision shall be communicated in writing to the appellant (and to the permittee, if different from the appellant) within ten (10) days after the close of the hearing. The City Council's decision shall state whether the permit is suspended, and for how long, or revoked, and shall state the factual basis thereof.

3. The City Council's decision shall be final, and shall include notice that judicial review may be sought of the decision pursuant to California Civil Procedure Code §1094.8.

§11.4.26.016 Nonconforming Adult Oriented Businesses.

A. Except as provided in subsection B of this section, the provisions of this chapter shall be applicable to all adult oriented businesses, whether such businesses were established before or after the effective date of this chapter.

B. Any adult oriented businesses legally in business prior to the effective date of this chapter shall have six (6) months to comply with the terms of this chapter.

§11.4.26.017 Notices.

A. All notices required to be given pursuant to this chapter shall be served on the permittee, applicant, appellant, or a representative thereof, either by personal delivery or certified mail to such responsible party as the name and address appear in the most recent application on file with the City. Notices shall include information regarding appeal rights, if applicable, and a statement that the failure to file an appeal shall constitute a failure to exhaust administrative remedies.

B. In all cases where the permittee is not the property owner, notices shall also be sent to the property owner of record where the notice relates to possible closure of an adult oriented business due to suspension or revocation.

§11.4.26.018 Adult Oriented Businesses – Operational Standards.

A. No adult oriented business shall be located in any temporary or movable structure, or vehicle.

B. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

C. No landscaping shall exceed 30 inches in height, except trees with foliage not less than 6 feet above the ground.

D. In addition to requirements set forth in §11.5.05 (Outdoor Lighting Standards), all off street parking areas and premises entries of the adult oriented business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one foot-candle of light on parking surfaces and walkways.

E. The premises within which the adult oriented business is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property, public rights-of-way, or within any separate unit within the same building.

F. All indoor areas of the adult oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

G. All indoor areas of the adult oriented business shall be illuminated at a minimum of 2.0 foot-candle, minimally maintained and evenly distributed at ground level.

H. The adult oriented business shall provide and maintain separate restroom facilities for patrons and employees. The restrooms shall be free from adult entertainment material and adult oriented merchandise. Restrooms shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment.

I. The adult oriented business shall comply with the City's sign regulations.

J. The adult oriented business shall comply with the development and design requirements of the Zoning Code.

K. Adult arcades shall comply with the following additional requirements:

1. The interior of the premises shall be configured in such a manner that from a manager's station there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more designated manager's stations, then the interior shall be configured in such a manner that from at least one of the manager's stations there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required herein must be direct line of sight from the designated manager's station.
2. At all times the view specified in Subsection (K)(1) of this section shall remain unobstructed by doors, walls, merchandise, display racks, or other materials.
3. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times. The walls or partitions between viewing rooms or booths shall not contain holes between any two such rooms or booths such as would allow either: a) viewing from one room or booth into another; or b) physical contact of any kind between the occupants of any two such rooms or booths.
4. Signs prohibiting loitering shall be posted in prominent places in and near viewing rooms and booths.
5. No alteration in the configuration of a manager's station shall be made without the written approval of the City Manager.

L. Adult cabarets and adult theaters shall comply with the following additional requirements:

1. The interior of the premises shall be configured in such a manner that from a manager's station there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two (2) or more designated manager's stations, then the interior shall be configured in such a manner that from at least one of the manager's stations there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required herein must be direct line of sight from the designated manager's station.
2. At all times the view specified in Subsection (L)(1) of this section shall remain unobstructed by doors, walls, merchandise, display racks, or other materials.
3. No alteration in the configuration of a manager's station shall be made without the written approval of the City Manager.
4. Separate dressing room facilities for entertainers, exclusively dedicated to the entertainers' use, shall be provided.
5. Access between the stage and the entertainers' dressing room facilities, completely separated from the patrons, shall be provided. If such separate access is not physically feasible, a minimum 3 feet wide aisle between the entertainers' dressing room facilities and the stage shall be provided. Such walk aisle shall contain a railing, fence or other barrier separating the patrons and the entertainers. Such railing, fence or other barrier shall be at least thirty (30) inches in height and shall be sufficient to delineate a separation between patrons and entertainers; provided, however, that such railing may contain individual breaks not exceeding 5 feet in length and not exceeding more than 50% (fifty-percent) of the length of the walk aisle between the entertainers' dressing room facilities and the stage.

§11.4.26.019 Adult Oriented Business – Performance Standards.

A. No adult oriented business shall be operated in a manner that permits the observation, from public rights of way or locations outside the establishment, of either: (1) adult entertainment material; (2) adult oriented merchandise; (3) specified sexual activities; (4) specified anatomical areas; or (5) any nude or seminude person. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Exterior doors and windows of the adult oriented business shall not be propped or kept open at any time while the business is open.

C. Exterior windows of the adult oriented business shall be covered with opaque covering at all times.

D. Patrons shall not be permitted access to any area of the adult oriented business that has been designated as an area in which patrons will not be permitted.

E. No person under the age of eighteen (18) years shall be permitted within the adult oriented business at any time.

F. Adult oriented businesses served by on-site parking shall maintain a security system that visually monitors and records such parking surfaces. Recordings must be kept for a minimum of thirty (30) days, and shall be provided to peace officers or code enforcement officers upon request.

G. Security guards shall be employed in accordance with the following standards:

1. Security guards must hold a current and valid license issued by the California Department of Consumer Affairs, Bureau of Security and Investigative Services.

2. Businesses conducted within premises having a maximum occupancy capacity of fifty (50) persons or fewer shall have one (1) security guard on duty at all times while the business is open. Businesses conducted within premises having a maximum occupancy capacity greater than fifty (50) persons shall have two (2) security guards on duty at all times while the business is open. Adult oriented businesses with off-street parking that is not directly visible from the main entrance shall also have an additional security guard on duty in the parking area while the business is open, irrespective of whether the parking is shared with other businesses.

3. The security guard(s) shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public.

4. The security guard(s) shall be charged with enforcing patron compliance with the requirements of this chapter, and with notifying the Los Angeles County Sheriff's Department of any violations of law observed.

5. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

H. No adult oriented business shall operate between the hours of midnight and 8:00 a.m. on any day, except that this provision does not apply to businesses also regulated by the California Department of Alcoholic Beverage Control.

I. The exterior of the premises of the adult oriented business shall be free from all adult entertainment material and adult oriented merchandise.

J. No operator, entertainer, employee, or agent of an adult oriented business shall permit any patron to touch, caress, or fondle the clothed or unclothed breast, buttocks, anus or genitals of any operator, entertainer, employee, or agent of an adult oriented business providing live entertainment, or permit any entertainer, operator, employee, or agent to touch, caress, or fondle the clothed or unclothed breasts, buttocks, anus, or genitals of any patron.

K. Adult arcades shall comply with the following additional requirements:

1. No viewing room or video booth may be occupied by more than one person at any one time.
2. At least one employee shall be on duty and stationed at each manager's station at all times that a patron is present inside the premises.
3. Customers, patrons or visitors shall not be allowed to loiter in either: a) the vicinity of viewing rooms or booths; or b) the common area of the business.
4. The floors, seats, walls and other interior portions of viewing rooms and booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any viewing rooms or booths shall be evidence of improper maintenance and inadequate sanitary controls.

L. Adult cabarets and adult theaters shall comply with the following additional requirements:

1. No entertainer shall perform except upon a stage that is both: a) at least eighteen (18) inches above the level of the floor; and b) separated by a distance of at least six (6) feet from the nearest area occupied by patrons.
2. No patron shall be permitted within six (6) feet of the stage while the stage is occupied by an entertainer nor shall a patron be permitted within six (6) feet of any person dancing for any form of consideration.
3. No entertainer shall fondle or caress any patron and no patron shall fondle or caress any entertainer. This prohibition shall apply before, during, and after a performance, but only on the premises of the business. For the purposes of this subsection, "fondle or caress" means to touch with the intent to sexually arouse or excite.
4. No patron shall directly pay or give any gratuity to an entertainer in conjunction with a performance. For purpose of this provision, "directly pay or give" shall mean the placement of a gratuity by a patron on any portion of an entertainer's person or clothing.
5. No entertainer shall solicit any gratuity from a patron.

M. No owner or other person with managerial control over the adult oriented business shall permit any person on the premises to engage in a live performance characterized by the exposure of specified anatomical areas.

N. No adult oriented business shall be operated when the presentation of sale, trade, display or presentation of services, products or entertainment characterized by an emphasis on matters, depicting, describing or relating to specified sexual activity or specified anatomical parts is otherwise prohibited by local, state, or federal law.

§11.4.26.020 Adult Oriented Businesses – Gross Receipts Records.

The owner of an adult oriented business shall maintain complete records that can be segregated with regard to all transactions involving products, merchandise, services, or entertainment characterized by an

emphasis upon specified sexual activities or the exposure of specified anatomical areas. Such records shall be sufficient to establish the percentage of gross receipts of the business that is derived from such transactions. Such records shall be maintained for at least three (3) years after the end of the calendar year for which the records were created.

§11.4.26.021 Adult Oriented Business That Provide Live Performances – Register of Adult Entertainers.

A. Every adult oriented business that provides live performances shall maintain on the premises a register of all entertainers who perform at the business. The register shall list each entertainer's legal name, stage name(s), and adult entertainer permit number. The register must be updated within forty-eight (48) hours of any change in entertainer personnel.

B. Upon commencement of the business, and on an annual basis thereafter, every owner of adult oriented business that provides live performances shall file with the City Manager a copy of the register of entertainers who perform at the business. Such filing shall be accompanied by a statement, signed by the owner, that all of the information in the register is correct and current. The owner of the business shall update the information provided to the City within two (2) weeks of any change in entertainer personnel.

§11.4.26.022 Inspections.

The owner, operator, or other person in charge of an adult oriented business shall allow City officers and their authorized representatives to conduct unscheduled inspections of the patron-accessible areas of the premises for the purpose of ensuring compliance with this chapter. Such access shall be afforded at any time the adult oriented business is open for business or is occupied.

§11.4.26.023 Violations.

In addition to the disciplinary actions provided in this chapter, any violation of the provisions of this chapter may also be punished or abated pursuant to the provisions of Chapter 1.04 and 1.07, in addition to any other remedy at equity or at law available to the City. No remedy shall be exclusive of any other remedy.

§11.4.26.024 Regulations Not Exclusive.

The provisions of this chapter regulating adult oriented businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other applicable provisions of this Code or other law, including obtaining and maintaining a valid city business license. Notwithstanding the preceding, neither a conditional use permit for a nightclub use nor a permit for public dancing shall be required for an adult oriented business.

Chapter 11.4.27 Animal Keeping and Animal Clubs in Residential and Mixed Use Zones

§11.4.27.001 Purpose.

The City Council has determined that ownership of horses and other animals is an important tradition and an asset to the community. This Chapter establishes regulations as they pertain to the density of horses and other similar animals, and general standards for their maintenance. This Chapter also establishes regulations governing animals for the personal use of the family residing on the premises in the primary dwelling unit where accessory to the residential use of property, including the manner in which animals are maintained within the city, as opposed to maintenance for commercial purposes. Such regulations presume a significant effort on the part of the animal owner to recognize the rights of surrounding neighbors by maintaining and controlling his or her animals in a safe and healthy manner that does not significantly impact the use and enjoyment of neighboring property.

§11.4.27.002 Animal Keeping in Residential and Mixed Use Zones.

A person may keep or maintain an animal on any lot or parcel zoned for residential purposes, on any parcel where the principal use listed in this Zoning Code is residential provided the property is being legally used as a single-family residence, or in the residential portion of a development in any mixed use zone, only as specifically authorized by this Chapter of the Zoning Code.

§11.4.27.003 Animals Prohibited.

A person shall not keep or maintain any of the following animals, whether such animal is kept or maintained for the personal use of the occupant or otherwise:

A. **Pig or Hog:** Any live pig or hog of any age; or

B. **Rooster:** Any rooster over two (2) months old, in any residential zone; or

C. **Wild Animal:**

1. Any wild animal which is not normally domesticated in the United States, including, but not limited to: any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wildcat, skunk, venomous reptile, ratites (including ostriches, emus and rheas), rodents attaining an adult weight of over ten (10) pounds, or any crocodilian (order Crocodilia), irrespective of its actual or asserted state of docility, tameness, or domesticity. Such an animal shall be referred to as a "wild animal." In addition, the owner of any boa or python species (family Boidae) attaining an adult weight of over fifteen (15) pounds or an overall length of over three and one-half (3-½) feet, and the owner of any monitor lizard species (family Varanidae) that attains an adult weight of over ten (10) pounds or an adult overall length over three (3) feet, shall keep these animals in cages or enclosures of such size and construction as to preclude the possibility of escape and at the same time permit the animals reasonable freedom of movement. If these animals are maintained in such a manner, and the owner complies with all federal, State, and local laws or regulations affecting such animals, it will not be considered a "wild animal" subject to this Section. However, any failure to maintain a boa, python, or monitor lizard species in the above manner could subject the owner to a dangerous animal abatement proceeding as authorized by this Chapter.

a. The sale, possession for sale, importation, or breeding of a wild animal is absolutely prohibited. This Section does not apply to birds, small rodents or nonvenomous reptiles commonly used for educational or experimental purposes or for pets.

b. This Section shall not apply to recognized institutions of learning or scientific research unless the City Manager or his or her designee gives forty-eight (48) hours' advance notice that, by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures, or by a particular hazard connected with the animal or animals involved, the public health, safety, and welfare will be endangered. It is further provided that certain raptorial birds or birds of prey, such as hawks and falcons, may be maintained in the city by licensed falconers, who may acquire a qualified ownership of such birds of prey for the practice of falconry by complying with Fish and Game Commission rules and regulations.

§11.4.27.004 Dogs, Cats, and Other Ordinary Household Animals.

Dogs, cats, and any other ordinary households animal which are commonly considered pets, and which are otherwise allowed pursuant to the provisions of this Chapter, are allowed except as follows:

A. In any single-family residential (R-1), residential planned development (RPD) zone, or any single-family use in any zone, for each parcel with a primary dwelling unit, the occupant may keep for his or her personal use not more than three (3) dogs over four (4) months of age and not more than five (5) cats over four (4) months of age.

B. In the multifamily residential (R-3) zone or the residential portion of a development in any mixed use zone, the occupant may keep for his or her personal use not more than one (1) dog and one (1) cat over four (4) months of age, or two (2) dogs or two (2) cats over four (4) months of age. An Excess Animal Permit pursuant to §11.4.27.010 shall not be approved for property in the R-3 zone or the residential portion of a development in any mixed use zone.

§11.4.27.005 Livestock Permitted as an Accessory Use.

Livestock may be kept or maintained as an accessory use for the personal use of the occupants of premises in the single-family residential (R-1) zones on any one (1) parcel containing a single-family residential dwelling structure, subject to the requirements of this Section and as otherwise provided for by this Chapter. For purposes of this Section, all lots comprising the premises of one (1) primary residence shall be deemed to constitute one (1) parcel.

A. Maximum Number of Livestock Permitted.

1. The maximum number of livestock, in any combination, shall be permitted as provided by **Error! Reference source not found.**.

Table 11.4.27-1: Livestock Permitted

Livestock Permitted					
	Lot Size (sf)				
	Under 15,000	15,000-19,999	20,000-24,999	25,000-29,999	30,000+
Total Permitted	0	2	3	4	5

B. **Standards for Livestock.**

1. Horses, donkeys, mules, cows, steers, llamas, or alpacas up to the age of one (1) year, and sheep and goats up to the age of six (6) months, may be kept on the premises in addition to the animals specified in Table 11.4.27-1, provided:

   a. Such animals are otherwise kept and maintained as set forth in this Section;

   b. The mother of such young hoofed animals is also kept on such premises; and

   c. An Animal Keeping Registration (Animal Keeping—Property Registration) for such young hoofed animal(s) is first obtained from the Director, pursuant to §11.4.27.009 of this Chapter.

2. Any barn, facility, or other area which such animal(s) are allowed to occupy shall be located not less than fifty (50) feet from the primary dwelling unit on any adjacent property, or at such greater distance as is required by any applicable law or ordinance.

3. No barn, structure, or other area used for keeping any such animal(s) shall be located between the front property line or corner side property line and the primary dwelling unit on the site.

4. Adequate fences, walls, or other barriers shall be installed and maintained on the premises so that each such animal is so adequately confined on the premises that such animal cannot damage adjoining property.

§11.4.27.006 Farm Fowl Permitted as an Accessory Use.

Farm fowl may be kept or maintained as an accessory use for the personal use of the occupants of premises subject to the requirements of this Section and as otherwise provided for by this Chapter. For the purposes of this Section, all lots comprising the premises of one (1) primary residence shall be deemed to constitute one (1) parcel.

A. **Maximum Number of Farm Fowl Permitted.**

1. In the single-family residential (R-1) or residential planned development (RPD) zone on any one (1) parcel containing one (1) primary single-family residential dwelling unit, the maximum number of farm fowl permitted shall be as provided by Table 11.4.27-2.

Table 11.4.27-2: Farm Fowl Permitted

Farm Fowl Permitted			
Lot Size (sf)	**Total Permitted[1]**	**Maximum by Type**	**Type of Fowl**
Under 15,000	3	3	Chickens
		0	Ducks

[1] The total number permitted of any combination of chickens, ducks, or geese, unless otherwise specified, provided the maximum for each type of farm fowl is not exceeded.

		0	Geese
15,000-19,999	6	6	Chickens
		6	Ducks
		3	Geese
20,000-24,999	9	9	Chickens
		9	Ducks
		3	Geese
25,000-29,999	12	12	Chickens
		12	Ducks
		3	Geese
30,000-34,999	15	15	Chickens
		12	Ducks
		3	Geese
35,000-39,999	18	18	Chickens
		12	Ducks
		3	Geese
40,000+	20	20	Chickens
		12	Ducks
		3	Geese

B. **Standards for Farm Fowl.**

1. Chickens, ducks, and geese up to the age of five (5) months may be kept on the premises in addition to the animals specified in Table 11.4.27-2 of this Section, provided such animals are otherwise kept and maintained as set forth in this Chapter.

2. At least one (1) coop shall be provided for all farm fowl on a lot. Minimum space requirements for farm fowl inside the coop and for outside runs shall be provided in accordance with Table 11.4.27-3.

Table 11.4.27-3: Space Requirements for Farm Fowl

Minimum Space Requirements for Farm Fowl		
Type of Poultry Bird	**Sq. ft./Inside Coop**	**Sq. ft./Outside Run**
Bantam Chickens	1	4
Layer Hens/Larger Chickens	2	10
Ducks	3	15
Geese	6	18

3. Coops shall be located not less than thirty-five (35) feet from the primary dwelling unit on any adjacent property, or at such greater distance as is required by any applicable law or ordinance, except as permitted through exemption herein.

4. Coops shall be located out of all required single-family residential (R-1) zone setbacks. Additionally, no coop shall be located between the front property line or corner side property line and the primary dwelling unit on the site.

5. On single-family residential (R-1) lots where the thirty-five (35) foot distance radius to offsite primary dwelling units cannot be achieved, or a coop setback does not meet the required single-family residential (R-1) zone setbacks, the Director may waive the distance requirement pursuant to approval of a Zoning Modification as provided for in Subsection 11.6.04.002(G) (Chicken Coop Waiver) only if the following criteria are met:

   a. The coop is set as far from any offsite main dwelling as possible;

   b. The coop is designed and constructed in a manner that minimizes emanation of noise and odors;

   c. The animal owner has maintained the property in accordance with the standards referenced in this Chapter; and

   d. The use is not found to be a nuisance.

6. Adequate fences, walls, or other barriers shall be installed and maintained on the premises so that each such animal is so adequately confined on the premises that such animal cannot damage adjoining property.

§11.4.27.007 Maintenance of Premises.

The occupant of the premises on which any livestock or farm fowl is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety, or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment, or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors, flies, and waste from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this Section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized:

A. A sprinkler system adequate to control dust in corrals, turn-out areas, riding rings, or animal pens shall be installed and utilized as necessary on the premises.

B. Lime, sand, or other appropriate materials shall be utilized on the premises to eliminate odor problems.

C. All manure shall be removed from the ground, stalls, coops, and pens at least once in every twenty-four (24) hour period and placed in a covered container(s). All manure shall be removed from the premises at least once every seven (7) days.

D. Chemical spray and/or bait shall be utilized as frequently as necessary for fly control.

§11.4.27.008 Boarding of Livestock.

Not more than two (2) livestock which are not for the personal use of the occupant of the parcel may be kept, maintained, or otherwise boarded on the parcel, whether or not consideration in the form of money, goods, services, or other valuable consideration is received from the owner or user of the animal, subject to the following conditions:

A. Such boarding shall not be conducted as a commercial enterprise. For purposes of this Section, boarding shall be deemed a commercial enterprise if the occupant advertises in any manner whatsoever the availability of boarding of animals on the lot or parcel, conducts the boarding with the intent or result of generating profit, or otherwise engages in activities such as are commonly associated with commercial activity.

B. Any animals boarded pursuant to this Section shall be counted as part of the total number of animals allowed on the lot or parcel.

C. All requirements of this Section as to the maintenance of animals shall be complied with.

§11.4.27.009 Animal Keeping—Property Registration Required.

Every property in any single-family residential (R-1) and residential planned development (RPD) zone on which any animal subject to Subsection 11.4.27.005(B) (Standards for Livestock) is kept or maintained shall be registered with the City.

A. **Procedures and Requirements for Animal Keeping—Property Registration.** An Animal Keeping–Property Registration application shall be prepared, filed, and processed as provided by this Subsection.

1. **Application.** Animal Keeping—Property Registration applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.

2. **Review process.** The review process for Animal Keeping—Property Registration shall be as provided for in this Subsection.

   a. *Authority.* The Director shall issue the registration unless the Director determines that keeping of animals is being conducted as a commercial activity on the premises, or the activity is inconsistent with Section 11.4.27.005 (Standards for Livestock), in which case said registration shall be denied, and the applicant notified of such decision.

   b. *Public Notification.* No.

   c. *Public Hearing.* No.

   d. *Appeal.* Yes. The decision of the Director may be appealed by the applicant by filing a written appeal with the Director within thirty (30) days of the date of the Director's decision. The appeal shall be accompanied by a fee established by resolution of the Council. The appeal shall proceed as set forth in Subsection 11.2.03.003(D) (Method of Notice).

B. **Annual Renewal.** An animal Keeping-Property Registration shall be renewed annually.

§11.4.27.010 Excess Animal Permit.

A. **Criteria and Permit Required.** In addition to those animals specifically authorized by the provisions of this Chapter to be kept in a residential zone, an animal may be kept or maintained as a pet or for the personal use of the occupants of the premises if any one of the following criteria is met and an Excess Animal Permit is first obtained:

1. The animal is of a species not specifically permitted or prohibited by any law, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare.

2. Addition of the animal to others on the premises would cause the total number of such animals to exceed the maximum number otherwise permitted, but will not be materially detrimental to the use, enjoyment, or value of property of other persons in the vicinity of the premises. An Excess Animal Permit shall not be issued to permit any livestock to be kept or maintained on any parcel with an area of less than fifteen thousand (15,000) square feet or for property located in the R-3 zone or the residential portion of the mixed use zone.

B. **Procedures and Requirements for Excess Animal Permit.**

1. **Application.** Excess Animal Permit applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code, except that no application shall be filed or accepted if final action has been taken within one (1) year prior thereto by the Zoning Hearing Officer on an application requesting the same or substantially the same permit.

2. **Review Process.** An Excess Animal Permit is subject to Review Process C (Subsection 11.6.02.004(C)).

C. **Decision and Required Findings.** An Excess Animal Permit shall not be approved unless the Zoning Hearing Officer makes the following findings:

1. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.

2. The requested animal(s) at the location proposed will not jeopardize, endanger, or otherwise constitute a public nuisance or menace to the public health, safety, or general welfare.

3. The proposed site is adequate in size and shape to accommodate the animal(s) requested without material detriment to the use and enjoyment of the property of other persons located in the vicinity of the site.

D. **Conditions of Approval.** In approving an Excess Animal Permit, the Zoning Hearing Officer may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

E. **Excess Animal Permit Validity.** An Excess Animal Permit is issued for the benefit and use of the applicant thereof and for members of the applicant's family residing with said applicant and shall terminate and be of no further force or effect when said applicant and family cease to occupy the premises described in the Excess Animal Permit application or if the animal is no longer located on the property.

§11.4.27.011 Animal Club Permit.

A. **Criteria and Permit Required.** Any group, club, or association operated on a nonprofit basis for recreational purposes may conduct regular, periodic meetings of people and animals owned by those people on any property with a minimum area of thirty thousand (30,000) square feet in a residential zone; provided that an Animal Club Permit is first obtained pursuant to the provisions of this Section.

B. **Procedures and Requirements for Animal Club Permit.**

1. **Application.** Animal Club Permit applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review Process.** An Animal Club Permit is subject to Review Process C (Subsection 11.6.02.004(C)).

C. **Decision and Required Findings.** An Animal Club Permit shall not be approved unless the Zoning Hearing Officer makes the following findings:

1. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.

2. The requested animal club activities at the location proposed will not jeopardize, endanger, or otherwise constitute a nuisance to the public health, safety, or general welfare.

3. The proposed site is adequate in size and shape to accommodate the animal club activities requested without material detriment to the use and enjoyment of the property of other persons located in the vicinity of the site.

D. **Conditions of Approval.**

1. In approving an Animal Club Permit, the Zoning Hearing Officer may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

2. Additional required condition of approval: Except as otherwise provided by law, all animals brought to the premises by any person not residing on the premises in connection with animal club activities shall be removed from the premises upon conclusion of such activities on any day.

E. **Animal Club Permit Validity.** An Animal Club Permit shall be valid for a period of one (1) year. The permit may be renewed by filing an application for renewal containing any change in the information on file with the City. The Director shall renew the Animal Club Permit for the premises if no written complaint has been received about club activities during the prior year on that property. If any such complaint has been received within the year prior to the renewal application, the Director shall refer the application to the Zoning Hearing Officer to conduct a hearing to determine if the permit shall be renewed, according to Review Process C (Subsection 11.6.02.004(C)). At the conclusion of the hearing, the Zoning Hearing Officer may approve or deny the renewal or may approve the renewal subject to conditions.

DRAFT

Chapter 11.4.28 Cottage Food Operations

§11.4.28.001 Purpose.

This Chapter provides minimum standards and requirements for cottage food operations, as defined in California Health and Safety Code §113758, to be established in residential neighborhoods, under conditions that these uses shall not alter or disturb the character of the surrounding residential environment regarding spacing and concentration, traffic control, parking, and noise control. All definitions related to cottage food operations as set forth in California Health and Safety Code §113758 are hereby incorporated by reference, as currently enacted and as may hereafter be amended.

§11.4.28.002 Permit Required and Compliance with Permit.

Cottage food operations shall be permitted in any residential zone with approval of a Director's Use Permit application, in accordance with the procedure established in §11.6.06.002 and the requirements and standards set forth in this Chapter.

A. A Director's Use Permit for a cottage food operation shall be granted if the application is complete and the cottage food operation complies with the requirements set forth in this Chapter, the underlying zone, and all other applicable LCFMC provisions.

B. If a Director's Use Permit for a cottage food operation is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties and/or residents. Any use or activity authorized under said permit shall be in compliance with any conditions of approval shown on and/or attached to the approved permit, inclusive of the requirements of subsection (D) of this section. Failure to comply with the applicable requirements and conditions of approval may result in revocation of the permit.

C. The permit applicant shall be the individual who conducts the cottage food operation from his or her private residential dwelling unit and is the owner of the cottage food operation. The permit shall be attached to the property address and is not transferable to another operator or address.

D. If the property on or in which the cottage food operation will be conducted is part of an active homeowners' association, the permit applicant shall provide written authorization by the homeowner association to conduct the cottage food operation from the property.

§11.4.28.003 Standards.

A cottage food operation shall comply with the following standards:

A. The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Los Angeles County Department of Environmental Health. Evidence of said registration or permit issuance by the County shall be provided to the Director prior to issuance of a business license.

B. All cottage food operations shall require a City business license to be procured subsequent to, and in compliance with, approval of the DUP application and associated conditions of approval.

C. The cottage food operation shall be clearly accessory to the use of the structure as a dwelling unit, and shall not create dust, noise, or odors in excess of that normally associated with a residential use.

D. The cottage food operation shall not generate pedestrian or vehicular traffic in excess of that normally associated with a residential use.

E. Where a cottage food operation is permitted in a legal nonconforming residence, the cottage food operation shall not cause any such nonconforming situation(s) to be increased.

F. The cottage food operation shall be conducted solely within a primary residence.

G. No sign(s) identifying the cottage food operation shall be permitted to be posted or displayed on the premises, nor on or within anything located on the premises, except as may be required by any federal, State, and/or local permitting agency. Neither the dwelling nor the property shall be altered to appear other than a residence, either by color, materials, construction, lighting, sounds, vibrations, or other characteristics.

H. No more than one (1) cottage food employee, as defined by California Health and Safety Code §113758(b)(1), shall be employed by the cottage food operation, not including any residing family or household member.

§11.4.28.004 Enforcement.

In addition to the provisions of Chapter 11.2.04 (Enforcement) the following provisions shall apply to cottage food operations:

A. **Revocation.** A Director's Use Permit issued under this Chapter may be revoked for any violation of this Chapter or of §114365 et seq., of the California Health and Safety Code.

B. **Inspections.** The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation is located if the City has, on the basis of any complaint(s), reason to suspect that the cottage food operation has violated the provisions of this Section and/or California Health and Safety Code §114365 et seq. Furthermore, the City may also conduct routine periodic inspections to ensure compliance with the provisions and conditions of the cottage food operation's Director's Use Permit (DUP) and City business license.

DRAFT

Chapter 11.4.29 Donation Collection Bins

§11.4.29.001 Purpose.

This Chapter establishes standards and regulations for the placement and use of unattended donation collection bins for the purpose of mitigating potential adverse effects on the health, safety, and welfare of persons and property, both on the subject property and within neighboring areas, which may arise from the undue proliferation and/or inappropriate placement and operation of donation collection bins. The regulations of this Chapter are further intended to:

A. Ensure that unattended donation collection bins do not pose a hazard to pedestrian, vehicular, and bicycle circulation.

B. Mitigate other potential public health hazards.

C. Ensure that unattended donation collection bins do not displace parking spaces and landscaping.

D. Ensure that material is not allowed to accumulate outside of the unattended donation bins and become depositories for discarded items or other uncollected refuse.

E. Ensure that the placement and operation of unattended donation bins do not degrade the appearance and aesthetic qualities of the community.

§11.4.29.002 Applicability.

It shall be unlawful and a public nuisance for any person to place, operate, maintain, or allow an unattended donation collection bin on real property within any zone as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or any specific plan in the city, and for any person to allow another person to operate a donation collection bin on property they own, lease, manage, or control within any zone or specific plan in the city, except as expressly provided for in this chapter.

§11.4.29.003 Donation Collection Bin Permit Required.

A. **Permit Required.** Unless otherwise exempt, the operator of the donation collection bin shall first obtain a Donation Collection Bin Permit pursuant to this Chapter prior to placement and operation of an unattended donation collection bin within the city.

B. **Limitations.**

1. A permit issued hereunder shall be valid for one (1) unattended donation box. Each unattended donation box shall have its own individual permit.

2. No more than one (1) unattended donation box shall be placed on each parcel of real property or each shopping center, where the shopping center includes two (2) or more parcels.

C. **Permit Application Requirements.**

1. The Donation Collection Bin Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.

2. The property owner's signature is required.

D. **Permit Fee.** The fee for the Donation Collection Bin Permit shall be as established by Council resolution as may be amended from time to time.

E. **Decision.**

1. Within thirty (30) days of receiving a completed application, the Director shall issue a Donation Collection Bin permit or deny the issuance of the permit.
2. The Director shall not issue such permit unless the Director determines that all requirements of this Chapter have been met.
3. If the Director denies an application, the Director shall provide the applicant, in writing, the specific reason(s) for denial.
4. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).

F. **Transfer of Permit Prohibited.** No person to whom a Donation Collection Bin permit has been issued shall transfer, assign, or convey such permit to another person or operator.

G. **New Permit Required.** If the donation collection bin is to be moved to a different location on the same property, a new Donation Collection Bin Permit shall be required.

§11.4.29.004 Regulations.

A Donation Collection Bin Permit shall be issued by the Director only if the following regulations are met:

A. **Placement.** In no case shall a donation collection bin:

1. Be placed on required parking spaces;
2. Be located within any landscaped area;
3. Interfere with vehicular, pedestrian, or bicyclist circulation;
4. Impede pedestrian, bicyclist, and vehicular sight distances;
5. Be located within three hundred (300) feet of any establishment that stores large amounts of, or sells, fuels or other flammable liquids or gases;
6. Be located within four hundred (400) feet of another donation collection bin;
7. Be located within any residential zone;
8. Be located within one hundred (100) feet of any single-family residential (R-1) zoned property;
9. Be visible from any of the city's scenic corridors as shown on Figure CNE-3 of the City's General Plan Conservation Element.

B. **Maintenance and Operation.**

1. The operator of the donation collection bin and property owner of the subject property shall be individually and severally responsible for maintaining, or causing to be maintained, the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris, or other refuse material.

2. The operator of the donation collection bin and property owner of the subject property shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris, and other refuse material in the area surrounding the unattended donation boxes within twenty-four (24) hours of written or verbal notice from the City.

3. The operator placing, using, or employing a donation collection bin shall maintain the bin in good condition and appearance with no structural damage, holes, or visible rust, or graffiti. Any graffiti shall be removed within forty-eight (48) hours of discovery.

4. Unattended donation collection bins shall be locked or otherwise secured.

5. Unattended donation collection bins shall be serviced and emptied as needed, but at least once per month, or within five (5) business days of a request by the Director.

C. **Information Required to be Displayed.** The following information shall be clearly and conspicuously displayed on the exterior of the donation collection bin:

1. A copy of the Donation Collection Bin Permit issued by the City in a prominent and visible location in the front of the box in plain view for inspection by the public and City officials; and

2. The following contact information in two (2) inch type visible from the front of each unattended donation box: the name, address, e-mail, and phone number of both the operator and property owner.

§11.4.29.005 Revocation of Permit, Removal of Unattended Donation Boxes, and Liability.

The Director shall have the right to revoke any permit issued hereunder if any of the grounds to refuse issuance of the initial permit exists pursuant to Chapter 11.2.04 (Enforcement). In addition, the failure of the operator or property owner to comply with the provisions of this Section, or other provisions of this Zoning Code or other law, shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to both the operator and property owner stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the real property within thirty (30) calendar days and, if not removed within this time period, the City may remove, store, and dispose of the unattended donation box at the operator's sole cost and expense. Upon revocation, the operator shall be prohibited from applying for a Donation Collection Bin Permit at any location for a period of one (1) year. Any violation of the provisions of this Section is a public nuisance subject to abatement pursuant to this Zoning Code or as otherwise permitted by law.

§11.4.29.006 Amortization Period and Removal.

The provisions of this Zoning Code regarding legal nonconforming uses (Chapter 11.5.03, Legal Nonconforming Uses, Structures, and Parcels) do not apply to donation boxes. Instead, all operators of donation collection boxes existing on the effective date of this Chapter will have ninety (90) days to bring any existing donation collection bins that are located within the City limits into compliance with this Chapter. If a donation collection bin that is located within the City limits after ninety (90) days from the effective date of this Chapter is not brought into compliance with this Chapter, such donation collection bin shall be deemed a nuisance, subject to abatement and enforcement as provided for in Chapter 11.2.04 (Enforcement).

§11.4.29.007 Exceptions.

This Chapter does not apply to the following:

A. Unattended donation collection bins located entirely within the interior of a building.

B. A donation collection bin that is part of a temporary fundraiser and that is fully staffed by attendants. A temporary fundraiser utilizing a donation collection bin must be limited in duration to a single day.

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Chapter 11.4.30 Flags and Flagpoles

§11.4.30.001 Purpose.

This Chapter regulates the height and placement of flagpoles and the flags flown on them. Without regulations, flagpole installations may impact neighboring properties negatively in the areas of noise and visual clutter. These regulations are in no way intended to prevent one from flying an American or State of California flag. They are intended only to ensure the impacts to neighboring properties are mitigated.

§11.4.30.002 Standards.

The following standards apply, except as otherwise provided for in this Chapter.

A. **General.** The following standards apply to flags and flagpoles in all zones.

1. Flags shall comply with the prohibitions of §11.5.09.006 (Removal).
2. The halyard system shall be an internal system located inside the flagpole and shall be made of material other than metal to mitigate noise.
3. Flagpole installation shall comply with Building Department regulations and permits.
4. In no case shall the flag extend beyond the property line of the subject property.
5. Flags shall be replaced when they become faded, tattered, or torn.
6. Lighting of flags and associated flag poles shall comply with Chapter 11.5.05 (Outdoor Lighting Standards).

B. **Residential Zones.** The following standards apply to flags and flagpoles in all residential zones.

1. Property within all residential zones is limited to one (1) flagpole for each parcel.
2. The height of a flagpole shall be limited to fifteen (15) feet, not including any finial.
3. The flagpole shall not be placed in any required side or rear yard setback that is adjacent to a single-family residential (R-1) zoned property. The flagpole should not be closer than ten (10) feet to the front property line.
4. The area of the flag shall not exceed twenty-four (24) square feet per flag.
5. Exceptions. Any flag and/or flagpole in a residential zone that does not comply with the standards listed in Subsection (B) of this Section shall require a Conditional Use Permit.

C. **All Other Zones.** The following standards apply to flags and flagpoles in all non-residential and mixed use zones.

1. Property within all non-residential and mixed use zones is limited to one (1) flagpole for each parcel; except that a maximum of three (3) flagpoles in not more than one (1) location may be permitted with a Conditional Use Permit.
2. The height of a flagpole shall be limited to thirty-five (35) feet, not including any finial.
3. The flagpole(s) shall not be located within fifty (50) feet of a residential zone.
4. The flagpole(s) shall not be closer than ten (10) feet to the front property line.

5. The area of the flag shall not exceed sixty (60) square feet per flag.
6. Lighting of the flag(s) is subject to approval of a Conditional Use Permit and additionally shall comply with Subsection 11.5.05.003(G).
7. Exceptions. Any flag and/or flagpole in a non-residential or mixed use zone that does not comply with the standards listed in this Section shall require a Conditional Use Permit.

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Chapter 11.4.31 Home Occupations

§11.4.31.001 Purpose.

This Chapter provides standards for the conduct of home occupations that are deemed accessory to, and compatible with, surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling.

§11.4.31.002 Applicability.

The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

§11.4.31.003 Home Occupation Permit Required.

No home occupation shall be permitted without first obtaining a Home Occupation Permit pursuant to the standards and requirements of this Chapter.

A. **Permit Application Requirements.** The Home Occupation Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified in Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.

B. **Permit Fee.** The fee for the Home Occupation Permit shall be as established by City Council resolution as may be mended from time to time.

C. **Review Process.** A Home Occupation Permit is subject to Review Process A (Subsection 11.6.02.004(A)).

§11.4.31.004 Standards.

Home occupations are permitted if such uses meet the following standards:

A. A home occupation shall only be operated in a residence occupied by a single housekeeping unit and by a member(s) of that single housekeeping unit.

B. The sum of the area of all interior space(s) used for home occupational purposes shall not exceed twenty (20) percent of the combined total floor area of the dwelling unit and accessory structures. Any construction, structural alteration, or addition to the main or accessory building shall be designed to be completely usable for residential purposes.

C. All aspects of the home occupation shall be conducted entirely within an enclosed structure. Articles, supplies, tools, equipment, and other related items used in conjunction with a home occupation shall not be stored outside.

D. Employment of help shall be limited to no more than one (1) nonresident in addition to persons residing at the residence, either for pay or as a volunteer. One on-site parking space, whether open or enclosed, shall be available for the nonresident employee.

E. There shall be no goods, samples, materials, or objects publicly displayed or sold on the premises to clients in connection with the operation of the home occupation.

F. There shall be no significant and sustained increase in pedestrian and vehicular traffic, above normal activities for a single-family residence generated by any home occupation. A home occupation activity that includes transients to and from the residence, successively in one (1) car at a time, between eight (8) a.m. and ten (10) p.m. for purposes of tutoring, counseling, language, music instruction, or similar home occupation, shall not constitute a significant and sustained traffic increase for purposes of this Section.

G. No portion of any garage shall be used for home occupational purposes except work or storage areas which do not conflict with parking spaces as required by Table 11.5.05-1. Any reduction in required parking spaces is prohibited.

H. There shall be no sign posted on the premises which identifies the home occupation use.

I. There shall be no use of any equipment which may cause radio or television interference or fluctuation in line voltage off the property.

J. There shall be no emission of smoke, fumes, dust, gas, odor, or glare from the property as a result of the home occupation.

K. There shall be no significant and sustained increase in noise above normal activities for a single-family residence generated by any home occupation and as otherwise provided in Chapter 5.02 (Regulation of Community Noise).

§11.4.31.005 Prohibited Uses.

The following uses are not incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses and are prohibited as home occupations:

A. Adult businesses;

B. Alcohol sales;

C. Ammunition, explosives, or fireworks sales, use, or manufacturing;

D. Dance club/night clubs;

E. Massage establishments;

F. Tattoo establishments and/or body art/piercing studios;

G. Tobacco, smoke, and/or electronic cigarette shops or lounges;

H. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting;

I. Vehicle sales;

J. Other similar uses determined by the Director not to be incidental or secondary to or compatible with residential activities.

§11.4.31.006 Revocation.

The Zoning Hearing Officer may revoke or modify any Home Occupation Permit if any conditions of the permit are being violated or the home occupation activity is in violation of any of the criteria set forth above, in accordance with §11.2.04.005 (Permit Revocation or Modification). The determination of the Zoning Hearing Officer shall be final, subject to appeal to the City Council in the manner prescribed in Chapter 11.2.03 (Call-up and Appeals).

§11.4.31.007 Business License Required.

Immediately following the effective date of an approved Home Occupation Permit, the applicant shall obtain a Business License in compliance with Title 6 (Business Licenses and Regulations).

§11.4.31.008 Expiration of Permit.

A Home Occupation permit shall expire if a Business License is not obtained or renewed within six (6) months of the date of expiration.

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Chapter 11.4.32 Kiosk Uses

§11.4.32.001 Purpose.

This Chapter provides regulations for uses operating from kiosks on private or public property.

§11.4.32.002 Standards for Kiosk Uses.

All kiosk uses shall comply with the following standards:

A. All kiosk uses shall be accessory to a primary use. Kiosk uses include, but are not limited to, flower stands, key shops, parcel services, automated tellers, bicycle rental, and information booths. Food and beverage service from a kiosk shall be restricted to "limited food preparation," as defined by the Environmental Health Division of the County of Los Angeles Department of Public Health.

B. All kiosk structures shall comply with the development standards applicable to the base zone and with the development standards for accessory commercial uses.

C. The design, color scheme, material, and signage of the kiosk shall be appropriate to its location and compatible with the design, color scheme, materials, and signage of the primary structure(s) on the property, as applicable.

D. No kiosk shall exceed one hundred twenty (120) square feet.

E. The kiosk shall not obstruct or impede pedestrian or vehicular circulation and shall not obstruct access to or occupy a parking space.

F. The kiosk shall not result in a net loss of required on-site parking.

G. Kiosks are prohibited within the public right-of-way, except as provided for in Chapter 8.02 (Private Encroachments within Public Right of Way).

H. All kiosk uses shall be self-contained or located on a site that has been specifically designed to provide for water, waste, and power to operate. No exposed pipes or wires are permitted.

I. The number of employees per individual kiosk shall be a maximum of two (2) persons at any one (1) time.

J. Seating for the kiosk use shall be prohibited.

K. All packaging containers or boxes shall be stored within the kiosk.

L. The sale of alcoholic beverages, tobacco products, tobacco paraphernalia, electronic cigarettes, and electronic cigarette paraphernalia from a kiosk shall be prohibited.

M. Drive-through service for kiosk uses shall be prohibited.

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Chapter 11.4.33 Outdoor Dining

§11.4.33.001 Purpose.

This Chapter provides standards for outdoor dining on private property or within the public right-of-way to ensure compatibility of such uses with surrounding uses and properties and to avoid any safety impacts associated with such uses

§11.4.33.002 Standards

A. Outdoor dining may only be permitted in areas where restaurants are otherwise permitted and shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.

B. Patron tables, serving stations, umbrellas, heaters and/or other outdoor dining area components shall be located on the same site as the other facilities of the restaurant or within the adjacent public right-of-way. If any portion of the outdoor dining area is proposed to be located within a public right-of-way, the requirements of §11.4.33.003 shall also be required in addition to the requirements of this Section.

C. A seating plan showing the number and location of tables and chairs and any other physical elements (e.g., barriers, awnings, covers, other furniture, heaters, umbrellas, etc.) shall be provided as a part of the Director's Use Permit application. The seating plan shall clearly delineate those elements that will be located within the public right-of-way and those on private property. The physical elements shall not exceed those approved by the Director, or Planning Commission upon appeal. The physical elements shall be placed only in the locations shown on the approved site plan.

D. Outdoor dining areas shall be prohibited from being located within fifteen (15) feet of a single-family residential (R-1), multifamily residential (R-3), or residential planned development (RPD) zone.

E. When an outdoor dining area is located adjacent to a driveway, street or alley, a five (5) foot setback shall be maintained from the driveway, street or alley.

F. Crash-tested barriers shall be placed between outdoor dining areas and public sidewalks, public or private parking, and vehicular circulation areas and may be located within the five (5) foot setback. Outdoor dining areas shall be separated from on-site pedestrian circulation with barriers such as decorative fences, railings or planters. Barriers shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.

G. Physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) that are visible from public rights-of-way shall be compatible with one another and with the overall character and design of the principal structure(s).

H. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience. Planters may be made from wood, ceramics, stone, or metal. Plastic planter boxes and/or synthetic plants are prohibited.

I. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall provide supervision by a restaurant employee to ensure compliance with State laws regarding the on-site consumption of alcoholic beverages.

J. The hours of operation of the outdoor dining area shall be limited to the hours of operation of the associated eating and drinking establishment.

K. Parking shall be provided as required by the zone in which the outdoor dining area is located.

L. The property owner and operator of the outdoor dining use shall indemnify and provide insurance in favor of the City.

§11.4.33.003 Additional Standards for Outdoor Dining within the Public Right-of-Way

A. An Encroachment Permit shall be obtained from the Director of Public Works before approval of a Director's Use Permit for the outdoor dining area.

B. If located within a public right-of-way where the speed limit exceeds thirty (30) miles per hour, a Threat, Risk, and Vulnerability Assessment or Traffic Engineering Study shall be prepared to identify location-specific hazards and recommended mitigation measures.

C. All chairs, tables, and other physical encroachments located within the public right-of-way per an approved Encroachment Permit shall be removed every day upon closing of the outdoor dining service.

D. Outdoor dining areas shall be separated from vehicular traffic by a crash-tested physical barrier. The barrier design must be submitted to the City Engineer for review and approval. All required barriers shall conform to the Public Works Department installation standards and shall be removable.

E. A continuous pedestrian path of not less than four (4) feet clear width on the sidewalk shall be required for pedestrian circulation outside of the outdoor dining area, provided that the City Engineer may require additional width to protect the public safety. As used herein, pedestrian path means a continuous obstruction-free sidewalk area, paved to City standards, between the outside boundary of the dining area and any obstruction, including but not limited to curb lines, parking meters, street trees, landscaping, street lights, bus benches and enclosures, and public art. These requirements may be modified at the discretion of the City Engineer in locations where unusual circumstances exist and where public safety would not be jeopardized.

F. Umbrellas may project into the minimum required clear public right-of-way for pedestrians, if the bottom edge of the umbrella is at least seven (7) feet from the surface of the sidewalk, and the required horizontal clearance is maintained pursuant to Title 24 of the California Building Code.

G. Sale and service of alcoholic beverages shall be prohibited within any portion of any outdoor dining area that is located within the public right-of-way.

§11.4.33.004 Criteria and Conditions

When reviewing an application to allow outdoor dining, the decision-making authority shall consider the relation of outdoor dining areas to sensitive receptors (e.g., schools and residential uses). Conditions of approval may be applied to eliminate potential impacts including but not limited to glare, light, loitering, and noise.

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Chapter 11.4.34 Outdoor Display and Activities in Nonresidential Zones

§11.4.34.001 Purpose.

This Chapter provides standards for outdoor display of materials, merchandise, and equipment and for outdoor activities that are accessory to an allowed use, as provided in this Chapter.

§11.4.34.002 Outdoor Display.

Outdoor display of merchandise, exclusive of any signage, shall be allowed in commercial and mixed use zones only when accessory to an allowed use located on the same premises, as provided in Table 11.3.02-1 (Land Use Permits for All Zones), unless otherwise regulated through a Temporary Use Permit, pursuant to Chapter 11.6.12 (Temporary Use Permits), provided the following criteria are met:

A. Outdoor displays shall be:

1. Directly related to a business occupying a permanent structure on the same site;
2. Limited to displaying only goods of the primary business, such as artwork and pottery, flowers and plants, handcrafted products and goods, furniture, clothing and apparel, acceptable for nursery goods, or other items which are determined by the Director to be similar in nature, except that no packaged goods shall be displayed;
3. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
4. Allowed only during regular hours of operation, except for nurseries and hardware stores.

B. Outdoor displays shall be approved for a defined fixed location that does not:

1. Disrupt the normal function of the site or its pedestrian and vehicular circulation;
2. Encroach upon or block driveways, landscaped areas, or parking spaces, and does not block structure entrances;
3. Obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic;
4. Shall not encroach upon the public right-of-way, except that the display may extend into or enter over any public sidewalk by a maximum of two (2) feet, where authorized by an Encroachment Permit issued by the City Engineer.

C. Outdoor displays shall not be placed within fifty (50) feet of any residential dwelling, except for mixed use projects.

§11.4.34.003 Outdoor Activity in Commercial and Mixed Use Zones.

A. Repair, installation, manufacturing, and assembly uses allowed in commercial and mixed use zone shall be conducted within a completely enclosed building.

B. Outdoor activity or work areas shall be allowed for uses other than those listed in Subsection (A) of this Section only when associated with an allowed use located on the same premises and when not encroaching on required parking areas or landscaped areas.

Chapter 11.4.35 Outdoor Vending / Service Facility

§11.4.35.001 Purpose.

This Chapter provides standards and regulations for the placement and use of outdoor vending/service facilities to mitigate potential adverse impacts which may arise from the undue proliferation and/or inappropriate location and operation of such facility. The regulations of this Chapter are further intended to ensure that outdoor vending/service facilities do not pose a hazard to circulation and that their placement and operation do not degrade the appearance and aesthetic qualities of the community.

§11.4.35.002 Applicability.

The provisions of this Chapter shall apply to the placement, operation, or maintenance by any person of an outdoor vending/service facility on real property, whether owned, leased, managed, or otherwise controlled, within any zone as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or any specific plan in the city.

§11.4.35.003 Outdoor Vending/Service Facility Permit Required.

Unless otherwise exempt, the operator of an outdoor vending/service facility shall first obtain an Outdoor Vending/Service Facility Permit pursuant to this Chapter prior to placement and operation of such a facility within the city.

A. Limitations.

1. A permit issued hereunder shall be valid for one (1) outdoor vending/service facility. Each outdoor vending/service facility shall have its own individual permit.

2. No more than one (1) outdoor vending/service facility shall be placed on each parcel of real property or each shopping center, where the shopping center includes two (2) or more parcels.

B. **Permit Application Requirements.** The Outdoor Vending/Service Facility Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Application Filing and Processing) of this Zoning Code.

C. **Permit Fee.** The fee for the Outdoor Vending/Service Facility Permit shall be as established by Council resolution as may be amended from time to time.

D. **Decision.**

1. Within thirty (30) days of receiving a completed application, the Director shall issue a permit or deny the issuance of a permit.

2. The Director shall not issue the permit unless the Director determines that all requirements of this Chapter have been met.

3. If the Director denies an application, the Director shall provide the applicant, in writing, the specific reason(s) for denial.

4. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).

E. **Transfer of Permit Prohibited.** No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

F. **New Permit Required.** If the outdoor vending/service facility is to be moved to a different location on the same property, a new Outdoor Vending/Service Facility Permit shall be required.

§11.4.35.004 Regulations.

A. **Use.** All outdoor vending/service facilities shall be accessory to an approved primary use as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or in any specific plan and may not be located on an unimproved lot.

B. **Placement.** In no case shall an outdoor vending/service facility:

1. Be placed on required parking spaces;
2. Be located within any landscaped area;
3. Obstruct pedestrian pathways, including the provisions of Title 24 of the California Code of Regulations (California Physical Access Laws), driving aisles, or any areas necessary for proper pedestrian, vehicular, or bicycle circulation;
4. Be placed such that the back of the outdoor vending/service facility is more than eighteen (18) inches from an exterior wall of the primary structure on the lot;
5. Be located within four (4) feet of the public right-of-way, or located in a manner as to encourage or require customers to stand or park in the right-of-way to use the facility;
6. Be located on a building elevation that does not contain a primary entrance;
7. Visually obstruct windows, the sales counter as viewed from outside the establishment, or any exits;
8. Impede pedestrian, bicyclist, and vehicular sight distances;
9. Be visible from any of the city's scenic corridors as shown on Figure CNE-3 of the City's General Plan Conservation Element.

C. **Additional Requirements.**

1. Notwithstanding the requirements of Subsection (B) of this Section, the Director shall approve the placement of the outdoor vending/service facility. The Director may require screening, such as a fence, wall, or vegetation, to ensure the requirements of Subsection (B) are met.
2. The outdoor vending/service facility shall not exceed eighty (80) inches in height, thirty-six (36) inches in depth, and forty-two (42) inches in width.
3. The outdoor vending/service facility shall not be illuminated except for illumination intrinsic to the device.
4. The area occupied by an outdoor vending/service facility shall not exceed fifteen (15) percent of the width of the building elevation along which it is located.
5. In addition to the provisions of Chapter 11.5.08 (Sign Regulations), sign copy on an outdoor vending/service facility shall:

a. Be limited to that which fits on the exterior panels of the machine;

b. Only advertise the actual product or service provided by the machine; and

c. Be intrinsic to the facility.

D. **Maintenance and Operation.**

1. The operator placing, using, or employing an outdoor vending/service facility shall maintain such facility in a clean and attractive condition and appearance with no structural damage, holes, or visible rust, or graffiti. Any graffiti shall be removed within forty-eight (48) hours of discovery.

2. If the outdoor vending/service facility is removed, the area shall be cleaned and restored to its previous condition, including the removal of any abandoned pipes, conduits, or other connecting hardware.

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Chapter 11.4.36 Personal Indoor Cultivation of Marijuana

§11.4.36.001 Intent and Purpose.

A. **Intent.** The intent of this Chapter is to prohibit throughout the entire city the outdoor cultivation of marijuana, and to establish, consistent with the meaning of §11362.2 of the Health & Safety Code, and as may be amended, reasonable regulations governing the indoor cultivation of up to six (6) marijuana plants at a private residence.

B. **Purpose.** The purpose of this Chapter is to regulate the personal indoor cultivation of marijuana in a manner that protects the health, safety, and welfare of the community consistent with state law. This Chapter is not intended to interfere with a patient's right to medical marijuana pursuant to state law. This Chapter is not intended to give any person unfettered legal authority to grow marijuana.

§11.4.36.002 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings:

"Adult Use of Marijuana Act" means the Control, Regulate and Tax Adult Use of Marijuana Act, also known as Proposition 64, that will be submitted to the voters of the State of California at the November 8, 2016 statewide general election, and which adds to or amends parts of California law, including the California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code, and Food and Agricultural Code.

"Applicant" means a person applying for a personal marijuana cultivation permit pursuant to this Chapter.

"Marijuana" has the same definition as provided for in Business and Professions Code §26001(f) for the term "cannabis," and as may be amended, defined as "all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by §11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Marijuana cultivation" means the growing, planting, harvesting, drying, curing, grading, trimming, processing, or storing of one or more marijuana plants or any part thereof.

"Marijuana cultivation site" means the private residence, or fully enclosed accessory structure to that residence, at which marijuana cultivation is occurring under the provisions of this Chapter, or the property on which the private residence, or fully enclosed accessory structure to that residence, at which an applicant for a personal marijuana cultivation permit proposes to conduct marijuana cultivation.

"Permit" means a personal marijuana cultivation permit described in this Chapter.

"Primary caregiver" has the same definition as provided for in Health and Safety Code §11362.7(d), and as may be amended, defined in part as "the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person."

"Private residence" has the same definition as provided for in Health and Safety Code §11362.2(b)(5), and as may amended, defined as "a house, an apartment unit, a mobile home, or other similar dwelling."

"Qualified patient" has the same definition as provided for in Health and Safety Code §11362.7(f), and as may be amended, defined as "a person who is entitled to the protections of §11362.5, but who does not have an identification card issued pursuant to this Chapter."

§11.4.36.003 Marijuana Cultivation Prohibited—Exception.

A. **Prohibition.** Marijuana cultivation is prohibited in all zones of the city. No person shall engage in marijuana cultivation in the city for any purpose.

B. **Exception.** Provided that the provisions of this Chapter are otherwise complied with in their entirety, the prohibition on marijuana cultivation by any person in all zones throughout the city does not apply to the indoor personal cultivation of six (6) or fewer marijuana plants inside a private residence, or inside a fully enclosed accessory structure to such a private residence, occurring cumulatively in an area of no more than fifty (50) square feet, for personal use or for a qualified patient, as authorized under Health and Safety Code §11362.1(a)(3) and §11362.2, and as may be amended.

§11.4.36.004 Personal Indoor Cultivation of Marijuana Permit Required.

A. **Permit Required.** No person, who is otherwise qualified to engage in the cultivation of marijuana under Health and Safety Code §11362.1 and §11362.2, and as may be amended, shall engage in the cultivation of marijuana, unless that person has a current valid Personal Indoor Cultivation of Marijuana Permit from the City, pursuant to this Chapter.

B. **Application.** An applicant shall submit a Personal Indoor Cultivation of Marijuana Permit application to the Director, on a form provided by the Director, and proof of payment of the permit fee, in an amount to be set by resolution of the City Council.

1. The application submitted by an applicant shall include, but not be limited to, the following information, affirmed under penalty of perjury by the applicant:

    a. The property address of where the marijuana will be cultivated.

    b. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.

    c. The name of each person who participates in the marijuana cultivation.

    d. Property owner acknowledgement of cultivation of marijuana at the subject property, affirmed under penalty of perjury.

2. The application submitted by an applicant shall include a scaled property site plan and a scaled diagram of the floor plan within the residence or fully enclosed accessory structure to be used for cultivation at the marijuana cultivation site, and an itemized list of measures taken to comply with the provisions of this Chapter, including, but not limited to, odor control, security, electrical, and building and safety provisions, as well as any equipment that will be used for marijuana cultivation.

3. Within thirty (30) calendar days of receiving an application for a Personal Indoor Cultivation of Marijuana Permit, the Director either shall accept for processing the application upon finding that the application fully meets the requirements of this Chapter, or shall return the application to the applicant with a written description of the reasons for rejecting the application, and so notify the applicant by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.

C. **Application Process.** Within sixty (60) calendar days after the Director deems an application for a Personal Indoor Cultivation of Marijuana Permit fully meets the requirements of this Chapter, the applicant shall provide to the Director written proof (as deemed sufficient by the Director), for purposes of verification, of successful completion and passing of both of the following inspections:

1. That the Building and Safety Division of the Community Development Department of the City has inspected the marijuana cultivation site and determined that the private residence or fully enclosed accessory structure, including, but not limited to, the area dedicated to marijuana cultivation, is in compliance with the cultivation application, this Chapter, the Building Code, the Electrical Code, the Plumbing Code, and any other applicable requirement of Title 7 (Buildings and Construction) of the La Cañada Flintridge Municipal Code or any other relevant provision of the La Cañada Flintridge Municipal Code concerning health and safety. This shall include inspection of the equipment, including any artificial lighting and/or ventilation systems, and other materials the applicant proposes to use for the marijuana cultivation.

2. That the Fire Department has inspected the marijuana cultivation site, and determined that the area dedicated to marijuana cultivation, and (as warranted) the private residence or fully enclosed accessory structure, is in compliance with the Fire Code and any other applicable requirement of Chapter 4.01 (Fire Code) of Title 4 (Public Welfare) of the La Cañada Flintridge Municipal Code. This shall include inspection of the equipment, including fire suppression/extinguishing system, any artificial lighting and/or ventilation systems, and other materials the applicant proposes to use for the marijuana cultivation.

D. **Application Approval.** Upon verification of the information described in Subsection C above, for a cultivation application which fully meets all the requirements of this Chapter, the Director shall issue a notice of decision of a Personal Indoor Cultivation of Marijuana Permit within sixty (60) calendar days, upon making the following findings, or shall deny the application if the following findings cannot be made, and so notify the applicant in writing by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application:

1. The applicant meets all the requirements of this Chapter, including, but not limited to, those described in §11.4.36.005, as well as any other applicable requirements of the La Cañada Flintridge Municipal Code and any regulations promulgated under Subsection 11.4.36.005(B) of this Chapter.

2. The applicant for the permit and the marijuana cultivation site are both in compliance with State law, including, but not limited to, Health and Safety Code Sections 11362.1, 11362.2 and 11362.3, and as they may be amended.

E. **Permits Not Transferable.** A Personal Indoor Cultivation of Marijuana Permit issued pursuant to this Chapter is nontransferable and is specific to the permit-holder and the private residence or fully enclosed accessory structure for which it is issued.

F. **Permit Renewal.** A Personal Indoor Cultivation of Marijuana permit issued under this Section shall automatically expire one (1) year after the notice of decision. Permit renewal shall be requested through compliance with the procedures for issuance of a permit as provided in this Section including inspection. An applicant for a permit renewal shall be required to pay a permit renewal fee in an amount to be set by resolution of the City Council. However, an applicant for permit renewal shall not be required to submit a new cultivation plan annually, provided the marijuana cultivation site follows the original cultivation plan and the permit holder is not engaged in additional or expanded marijuana cultivation, as affirmed in the renewal form. Renewal applications must be received at least thirty (30) calendar days prior to the expiration of an existing permit, but not earlier than ninety (90) calendar days prior to such expiration. Renewal inspections must occur no earlier than sixty (60) calendar days prior to the submission of the renewal application.

G. **Permit Revocation.** Permits issued under this Section may be revoked by the Director upon making any of the following findings:

1. The permit was issued in error or the cultivation plan form included incorrect information.
2. The marijuana cultivated at the marijuana cultivation site has been sold or used for any commercial use, or any other use or activity has occurred that is prohibited by Health and Safety Code Sections 11362.1, 11362.2 and 11362.3, and as they may be amended.
3. Any violation of the AUMA, and as it may be amended, has occurred at the marijuana cultivation site.
4. Violation of any of the provisions of this Chapter has occurred at the marijuana cultivation site.
5. The marijuana cultivation site has become a public nuisance or has been operated in a manner constituting a public nuisance.
6. The marijuana cultivation is not in compliance with conditions of the permit.
7. The permit holder has engaged in any activity for which the Personal Indoor Cultivation of Marijuana Permit could have been denied originally.

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H. **Appeals.** Any decision of the Director under this Chapter may be appealed to the City Manager or designee. Any such appeal must be in writing, stating the grounds therefore, and be filed within fifteen (15) calendar days of the date of the decision being appealed. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the appellant seeks to be considered by the City Manager. The appeal must include the filing of an appeal fee as established by resolution of the City Council. Notice of the time and place of an appeal hearing shall be provided to the appellant at least fifteen (15) calendar days before the date set for the hearing. The City Manager shall, within sixty (60) calendar days of receipt of the appeal, review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, consider any oral testimony offered at the hearing, and then determine whether the appealed decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final. The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedures for judicial review of any final determination.

§11.4.36.005 Personal Indoor Cultivation of Marijuana—Conditions.

A. **Conditions.**

1. **Visibility.** All marijuana cultivation authorized by this Chapter shall be conducted inside a private residence or inside a fully enclosed accessory structure and shall not occur in an area visible from any neighboring property, any public right-of-way, or public view. No exterior evidence of marijuana cultivation occurring at the property shall be visible from public view. A fully enclosed accessory structure shall be located within a securely fenced area in the rear yard of the private residence.

2. **Odor.** The odor resulting from all marijuana cultivation shall not be detectable by unaided human senses from any neighboring property or any public right-of-way. A marijuana cultivation site must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with all applicable Building Code regulations, including obtaining all required permits and approvals. The ventilation and filtration system must be approved by the City and installed prior to commencing cultivation at the marijuana cultivation site.

3. **Locks and alarm.** Any private residence or fully enclosed accessory structure utilized for marijuana cultivation pursuant to this chapter shall be secured with locks to prevent unauthorized entry and/or theft, remain secure at all times, and have a working security system which consists of a standard audible residential alarm in compliance with Chapter 5.04 (Burglar and Robbery Alarm Provisions) of this Code.

4. **Fire extinguisher.** A fully charged portable fire extinguisher, which complies with the regulations and standards adopted by the State fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the cultivation room.

5. **Six (6) plants.** Cultivation at a single private residence (which includes fully enclosed accessory structures on the grounds of that private residence) is limited to up to six (6) living plants.

6. **Residence.** The person or primary caregiver cultivating the marijuana shall reside full-time on the premises where the marijuana cultivation occurs.

7. **Personal use.** Marijuana plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be sold or used for any commercial use, or any other use or activity that is prohibited by Sections 11362.1, 11362.2 and 11362.3 of the Health and Safety Code, and as they may be amended, with the exception that a primary caregiver may cultivate for a qualified patient.

8. **Electricity use**. The collective draw from all electrical appliances at the marijuana cultivation site shall not exceed the maximum rating of the approved electrical panel for the primary legal residence at the marijuana cultivation site. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel. Gas products (including, without limitation, CO2, butane, propane, and natural gas) or generators shall not be used for the cultivation of marijuana.

9. **Lighting.** Any lighting fixture used for marijuana cultivation shall not exceed the rated wattage and capacity of the circuit breaker and shall be shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.

10. **Humidity and mold.** Marijuana cultivation shall not create a humidity or mold issue within the private residence or fully enclosed accessory structure in violation of the Building Code, as adopted by the City, or the City's health and safety regulations, including, but not limited to, the property maintenance standards of the La Cañada Flintridge Municipal Code.

11. **Code compliance.** The private residence or fully enclosed accessory structure used for marijuana cultivation shall at all times be in full compliance with the City Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code, and any other requirement found in Title 7, Chapter 4.01 of Title 4, or any other applicable building, health, or safety standard in the La Cañada Flintridge Municipal Code.

12. **Area.** Marijuana cultivation occurring within a private residence or fully-enclosed accessory structure shall be in a cumulative area totaling no larger than fifty (50) square feet.

13. **Residential structure.** The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping, and sanitation facilities with code-compliant ingress and egress. These rooms shall not be used for marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping, and bathing.

14. **Accessory structure.** A fully-enclosed accessory structure, as defined herein, used for the cultivation of marijuana shall be located in a fully fenced and secured rear yard of the residence, and shall maintain the minimum rear and side yard setbacks required for the residential lot. An accessory structure operating as a marijuana cultivation site shall at all times be fully enclosed so that none of the interior area is visible from any neighboring property, any public right-of-way, or public view.

B. The City Council may, by resolution, adopt both additional conditions to further the purposes of this Section, as well as additional regulations to further the purposes of this Chapter. The City Council may also delegate, by resolution, authority to adopt such conditions or regulations to the City Manager or designee.

§11.4.36.006 Violation and Enforcement—Public Nuisance Declared.

A. A violation of this Chapter or noncompliance with any of the requirements of this Chapter shall be subject to any criminal or civil enforcement remedies available under the law and the La Cañada Flintridge Municipal Code. In addition, the City may prosecute a violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction, or by any other means authorized by law or equity. Notwithstanding any other provision of this Code, no conduct which is protected from criminal liability pursuant to State law shall be made criminal by this Chapter.

B. Any violation of the provisions of this Chapter is declared to be a public nuisance and may be abated by the City either pursuant to the La Cañada Flintridge Municipal Code, including, but not limited to, procedures provided for in Chapter 4.33 (Property Maintenance Requirements) or any other available remedies at law or equity.

C. At the discretion of the City Prosecutor, any violation of Section 11.4.36.003, 11.4.36.004, or 11.4.36.005 of this Chapter is punishable as an infraction pursuant to Subsection 1.04.010(B) of the LCFMC, or punishable as a misdemeanor pursuant to Subsection 1.04.010(A) of the LCFMC.

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Chapter 11.4.37 Sports Courts and Batting Cages (Private) in Residential Zones

§11.4.37.001 Purpose.

There are a number of private batting cages and private sport courts located in residential neighborhoods in the city. The purpose of this Chapter is to establish standards and regulations for all private batting cages and private sport courts within any residential zone in the city. The standards and regulations adopted herein are designed and intended to minimize the negative impacts that can result to residents when these uses and structures are located in residential neighborhoods.

§11.4.37.002 Use Permit Required.

No person or persons shall construct, erect and maintain, or modify a batting cage or private sport court in a residential zone without a permit as required in Table 11.3.02-1 (Land Use Permit Table for All Zones). No use permit shall be issued for a batting cage or private sport court in a residential zone unless it conforms to the requirements of this chapter, and is an accessory use to a primary residential use on the same lot. A use permit will not be issued for a batting cage or private sport court on a vacant residential parcel. A temporary batting cage shall be exempt from the requirement for a use permit and from the requirements of this Chapter except for Subsection 11.4.37.003(E) and (F) and Section 11.4.37.004.

§11.4.37.003 Construction and Operation Standards.

Batting cages and private sport courts located in any residential zone, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall comply with the following subsections:

A. **Location of Courts.** Batting cages and private sport courts shall comply with the following location standards:

1. **Side yard.** Private sport courts, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall be setback at least fifteen (15) feet from all side property lines. Batting cages, including any slabs, fences, or other fixtures accessory thereto shall be setback at least 10% (ten percent) of the average width of the subject lot but in no case shall the required setback be less than five feet (5) or more than fifteen (15) feet. The Director may approve an encroachment into the side setback for batting cages pursuant to a Zoning Modification as provided for in Subsection 11.6.04.002(H).

2. **Rear yard.** Private sport courts, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall be setback at least fifteen (15) feet from the rear lot line. Batting cages, including any slabs, fences, or other fixtures accessory thereto shall be setback at least ten feet from the rear property line. The Director may approve an encroachment into the rear setback for batting cages pursuant to a Zoning Modification as provided for in Subsection 11.6.04.002(H).

3. **Front yard.** Batting cages and private sport courts shall not be located in the front yard unless a conditional use permit is reviewed and approved by the Planning Commission.

B. **Grade/Grading.**

1. Grading for the construction of a private sport court that exceeds fifty (50) cubic yards shall require review and approval pursuant to Section 11.5.01.002 and shall otherwise comply with the provisions of Chapter 11.5.01 (Grading).

2. No grading is permitted in connection with the construction or use of any temporary batting cage.

C. **Fencing.**

1. The height of any fence enclosing a private sport court shall not exceed ten (10) feet above the finished surface of the court, and all portions of such fence shall be mesh, chain-link type fencing.

2. All fencing for batting cages must be lined with a mesh-netting interior to capture balls and reduce noise during use.

3. For all batting cages, padding and a hanging net in front of the rear backstop shall be provided behind home-plate to reduce noise resulting from balls hitting the back of the cage.

4. All structural support posts and framing shall be padded to reduce noise.

D. **Lighting.** All batting cages and private sport courts shall be unlighted unless a Conditional Use Permit has been obtained pursuant to Chapter 11.6.06 (Use Permits). In addition to the requirements of Chapter 11.5.05 (Outdoor Lighting Standards), the following minimum standards shall be met in the installation of lights for batting cages and private sport courts. In addition to the following standards, the Planning Commission may impose other conditions which are deemed appropriate.

1. **Height.** Light standards and fixtures for private sport courts shall not exceed twenty (20) feet in height, measured from the finished surface of the court. Light standards and fixtures for batting cages shall not exceed fifteen (15) feet in height.

2. **Hours of illumination.** Lights for private sport courts and batting cages shall be turned off between 10:00 p.m. and 7:00 a.m. A timer shall be installed on each private sport court and batting cage light such that it automatically shuts off within one (1) hour of non-use.

3. **Prohibition on type.** Lights for private sport courts and batting cages shall not blink or flash.

4. **Existing lighted batting cages and private sport courts.** Batting cages, temporary batting cages, and private sport courts shall comply with the hours of illumination as stated in Subsection (D)(2) of this Section. If the existing light standards and fixtures are changed, or new light standards and fixtures are added, the new lighting shall comply with the provisions of Subsection (D) of this Section in all respects.

5. **Existing unlighted batting cages and private sport courts.** No existing unlighted batting cage or private sport court shall have lights installed unless a Conditional Use Permit is obtained, and the cage or court is brought into full compliance with the requirements of this Section.

6. **Engineered Lighting Plan required.** An Engineered Lighting Plan that complies with §11.5.05.006 shall be required for all private sports courts or batting cages that are subject to this Chapter.

E. **Batting Cage and Temporary Batting Cage Size.** Batting cages and temporary batting cages shall be no larger than seventy (70) feet in length; twelve (12) feet in width; and twelve (12) feet in height, measured from the finished surface of the batting cage.

F. **Equipment for Batting Cages and Temporary Batting Cages.**

1. Composite baseball bats or wooden baseball bats shall be used in all batting cages and temporary batting cages subject to this chapter.
2. Aluminum or other metal bats shall not be permitted.
3. Pitching machine dimpled baseballs, soft covered baseballs, and other similar types of balls shall be used to decrease the noise associated with batting practice.
4. Regulation baseballs and softballs are prohibited because of the loud noise that accompanies their use during batting practice.
5. Pitching machines shall be low-noise emitting and approved by the Director.

§11.4.37.004 Commercial Use Prohibited.

A batting cage, temporary batting cage, or private sport court subject to the provisions of this Chapter shall only be used by the occupants of the primary or accessory dwelling unit on the same lot, by their invited guests, or by guests of an approved Bed and Breakfast Inn. A batting cage, temporary batting cage, or private sport court shall not be rented nor used as a private club, nor used for commercial purposes, except that batting or tennis instruction may be permitted on an individual basis provided a Home Occupation Permit has been obtained in accordance with Chapter 11.4.31 (Home Occupations).

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Chapter 11.4.38 Late Night Hours

§11.4.38.001 Purpose.

This Chapter provides criteria and regulations to minimize the potential impacts of non-residential uses operating during Late Night Hours that adjoin or are adjacent to residentially zoned property.

§11.4.38.002 Applicability.

The provisions of this Chapter apply to all non-residential uses that adjoin or are adjacent to residentially zoned property.

§11.4.38.003 Conditional Use Permit Required for Operating During Late Night Hours.

A. No new establishment that adjoins or is adjacent to residentially zoned or utilized property may conduct the use during Late Night Hours (as defined in Part 8) unless a Conditional Use Permit for such activity during those hours has been granted.

B. No residentially adjoining or adjacent establishment that was legally in existence as of the date of adoption of this Zoning Ordinance may increase the amount of floor area of such establishment or increase or extend the hours that it conducts business during Late Night Hours for any period of time during Late Night Hours unless a Conditional Use Permit for Late Night Hours during such hours has been granted.

§11.4.38.004 Review Criteria.

When reviewing an application for a Conditional Use Permit to allow the conduct or expansion of a use and/or extension of current hours during Late Night Hours, the decision-making authority shall consider the following potential impacts upon adjacent or nearby uses, which may include but are not limited to the following:

A. Noise;

B. Lighting and illumination;

C. Pedestrian activity and vehicular traffic during Late Night Hours;

D. Trash and recycling activities;

E. Occupancy loads of the use;

F. Any other factors that may affect adjacent or nearby uses; and

G. Loading and unloading and/or delivery activities.

§11.4.38.005 Operational Standards.

In addition to any conditions imposed pursuant to approval of a Conditional Use Permit, the use operating during Late Night Hours also shall comply with the following operational standards:

A. **Responsible Person.** The name and telephone number of a person who will be available during the operational hours of the business to address any problems with the subject establishment shall be posted in a conspicuous place on the exterior of the building housing the establishment. The contact person shall be the business owner, business manager, or other similar person who has sufficient authority over the business twenty-four (24) hours a day to address problems that may disturb neighbors.

B. **No Congregating.** For the purpose of noise abatement, no person conducting a commercial use on a site that is within one hundred fifty (150) feet of any residentially zoned or utilized property shall permit the patrons, employees, agents, associates, or contractors of the nonresidential use to congregate behind the structure containing the nonresidential use, or in any open area or public right-of-way that separates the property containing the nonresidential use from adjoining or adjacent residentially zone property, during Late Night Hours.

§11.4.38.006 Amortization.

A. The provisions of this Zoning Code regarding legal nonconforming uses (Chapter 11.5.03—Legal Nonconforming Uses, Structures, and Parcels) do not apply to Late Night Hours. Instead, all owners or operators of establishments operating during Late Night Hours existing on the effective date of this Chapter will have two (2) years to bring any Late Night Hours establishment into compliance with this Chapter.

B. If an establishment operating during Late Night Hours is not brought into compliance with this Chapter after two (2) years from the effective date of this Chapter, such establishment shall be deemed a nuisance, subject to abatement and enforcement as provided for in Chapter 11.2.04 (Enforcement), unless an extension of time has been approved pursuant to Subsection (C) of this Section.

C. **Request for Time Extension.**

1. The Planning Commission, with appeal rights to or call-up rights by the City Council, may approve a time extension based on good cause as demonstrated by the Applicant, provided an application requesting such extension is filed a minimum of ninety (90) prior to such expiration date, or as allowed by State law. The application requesting such extension shall include information prescribed by the Director to enable the Planning Commission to recommend, and the City Council to approve, the time extension prescribed in this Subsection. The renewal period, if approved, shall specify the new expiration date.

2. The time extension shall be subject to public hearings in accordance with §11.2.02.004.

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Chapter 11.5.01 Grading

§11.5.01.001 Purpose.

This chapter provides a review process and criteria for development which proposes grading in excess of fifty (50) cubic yards to evaluate and mitigate potential impacts and to preserve natural landforms.

§11.5.01.002 Applicability and Review Threshold.

Any site development or construction (including structural additions to existing development) in any zone which involves any grading, as defined in Chapter 11.7.01 (Grading) for any purpose, whether or not earth is retained, is subject to review pursuant to the following review thresholds and the requirements of this chapter. Additionally, properties that meet the criteria for hillside development pursuant to Chapter 11.4.05 (Hillside Development) shall comply with Chapter 11.4.05.

A. Grading which exceeds fifty (50) cubic yards and up to and including one hundred (100) cubic yards requires approval of a Director's Development Review Permit pursuant to Subsection 11.6.05.002(A)(14) or incorporation into a higher level of review.

B. Grading which exceeds one hundred (100) cubic yards requires approval of a Development Review Permit pursuant to Subsection 11.6.05.004(A)(7).

§11.5.01.003 Development Review Criteria.

All grading that is subject to this chapter shall comply with Subsections 11.5.01.003(A) through (C). Projects that would excavate to a depth of ten (10) feet or more, or that propose a total cut amount of one thousand (1,000) cubic yards or more, shall also comply with Subsection 11.5.01.003(D).

A. Prominent landforms within the city, including, but not limited to ridgelines, knolls, valleys, creeks (either dry or active), or other unique topographic features or viewscapes, shall be maintained. The most significant of such landforms are identified on, but not limited to, Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element of the City's General Plan.

B. Any grading and earth-moving operations in connection with the development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site.

C. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.

D. Monitoring during construction grading or trenching shall be required for projects that would excavate to a depth of ten (10) feet or more, or that propose a total cut amount of one thousand (1,000) cubic yards or more. When invoked, the project applicant must provide written proof that a qualified paleontologist has been retained to observe all earth-disturbing activities. All fossil materials recovered during mitigation monitoring shall be cleaned, identified, cataloged, and analyzed in accordance with standard professional practices. The results of the field work and laboratory analysis shall be submitted in a technical report and the entire collection transferred to an approved fossil curation facility.

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Chapter 11.5.02 Mechanical and Utility Service Equipment

§11.5.02.001 Purpose.

This chapter provides standards for installation and screening roof-mounted, ground-mounted, and wall-mounted mechanical equipment and utility service equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, back-flow preventers, and similar equipment, but excluding solar collectors and related equipment) to mitigate aesthetic, noise, and safety impacts on the community.

§11.5.02.002 Applicability.

The provisions of this chapter apply to all new development and relocation of any existing mechanical equipment as provided in this chapter, excluding maintenance of existing equipment. Replacement of "like-for-like" equipment that is smaller, more efficient, and/or quieter than the equipment being replaced, is exempt.

§11.5.02.003 Standard Applying to the Single-Family Residential (R-1) Zone.

The following standard applies in addition to the requirements in §11.3.03.005.

A. Ground-mounted or utility service equipment shall be located for easily accessible service.

§11.5.02.004 Standards Applying to Multifamily Residential (R-3), Mixed Use (MU), and All Non-Residential Zones, and All Overlay Zones.

The following standards apply in addition to the standards of the zone.

A. **Screening Required.** The screening of roof-mounted and ground-mounted mechanical equipment is required, except as otherwise required by the Building and Fire Codes. Roof-mounted and ground-mounted mechanical equipment shall be screened from public view.

B. **Roof-Mounted Mechanical Equipment.** Where otherwise permitted, roof-mounted mechanical equipment shall comply with the following standards:

1. **Height limit.** Roof-mounted mechanical equipment and screening shall be subject to the height limitations of the zone within which the property is located, except that roof-mounted equipment may extend above the allowed height limit if required by the City's Building Code.

2. **Screening.** Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from a public right-of-way.

3. **Screening methods.** Screening of roof-mounted mechanical equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid, permanent, integral roof and/or parapet components. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the decision-making authority.

C. **Ground-Mounted Mechanical Equipment.** Ground-mounted mechanical equipment shall comply with the following standards:

1. **Location.**

a. Ground-mounted mechanical equipment and screening, except landscaping, shall be subject to the setback requirements of the zone within which the property is located.

b. Ground-mounted mechanical equipment shall be located for easily accessible service.

c. In addition to Subsection (F) below, ground-mounted mechanical equipment shall be located to minimize noise impacts on the occupants and to neighboring properties.

2. **Screening required.** Ground-mounted mechanical equipment, including, but not limited to, air conditioning and heating units, utility connections, and service areas, shall not be visible in any direction (360 degrees) from a public right-of-way.

3. **Screening methods.** Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges, or other methods approved by the decision-making authority. Chain link fencing with or without slats is prohibited.

D. **Exterior Wall-Mounted Equipment and Utility Meters.** Exterior wall-mounted equipment and utility meters shall not be visible from the public right-of-way and shall be designed as an integral part of the building facades and/or concealed by the project design to the extent possible. Whenever possible, exterior wall-mounted mechanical equipment and utility meters should face onto the rear parking areas. Utility conduits shall be integrated within the walls of new structures and meters shall be visible only to the extent required for meter reading by the utility companies.

E. **Utility Service Lines.** Utility service lines shall comply with Chapter 7.32 (Undergrounding of Utilities).

F. **Noise Levels.** Roof-mounted and ground-mounted mechanical equipment shall be subject to applicable provisions of Chapter 5.02 (Regulation of Community Noise).

G. **Maintenance Required.** Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.

H. **Exception to Screening Requirement.** Where it can be clearly demonstrated that the exterior roof-mounted or ground-mounted mechanical equipment is not visible from any public right-of-way, the Director may waive the screening requirements of this chapter.

Chapter 11.5.03 Legal Nonconforming Uses, Structures, and Parcels

§11.5.03.001 Purpose.

This chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels, as defined in Part 11.7 (Definitions and Rules of Measurement).

§11.5.03.002 Legal nonconforming uses, structures, and parcels - General.

A. Legal nonconforming uses, structures, and parcels may remain, and shall not be modified, enlarged, or expanded without bringing the use, structure, or parcel into compliance with City codes existing at the time of the modification, enlargement, or expansion, except as may be provided by this chapter.

B. **Additions to a Nonconforming Use.** This chapter does not authorize the extension, expansion or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use or permit the addition of land, buildings or structures used in conjunction with such nonconforming use except:

1. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation and the director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use;

2. Bedrooms may be added to a nonconforming dwelling unit without requiring any additional garage, carport, parking space or driveway paving. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use.

3. Existing convenience stores may expand, subject to a conditional use permit.

C. Any use located within a legal nonconforming structure may be changed to a use permitted or conditionally permitted in the zone at the time of the change without bringing the structure into compliance with current development standards, provided that any modifications to the nonconforming structure comply with this chapter.

D. Routine maintenance, repairs, and aesthetic improvements may be performed on a legal nonconforming use, structure, or parcel, provided such work does not involve structural alterations or any enlargement of the structure.

E. **Seismic Retrofitting, Building and Fire Code Compliance.** Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code and Fire Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Fire Code.

F. Any nonconforming use, structure, or specific element thereof, deemed to violate Building Code requirements or determined by the Director to adversely impact public health and safety, must be brought into compliance with current codes to the extent feasible for the site or structure. Specific elements that may be required to be brought up to code may include but not be limited to fences, walls and retaining walls, parking, and accessory structures.

G. Discontinuance of a legal nonconforming use for a period of twelve (12) months or more shall immediately terminate the right to operate such use unless it can be demonstrated to the satisfaction of the Director that the legal nonconforming use had been and continues to be actively marketed. If the use is determined to have been continuously and actively marketed, the Director may grant an additional six (6) month extension beyond the original twelve (12) months before the use is terminated. Indicia of use termination include, but are not limited to, the use is visibly closed, and business license termination or expiration without renewal.

H. A Tenant Improvement associated with a legal nonconforming use shall not exceed twelve (12) months or else the use shall immediately terminate the right to operate.

I. Alterations, modifications, or repairs that are necessary to maintain public health, safety, and welfare, as determined by the Director, may be performed on a nonconforming structure, including additions or modifications necessary to comply with the Americans with Disabilities Act and Title 24 of the California Code of Regulations, including additions or modifications pursuant to reasonable accommodations.

§11.5.03.003 Legal nonconforming sites and structures.

A. **Sites and Structures.** A legal nonconforming structure may be retained, and any legal nonconforming structure that is partially damaged or destroyed may be restored to 100% (one-hundred percent) of its dimensions and footprint prior to the occurrence of such damage or destruction, provided such structure is not expanded, altered, or added to except as specifically provided in Table 11.5.04-1 below.

Table 11.5.03-1: Structure Non-Conformities

Non-Conformity	Requirement
Single Family Residential	
Accessory structures with non-conforming setbacks or height	The accessory structure may be expanded or enlarged only pursuant to §11.6.05.004(A)(6), unless converted into an ADU per state law and §11.4.02.
Additions (R-1 zone only)	Additions that comply with current codes and do not convert existing structures into qualified new structures under this Zoning Code are permitted.

Circular driveways on lots less than seventy-five (75) feet in width for parcels zoned or utilized for single-family residential	Where the parcel is developed with a new structure, the driveway shall comply with §11.5.04.005.
Driveway grades and widths for parcels zoned or utilized for single family residential	Where the parcel is developed with a new primary structure, driveway grades shall comply with §11.5.04.005 or §11.5.04.006 as applicable.
Fences and Walls (except retaining walls) for parcels zoned or used for single-family residential	Allowed to continue and be replaced, consistent with Subsection 11.3.03.005(G)(9), unless determined to impact public health and safety.
Retaining walls and fences outside of the public right-of-way that are non-conforming with regard to location or height	Allowed to continue; except where the site is developed with a new primary building or structure or where deemed to violate Building Code requirements or determined by the Director to be a health and safety issue.
Gates – Vehicle and pedestrian	Where the site is developed with a new primary structure, gates shall comply with §11.3.03.005.
Mechanical Equipment	Like for like replacement with respect to size and location is allowed. Placement of new, or replacement other than like for like, shall require compliance with Chapter 11.5.03.
Minimum 50% Front Yard Landscaping associated with a single-family residential lot or use	Where the parcel is developed with a new primary structure, landscaping shall comply with §11.3.03.005.
Parking within an enclosed garage, including size of space	Each space must be at least nine (9) feet wide by nineteen (19) feet deep interior dimensions consistent with Subsection 11.5.04.005(A)(2)(a). However, any expansion of the primary structure resulting in the primary structure being defined as "new" shall require compliance with §11.5.04.005, unless a DDRP is approved under Subsection 11.6.05.002(A)(16).
Parking on a hillside lot	Where the site is developed with a new primary structure, parking shall comply with §11.5.04.006.
Outdoor lighting	May be maintained in accordance with §11.5.05.004.

All zones and uses except single family residential	
Non-residential Tenant improvements	Internal tenant improvements to legal non-conforming structures that are permitted provided construction is completed within twelve (12) months of issuance of the building permit and provided the improvements do not increase any structure nonconformity.
Parking (vehicle and bicycle) (all zones and uses except single family residential), including size of space and drive-aisle width	Allowed to continue indefinitely where no change in use or intensity/density is proposed. Any new structure or expansion of the structure, except to ensure compliance with ADA/Title 24 CCR or in compliance with state law regarding ADUs, shall require compliance with Chapter 11.5.04.
Loading, landscaping, and open space associated with residential zones or uses	Allowed to continue; except that any increase in building area, except to ensure compliance with ADA/Title 24 CCR, or intensity of use shall comply with Chapter 11.5.04 and any applicable standards of the underlying zoning.
Outdoor lighting	Compliance with Chapter 11.5.05 shall be required for: Fixtures within parking areas upon alteration or modification of the existing parking lot that requires a building or grading permit. Replacement of inoperable luminaires.
Refuse and recycling storage areas	New construction or remodeling requiring a discretionary land use and development permit, or non-residential, mixed use, or multi-family development projects, shall comply with Chapter 11.5.07.

B. **Repair of Partially Damaged or Destroyed Structures.**

1. All buildings permits shall be issued, and reconstruction shall commence, within one (1) year from the date of damage due to involuntary events and be pursued diligently to completion except where the Director finds that circumstances beyond the property owner's control have prevented such commencement. In such a case the Director may grant up to an additional twelve (12) months for building permits to be issued and to commence reconstruction;

2. Nonresidential structures shall be subject to façade and sign review and approval by the Design Commission.

§11.5.03.004 Development or Modification of Legal Nonconforming Parcels.

A. **Development.** A legal nonconforming parcel of record that does not comply with the area or dimensional requirements of this Zoning Code, shall be considered to be a legally buildable parcel if it meets at least one (1) of the criteria specified below. It shall be the responsibility of the applicant to provide substantial evidence to establish the applicability of one or more of the following criteria, to the satisfaction of the Director.

1. **Approved subdivision.** The parcel was created through a subdivision approved by the City or the County.

2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel legal nonconforming.

3. **Lot line adjustment.** The current configuration of the parcel resulted from a City or County approved and recorded lot line adjustment.

4. **Government acquisition.** The parcel was created in conformity with the provisions of this Zoning Code, but was made legal nonconforming when a portion of the parcel was acquired by a governmental entity.

B. **Modification to a Legal Nonconforming Parcel to Increase its Conformity.** A parcel that is legal nonconforming may be modified through approval of a lot line adjustment in accordance with Chapter 12.X.XX (Lot Line Adjustment) or a merger of contiguous parcels in accordance with Chapter 12.X.XX (Merger of Contiguous Parcels) without the need for a Variance if the effect of the modification increases its conformity with respect to the access, area, or dimensional requirements of this Zoning Code for the zone in which it is located.

C. **Modifications to a Parcel Required for Fire Access.** Any lot line adjustment required for fire access that renders a parcel nonconforming or that increases a parcel's nonconformity shall be permitted to the extent required for the required access.

Chapter 11.5.04 Off-Street Parking

§11.5.04.001 Purpose.

This chapter is established to:

A. Provide for required off-street vehicle and bicycle parking, driveway access and drive aisles, lay-out and design, and loading that meet the needs created by specific uses.

B. Ensure their proper design, location, and usefulness to protect the public's safety.

C. Balance the needs of drivers with those of bicyclists, pedestrians, and transit users to support and promote a variety of mobility choices.

D. Minimize the impact of parking on surrounding properties.

§11.5.04.002 Applicability.

Every use, building, or structure shall provide appropriately maintained off-street parking in compliance with the requirements of this chapter.

A. New buildings, structures, and uses shall meet all the standards included in this chapter, except as otherwise provided by this chapter.

B. Off-street parking shall be provided according to the requirements of this chapter at the time of initial occupancy of a site, construction of a new structure, enlargement of a site or structure, or a change to a use classification that requires a greater parking requirement.

C. Building, structures, and uses that are legal nonconforming with regard to parking shall comply with Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels).

§11.5.04.003 General Requirements.

A. **Location.** All parking shall be provided on-site unless otherwise provided for in this chapter.

B. **Use and Maintenance.** Required parking shall be permanently available, maintained for the use it is intended to serve, and shall not be converted to other uses, unless allowed as pursuant to a temporary use as provided for in Chapter 11.6.12 (Temporary Use Permits). Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of graffiti, litter, debris, and dirt. Striping, paving, walls, light standards, and all other facilities related to parking shall be permanently maintained in good and operating (as applicable) condition.

C. **Parking and Loading to be Unrestricted.** Parking and loading required by this chapter shall be available to the general public without charge, unless a Development Review Permit to allow valet parking is approved, as provided for in Subsection 11.5.04.004(H).

D. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private undeveloped property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is properly zoned and the vendor is licensed or otherwise authorized to transact a vehicle sales business at that location.

E. **Tandem Parking.**

1. Tandem parking may be allowed for employee parking for commercial uses, provided the applicant can demonstrate to the satisfaction of the decision-making authority that tandem parking will not impede access to the use.

2. Tandem parking may be allowed for valet parking in accordance with the provisions of Subsection 11.5.04.004(H).

F. **Mechanical Parking Lifts.** Mechanical parking lifts may be used to meet vehicle parking space requirements.

G. **Electric Vehicle Charging Stations.** Parking spaces with electrical vehicle charging stations may be used to meet vehicle parking space requirements.

§11.5.04.004 Required Amount of Off-Street Vehicle Parking.

A. **Off-Street Vehicle Parking Space Requirements by Land Use.** Each land use shall be provided at least the minimum number of off-street vehicle parking spaces according to the requirements in §11.5.04.004, except as follows:

1. As otherwise provide for in this chapter;

2. As specified in a Specific Plan; or

3. Where a different number of parking spaces is required through a Use Permit or any other permit approval.

B. **Calculation of Spaces.** Calculations of required vehicle or bicycle parking spaces that result in fractional numbers shall be rounded down to the nearest whole number.

C. **Compact Parking Spaces.** Wherever five or more parking spaces are required pursuant to Table 11.5.04-1, up to 25% (twenty-five percent) of the total required parking spaces may be provided as compact parking spaces, except that compact parking shall not be used to comply with parking requirements for any single-family residential uses. If compact parking spaces are provided to satisfy the requirements of this chapter, the compact parking spaces must be designated with a sign or pavement marking.

Table 11.5.04-1: Required Minimum Off-Street Vehicle Parking Spaces.

Required Minimum Off-Street Vehicle Parking Spaces		
LAND USE[1]	**REQUIRED SPACES**	**NOTES**
Residential Uses		
Single-Family Residential	2 in an enclosed garage	Any tandem space does not count toward the required number of parking spaces.
Single-Family Residential subject to Chapter 11.4.05 (Hillside Development)	4 per site (min.); a minimum of 2 shall be within an enclosed garage	As otherwise required by Subsection 11.5.04.006(B).
Multifamily Residential	Resident parking: 0-1 bedroom: 1 per unit 2+ bedrooms: 2 per unit[2] Guest parking: 0.25 per unit[2] Off-street loading: A minimum of one (1) off-street loading space shall be provided to ensure adequate space to accommodate loading and unloading for moving trucks, delivery vehicles, ride-sharing/taxi pick-up and drop-off, and other similar uses, consistent with the size of the development, to the satisfaction of the Director of Community Development.	At least 1 of the required resident space(s) per unit must be covered[2]. Guest parking may be uncovered.
Senior Citizen Multifamily Housing	Resident parking: 0 bedroom: 0.5 per unit[2] 1+ bedrooms: 1 per unit[2] Guest parking: 0.25 per unit[2] Nonresidential employees: 1 per employee on the largest shift	At least one-third (1/3) of the required parking for residents shall be within carports or garages. Parking for guests may be uncovered.
Conversion to Condominiums (pursuant to Chapter 12.X.XX)	Resident parking: 2 per unit[2,] Guest parking: 0.25 per unit[2,3]	Both resident spaces must be covered[2,3], and must be assigned to and conveyed with the unit. Guest parking may be uncovered.

[1] Land uses and land use categories described in this table are consistent with Table 11.3.02-1: Land Use Permit Table for All Zones.
[2] The minimum number of parking spaces provided may be reduced for affordable housing in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in the California Density Bonus Law (Government Code §65915, et seq.) or as otherwise provided for in state law, or when written evidence justifying the reduction is provided and approved by the decisionmaker.
[3] Required off-street parking may be uncovered if the applicant can demonstrate to the Planning Commission that this requirement cannot or should not be reasonably met.

Required Minimum Off-Street Vehicle Parking Spaces		
LAND USE[1]	**REQUIRED SPACES**	**NOTES**
Emergency Shelters	Parking shall be provided in accordance with Government Code §65583(a)(4)(B), as may be amended from time to time.	
Single Room Occupancy (SRO)	1 per unit	
Supportive Housing	As required for comparable residential uses in the same zone, except that no off-street parking spaces for units occupied by supportive housing residents shall be required for supportive housing located within one-half (1/2) mile of a public transit stop.	In accordance with Government Code §65583(c)(3), as may be amended from time to time.
Transitional Housing	As required for comparable residential uses in the same zone.	In accordance with Government Code §65583(c)(3), as may be amended from time to time.
Accessory Dwelling Unit (ADU)	See Chapter 11.4.02 for parking requirements for ADUs.	
HEI Overlay Zone	See Table 11.3.10-1 (HEI Overlay Zone Development Standards by Zone) for parking requirements for development in the HEI Overlay Zone.	
Civic and Community Uses		
Community Gardens	No parking required if on-street parking is available within 400 feet from the lot upon which the community garden is located.	
Convents and Monasteries	Resident parking: 1 per bedroom Guest parking: 1 per every 4 bedrooms	Resident parking must be covered. Guest parking may be uncovered.
Museums	1 per 500 sf Gross Floor Area ("GFA")	
Private Schools	• Up to and including 8th grade: 1 per classroom • Over 8th grade: 1 per classroom plus 1 per 5 pupils • For auditoriums: 1 per 5 fixed seats or 1 per 35 sf GFA where seats are not fixed	
Religious Facilities	1 per 5 fixed seats; or 1 per 35 sf GFA where seats are not fixed, in the largest auditorium for public assembly	
Retail Uses		
Retail uses, except as set forth more specifically in this Table	1 per 250 sf GFA	
Automobile Sales, New Vehicles Only	1 per 250 sf GFA for sales/office area; plus 1 per 1,000 sf GFA for display area (indoor and outdoor)	

Required Minimum Off-Street Vehicle Parking Spaces		
LAND USE[1]	**REQUIRED SPACES**	**NOTES**

Eating and Drinking Establishments	• Bar, lounge, & nightclub; brewpub; restaurants, full service; restaurants, fast food: 1 per 100 sf GFA
	• Restaurant, take-out service: 1 per 250 sf GFA
	• Outdoor dining (pursuant to Chapter 11.4.33):
	  ○ An outdoor dining area that does not exceed 500 sf shall not be required to provide additional parking
	  ○ An outdoor dining area that exceeds 500 sf in area shall comply with parking requirements for the particular type of primary eating and drinking establishment as required in this table, for the amount of square footage in excess of the first 500 sf GFA of outdoor dining area	

Plant Nurseries and Garden Supply Stores	1 per 250 sf GFA of indoor retail sales area; plus 1 per 1,000 sf GFA outdoor display/storage area	
Service stations	3 spaces; plus 1 per 250 sf GFA for retail floor area; plus 3 spaces for each service bay; plus 2 spaces per wash bay	As applicable
Office Uses		
All Office Uses	1 per 250 sf GFA	
Research and Development Uses		
Research and Development	As determined by Conditional Use Permit approval	
Service Uses		
Service Uses, except as set forth more specifically in this Table	1 per 250 sf GFA	
Bed and Breakfast Inns	1 per guest room; plus Parking required for the residential use as required by this Zoning Code	Chapter 11.4.18
Car Washes	See Service Stations	
Hotels/Motels and Rooming/Boarding Houses	1 per room	
Mortuaries	1 per 5 fixed seats[4] or 1 per 35 sf GFA where seats are not fixed, plus; 1 per 35 sf of gross assembly area	

Vehicle Repair	See Service Stations	
Medical and Care Uses		
Day Care Facilities (Child and Adult):	• Small family day care home: ○ As required for single-family dwelling • Large family day care home: ○ As required for single-family dwelling • Child or adult day care center: ○ 1 per 500 sf GFA building area ○ A minimum of 1 required space shall be provided and designated with a sign for passenger loading/unloading, unless a drop-off lane or aisle is provided	A driveway may be used to provide the passenger loading/unloading space
Residential Care Facilities:	• Small family residential care: ○ As required for single-family dwelling • Large family residential care: ○ 1 per every 5 beds shift • Residential care facilities for the elderly: ○ 1 per every 5 beds	
Medical Clinics and Laboratories	1 per 250 sf GFA	
Hospitals	1.5 per patient bed	
Entertainment, Recreation, and Open Space Uses		
Adult Oriented Businesses	1 per 5 fixed seats[4] or 1 per 35 sf GFA where seats are not fixed	
Health/Fitness Facilities	• Small: ○ 1 per 100 sf Gross Leasable Area • Large: ○ 1 per 250 sf Gross Leasable Area	
Indoor amusement and Entertainment Facilities	1 per 100 sf GFA	
Riding and hiking trails	No parking required	
Theaters, auditoriums, clubs, lodges, and private meeting halls	1 per 5 fixed seats[4] or 1 per 35 sf GFA where seats are not fixed; plus 1 per 35 sf of gross assembly area	

[4] Eighteen (18) inches of lineal bench or bleacher shall be equal to one (1) fixed seat.

D. **Conditional Uses and Uses Not Identified in Table 11.5.04-1.** The Director shall determine the parking requirement for any conditionally permitted use, or where parking requirements for a use which does not correspond to the land uses or land use categories listed in Table 11.5.04-1. Wherever practical, such determination shall be based on the requirements of the most comparable use or use category specified in Table 11.5.04-1. In such instances, the Director may require a parking study as provided for in Subsection (K) of this Section and/or other information in order to make the determination.

E. **Multiple Uses and Mixed Use Development.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the total required parking spaces shall be the sum of the requirements for each separate use, except as follows:

1. Reduction of the required number of spaces is approved pursuant to Subsection (F) below; or

2. Off-site shared parking is provided in accordance with Subsection (G) below.

F. **Reduction of Required Off-Street Parking.**

1. For any permitted or conditionally permitted use located within one-quarter mile (1,320 feet) of a bus stop or public parking lot, or where on-street parking is provided, a Director's Development Review Permit as provided for in Subsection 11.6.05.002(A)(15) may be applied for to request a reduced parking rate of up to 50% (fifty percent) of off-street parking spaces required in Table 11.5.04-1. The Director shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Director that the required findings can be made. The Director may require a parking study pursuant to Subsection (K) of this Section and/or may require other information to make the required findings.

2. For any permitted or conditionally permitted use located within one-quarter mile (1,320 feet) of a bus stop or public parking lot, or where on-street parking is provided, a Development Review Permit as provided for in Subsection 11.6.05.002(A)(15) may be applied for to request a reduced parking rate of more than 50% (fifty percent) of off-street parking spaces required in Table 11.5.04-1. The Planning Commission shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section and/or may require other information to make the required findings.

3. For any permitted or conditionally permitted use, a Development Review Permit as provided for in Subsection 11.6.05.004(A)(8) may be applied for to request a reduction to off-street parking spaces required in Table 11.5.04-1 that is not subject to Subsection 11.5.04.004(E)(1). The Planning Commission shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section, and/or other information in order to make the required findings.

G. **Off-Street Shared Parking**. A Director's Development Review Permit as provided for in §11.6.05.002 may be applied for to allow shared parking between land uses with different periods of peak parking demand. The Planning Commission shall have the authority to allow off-site shared parking only if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section and/or other information or documentation in order to make the required findings.

H. **Valet Parking.**

1. **Valet Parking in Commercial Zones**

i. A Development Review Permit as provided for in §11.6.05.004 may be applied for to allow valet parking in commercial zones. The Planning Commission shall have the authority to allow valet parking only if the Applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Applicant shall provide the following information and any other information the Planning Commission determines is necessary to make the required findings:

(a) Parking lot layout, number and dimensions of spaces proposed to be used for valet service, dimensions of drive aisles, location of vehicle drop-off/pick-up area, and valet routes (if the proposed parking is located off-site). Tandem parking shall not be used unless it is indicated on the plans, including the location and number of tandem parking spaces proposed.

(b) Demonstration that the drop-off/pick-up area is free from traffic hazards and will be adequately posted.

(c) Days and hours of operation of the proposed valet parking service.

(d) Whether a fee would be required for valet parking.

2. **Valet Parking in Residential Zones for Special Events**

a. A Minor Temporary Use Permit as provided for in Subsection 11.6.12.004(B) may be applied for to allow temporary valet parking in residential zones in connection with an event or other similar use. The Director shall have the authority to allow valet parking only if the applicant can demonstrate to the satisfaction of the Director that the required findings can be made. The Applicant shall provide the following information and any other information that the Director determines is necessary to make the required findings:

i. Location where cars will be parked, location of vehicle drop-off/pick-up area, and valet routes. Tandem parking shall not be used unless it is indicated on the plans, including the location and number of tandem spaces provided.

ii. Location and specifications of any valet stand or other temporary use within the public right-of-way.

iii. Days and hours of operation of the proposed valet parking service.

iv. Approval from the Traffic Engineer and/or Public Works Director of any on-street parking proposal. Should the project require a temporary encroachment permit through Public Works, the applicant is responsible for obtaining all necessary approvals.

3. **Indemnification**

a. The Applicant shall conform to all City indemnification requirements.

I. **Participation in Public Parking Assessment District.** Participation in a Public Parking Assessment District, as may be established by the City Council, may be used to comply with the provisions of this chapter to the extent of a use's allotted share of the parking spaces in the district.

J. **Accessible Parking.**

1. The location, number, and design of accessible parking spaces for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.

2. Accessible parking shall be counted toward the total number of vehicle parking spaces required by Table 11.5.04-1.

3. Additional parking spaces shall not be required for an addition to a structure made solely for the purpose of increasing access for disabled persons.

4. In the case of tenant improvements, the number of required parking spaces may be reduced for the purpose of meeting the requirements for accessible parking spaces in compliance with this Subsection.

K. **Parking Study.** When a decision-making authority requires a parking study as provided for in this chapter, it shall include, but is not necessarily limited to, the following:

1. Type of use(s);

2. Number of employees;

3. Number of patrons/students/guests/visitors/residents, as applicable;

4. The occupant load (per Building Code) of the building;

5. Square feet of building area and any outdoor area that is readily accessible to patrons/students/guests/visitors/residents in conjunction with the use, as applicable;

6. Hours of operation;

7. Demonstration of adequacy to prevent traffic congestion; and

8. Demonstration of adequacy to prevent excessive on-street parking.

§11.5.04.005 Vehicle Parking in Single-Family Residential (R-1) Zones.

Except as otherwise required in §11.5.04.006, parking in the R-1 zones shall comply with the following development standards.

A. **Garages.**

1. Every new single-family residence shall have on the same lot or parcel of land one (1) or more garages, or other enclosed structures, providing storage space for two (2) vehicles, conveniently accessible and located at a place where structures are permitted.

2. Each required vehicle storage space shall be at least ten (10) feet wide and twenty (20) feet deep interior dimensions, and shall remain free of permanent structural obstructions, except as follows:

   a. The required vehicle parking spaces within the garage or other enclosed structure that are nonconforming in terms of size shall continue to be recognized as required parking spaces provided:

      i. Each space within the garage or enclosed structure is at least nine (9) feet wide by nineteen (19) feet deep interior dimensions; and

      ii. Any expansion or alteration of the primary dwelling unit, whether the garage or other enclosed structure is attached or detached, shall not involve expansion or alteration of the any walls or roof structure of the garage and shall not result in the structure being considered a new structure.

   b. If any expansion or alteration to a single-family residence results in the structure being considered a new structure pursuant to this Zoning Code, the garage or other enclosed structure, whether attached or detached, shall be required to provide parking in compliance with Subsection (A)(1) of this Section, unless a Director's Development Review Permit as provided for in §11.6.05.002 is approved.

3. Any adjacent vehicle storage space in front of or behind one or more of the spaces shall not be counted toward this requirement.

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B. **Garage Elevation, Finished Floor.** On any lot not subject to Hillside Review (§11.4.05.004), a Minor Development Review Permit as provided in §11.6.05.003 shall be required for construction of any parking garage or other roofed parking area more than 50% (fifty percent) below grade, as determined by comparing the area of garage walls below and above finished floor grade. For the purposes of this regulation, area of garage walls shall include garage doors; in the event that one (1) or more sides of the roofed parking area is/are open, it shall nevertheless be included in the calculation of below and above grade area.

C. **Large Garage Review.** A Minor Development Review Permit as provided in §11.6.05.003 shall be required for any project where garage spaces account for more than 30% (thirty percent) or more of the front facing façade, when visible from the public right-of-way. Additionally, the review shall apply to garages facing and accessed from side streets on reverse corner lots and rear streets on through lots; those respective street frontages shall also be used to calculate the applicability threshold of 35% (thirty-five percent) for rear streets and 20% (twenty percent) for side streets. However, the Director may determine exemption from Large Garage Review in cases where it is warranted by garages' lack of visibility from the street.

D. **Driveways.**

1. **Curb cuts.** All new and modified curb cuts/driveway aprons are subject to approval by the Director of Public Works.

2. **Semicircular driveways.**

   a. New semicircular driveways and dual curb cuts are permitted where street frontage exceeds one hundred (100) feet, subject to approval by the Director of Public Works.

   b. New semicircular driveways and dual curb cuts, where street frontage is between seventy five (75) and one hundred (100) feet, may be permitted subject to approval of a Director's Development Review Permit pursuant to Subsection 11.6.05.002(A)(17) and subject to the criteria listed within Subsection (4).

   c. New semicircular driveways and dual curb cuts are prohibited where street frontage is less than seventy-five (75) feet.

   d. Modification or alteration of an existing semicircular driveway, where the street frontage is less one hundred (100) feet, may be permitted subject to approval of a Director's Development Review Permit as provided in Subsection 11.6.05.002(A)(17) and subject to the criteria listed within Subsection (4).

   e. Semi-circular driveways shall not exceed twelve (12) feet in width within the required front setback except as required by the Fire Department, and as necessary for access to parking stalls. One (1) of the two (2) driveways may be allowed up to twenty (20) feet in width subject to review and approval of the Director and subject to the review criteria listed within Subsection (4).

f. *Criteria for approval of new or modification to existing semicircular driveways*. A new semicircular driveway and curb cuts or modification of an existing semicircular driveway and associated curb cuts as provided for within Subsections (D)(2)(a) through (D)(2)(e) may be permitted where the Director and the Director of Public Works find that the proposed location and design protects public health, safety and welfare based on:

i. Street geometric configurations and the provision of adequate line of sight, including but not limited to consideration of corner lots, sharp curves, steep or narrow roads;

ii. Above ground obstacles, including but not limited to trees, large utility poles, utility cabinets, or mailboxes;

iii. The number of potential conflict points, including but not limited to the number and proximity of driveways to each other; and

iv. Sidewalk location and design.

3. **Maximum grade.**

a. *General.* The finished grade of any driveway shall not exceed an average of 15% (fifteen percent), with an absolute maximum grade of 20% (twenty percent). Any exception must be reviewed and approved by the Fire Code official. Transitional top and bottom slopes shall be provided to the satisfaction of the Director and the Director of Public Works.

b. *Elevated driveway.* An elevated driveway shall comply with the requirements of

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Figure 11.5.04-1: Elevated Driveway.

c. *Depressed driveway.* A depressed driveway shall comply with the requirements of

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Figure 11.5.04-2: Depressed Driveway.

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Figure 11.5.04-1: Elevated Driveway

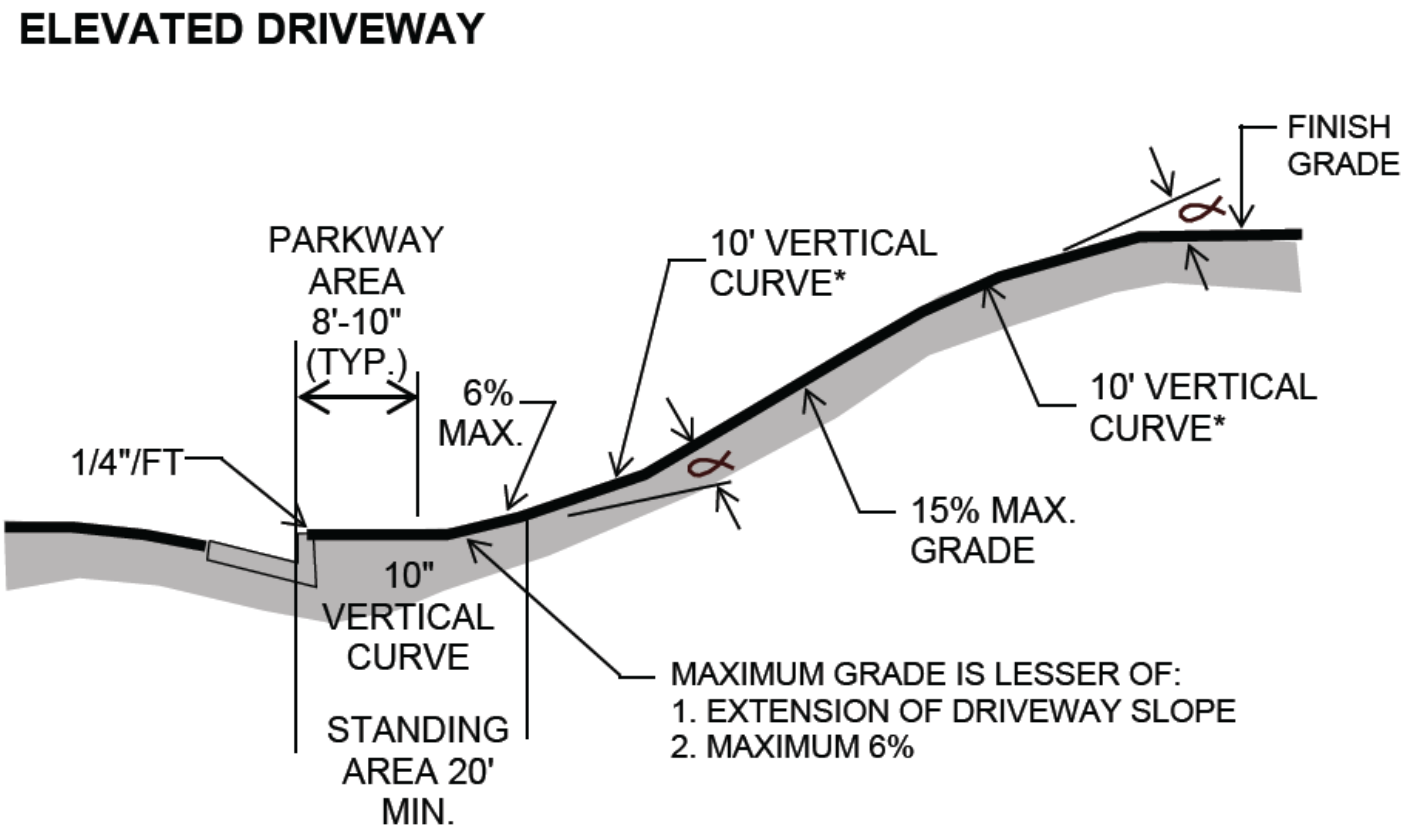
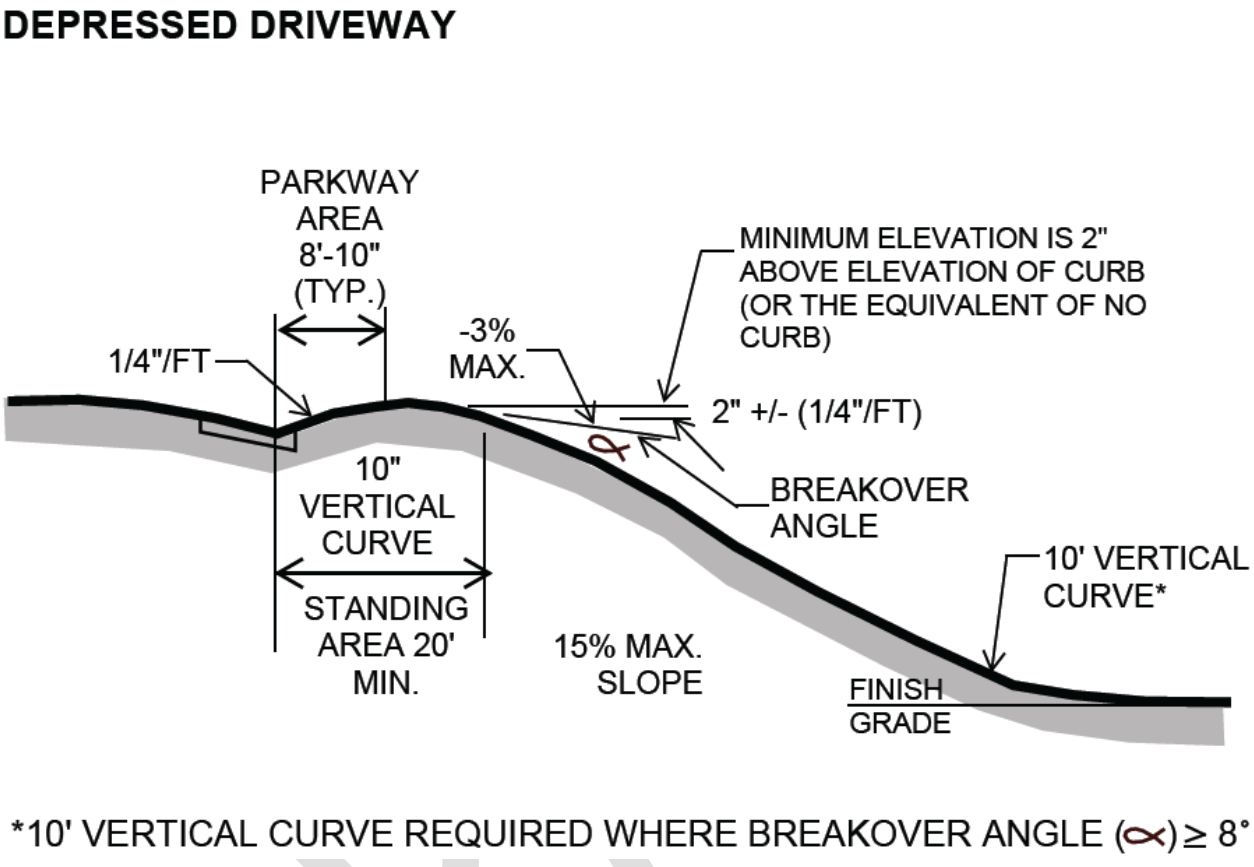


Figure 11.5.04-2: Depressed Driveway

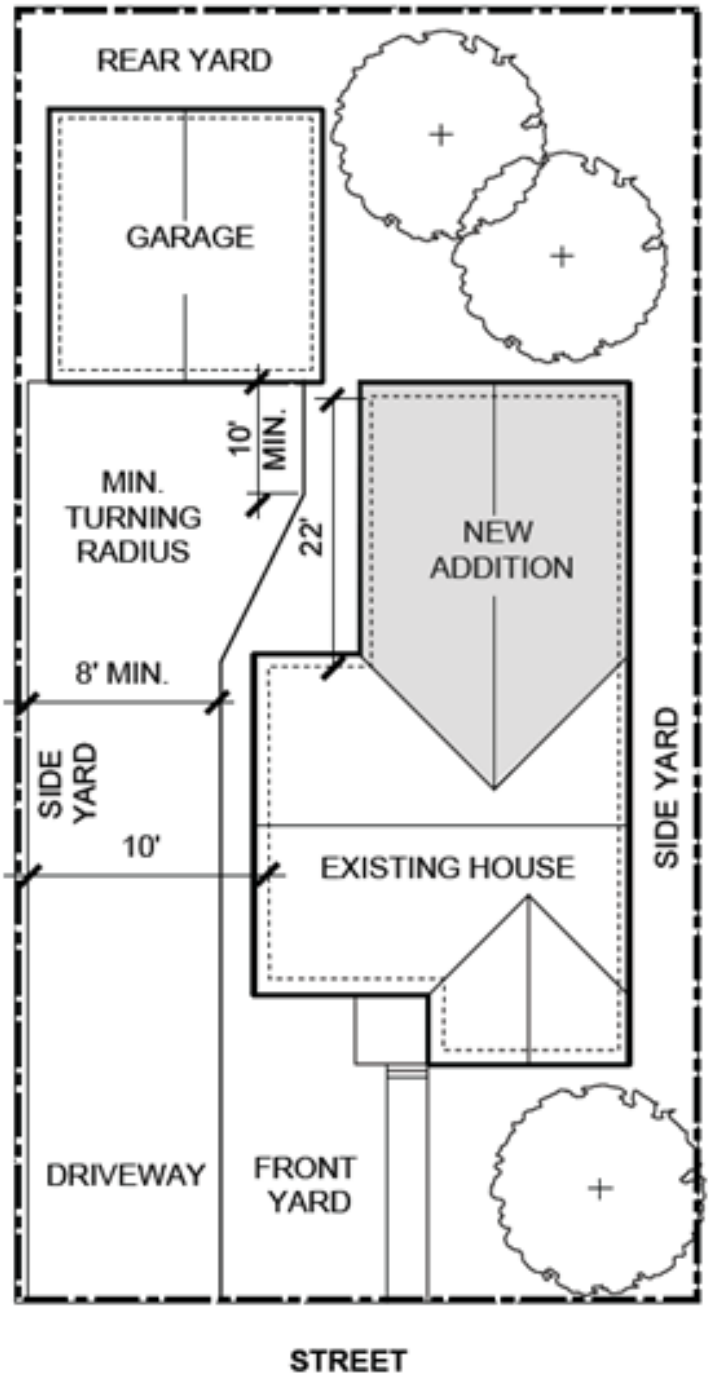


4. **Access to detached garage.** Access to a detached garage shall be provided or maintained in accordance with

Figure 11.5.04-3: Garage Turning Radius.

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Figure 11.5.04-3: Garage Turning Radius



§11.5.04.006 Vehicular Parking for Development Subject to Chapter 11.4.05 (Hillside Development).

A. Driveways.

1. **Minimum width—standard.** For private driveways in excess of one hundred fifty (150) feet in length, minimum graded and paved width shall be twenty (20) feet.

B. Parking.

1. In addition to the two (2) enclosed spaces required pursuant to Subsection 11.5.04.005(A), any lot developed under the provisions of Chapter 11.4.05 shall provide and maintain two (2) additional off-street parking spaces, a minimum of nine (9) feet by twenty (20), which shall not be developed in tandem, and which shall be readily accessible from the street from which access to the lot being developed is derived.

2. If the paved width of the street upon which the lot is located is thirty-six (36) feet or greater, the decision-making authority may waive this requirement, if the Applicant can demonstrate to the satisfaction of the decision-making authority that there are no safety or traffic impacts associated with on-street parking.

§11.5.04.007 Vehicle Parking in Multifamily, Mixed Use, and Non-Residential Zones.

The development, design, construction, or establishment of vehicle parking in multifamily, mixed use, and non-residential zones shall conform to the regulations of this section, except that modification to the requirements of this section may be permitted subject to approval of a Director's Development Review Permit as provided in Subsection 11.6.05.002(A)(18).

A. Review Required.

1. **Uncovered surface parking areas.** Unless otherwise required through an entitlement permit, a Zoning Clearance pursuant to Chapter 11.6.03 is required to be approved prior to the establishment or modification of any required uncovered surface parking area. In addition to the application procedures provided for in §11.6.03.003, a detailed site plan shall be submitted to the Director that depicts the parking arrangement, accurately dimensioned, showing individual parking spaces, driveways, maneuvering aisles, and turnaround areas, and indicating adequate ingress and egress.

2. **Structured parking.** A Development Review Permit pursuant to Chapter 11.6.05 is required to be approved prior to the establishment or modification of any parking structure, including roof-top parking.

B. Driveways.

1. **Curb cuts.**

a. All new curb cuts or modification to existing curb cuts are subject to approval by the Director of Public Works.

b. Existing curb cuts may be required to be removed at the discretion of the Director of Public Works if he/she determines that there is a safety issue or a compelling public purpose.

2. **Width.** All driveways serving multifamily residential and non-residential uses shall be provided as follows:

a. *One-way driveway:*

i. Minimum width twelve (12) feet, maximum width sixteen (16) feet;

ii. Minimum separation between a one-way pair of driveways: ten (10) feet full height curb.

b. *Two-way driveway:* Minimum twenty-four (24) foot width, maximum thirty-five (35) foot width.

c. All dimensions in this Subsection shall be based on the bottom width (or the flat portion) of the driveway, measured at the curb where curbs are in place. Where curbs are not in place, dimensions will be measured at the ditch or flow line, or seven (7) feet from the property line on the street side of the property line if no ditch and no curbs are in place.

3. **Alleys.**

a. When site access is possible from an alley, the driveway should be located on the alley.

b. Alleys shall not be used for required back-up space.

4. **Visibility.**

a. Driveways shall be constructed and maintained to meet sight distance requirements.

b. Sidewalks and pedestrian routes that cross driveways shall be clearly designated using striping, distinctive paving materials, or other appropriate methods.

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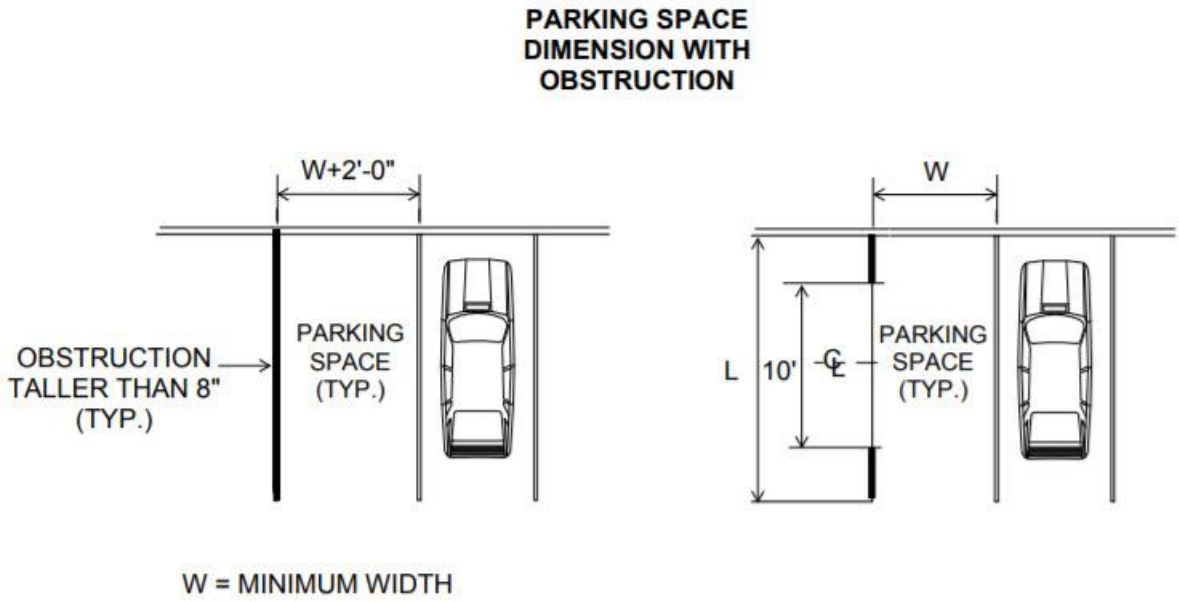
C. **Parking Space Dimensions.**

1. Vehicle parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long except as otherwise provided for in this subsection.

2. Compact parking spaces as provided for in Subsection 11.5.04.004(C) shall be a minimum of eight feet six inches (8'-6") wide by sixteen (16) feet long.

3. When the side of a vehicle parking space abuts a fence, wall, post, or other similar obstruction taller than eight (8) inches, the minimum width of the space shall be increased by two (2) feet. This standard shall not apply when the center ten (10) feet of the required length of a parking space is free of obstructions, as provided for in Figure 11.5.04-4.

Figure 11.5.04-4: Parking Space Dimension with Obstruction



4. Up to three (3) feet of the required parking space length may overhang a planter or walkway, provided the overhang does not decrease pathways for pedestrian access below the width necessary to meet the requirements of California Building Standards Code (California Code of Regulations, Title 24) Americans with Disabilities Act. Parking stop blocks (also known as bumper blocks) shall not be used to satisfy this provision.

5. The dimensions of accessible parking for disabled persons shall comply with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.

D. Parking Area Lay-Out and Design.

1. **Integrated and compatible design.** The design of the parking facility shall be integrated into and compatible with the design of the overall project.

2. **Directional indicators.** Parking areas shall be clearly marked with directional signs or painted arrows to ensure the safe and efficient circulation of vehicles, bicycles, and pedestrians. Entrances and exits to parking facilities shall be clearly designated, and stop signs shall be provided at all exit locations.

3. **Back-up.** A five (5) foot backing area that extends beyond any stall in a dead-end aisle is required.

4. **Minimum parking area dimensions.** Parking areas shall comply with Figure 11.5.04-5: Minimum Parking Area Dimensions—Angled Parking and Figure 11.5.04-6: Minimum Parking Area Design—Parallel and 90° Parking, or as otherwise determined by the Fire Department.

5. Reciprocal access is allowed and encouraged.

Figure 11.5.04-5: Minimum Parking Area Dimensions—Angled Parking

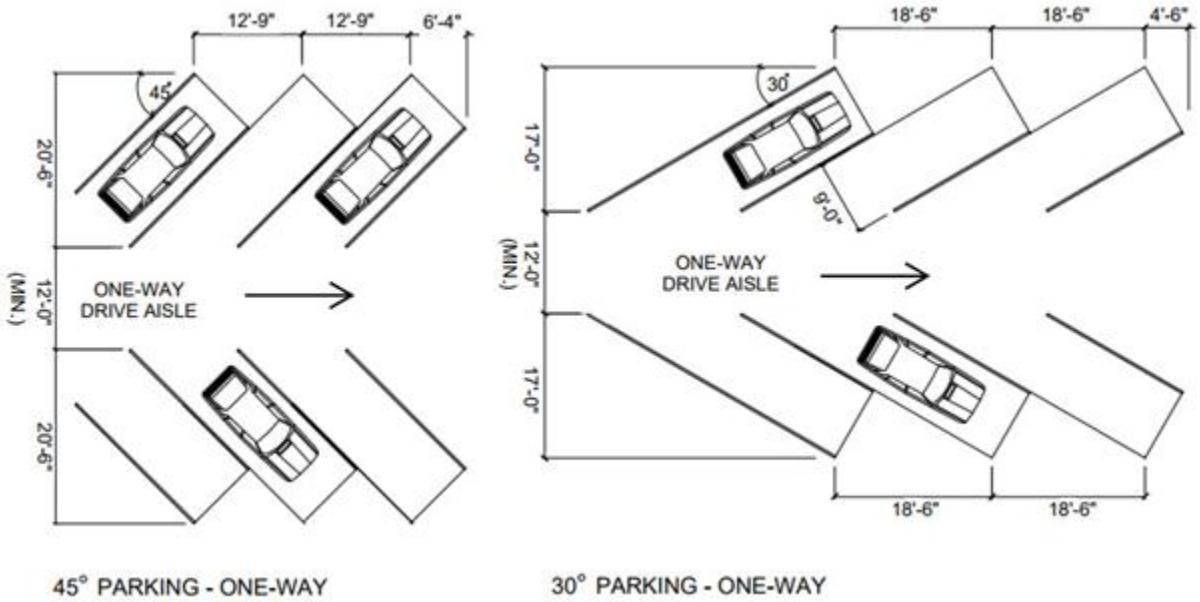
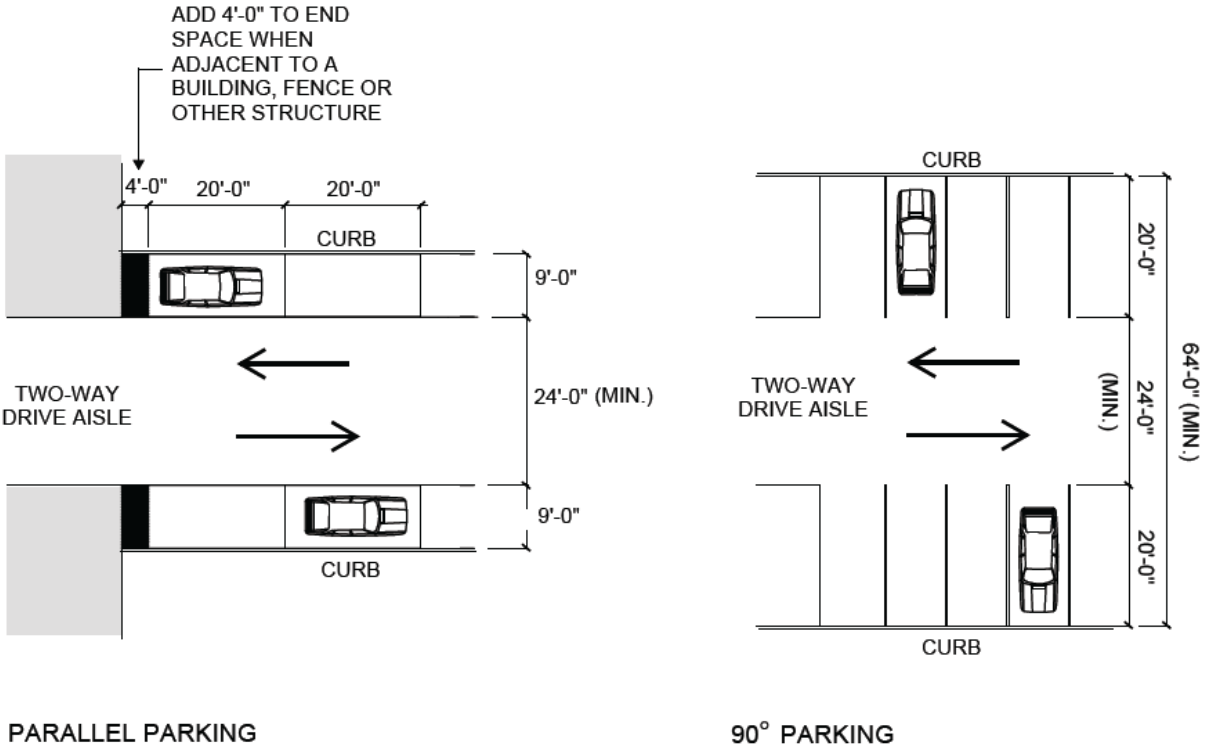


Figure 11.5.04-6: Minimum Parking Area Design—Parallel and 90° Parking



E. **Pavement Required.** All parking spaces, loading spaces, and driveways shall be required to be surfaced with asphalt concrete, Portland cement concrete, interlocking pavers, or a pervious pavement system incorporating gravel or vegetation. Required pavement shall be placed on a suitable prepared base. The use of light colored, pervious pavement is encouraged.

F. **Pedestrian Access.**

1. At least one (1) pedestrian pathway shall be provided from the street or sidewalk to the primary building entrance. Multi-tenant, campus-style, and mixed use development may be required to add additional pedestrian pathways to the satisfaction of the decision-making authority.

2. Pedestrian pathways shall be incorporated into the site design in a manner that encourages access by pedestrians. Internal sidewalks and pedestrian pathways shall be clearly designated using striping, distinctive paving materials, or other appropriate methods.

3. Where a transit stop or facility is located adjacent to the site, the pedestrian pathway shall be provided as near as is feasible to the transit stop or facility.

G. **Additional Development Standards and Objective Design Standards for Parking Structures.** In addition to the requirements of this chapter, the following shall apply to new parking structures:

1. **Development standards for parking structures.**

   a. If below-grade parking is provided in a structure adjacent to Foothill Boulevard, then commercial, residential, or other uses permitted by the zone shall be provided above the structure at ground level to maintain the continuity of building frontage along Foothill Boulevard.

   b. To maximize ease of use and security, parking structures shall be constructed with "clear spans" related to each circulation aisle and related double-loaded set of parking stalls.

   c. The interior of any parking structure shall be painted with bright, light-reflective color. Except as otherwise required in Chapter 11.5.05 (Outdoor Lighting Standards), artificial illumination shall be provided to create a minimum foot-candle level of five (5) foot candles on the parking deck.

   d. Exterior elevations shall incorporate materials and design features that are consistent with the primary building(s). Green walls may be used to meet this requirement.

   e. Notwithstanding other provisions of this chapter, parking structures shall have, along all elevations that face a public street or a residential use, a minimum three (3) foot high buffer on all levels (including roof top parking and the top deck of a parking structure) to screen headlights. Such buffer shall consist of a decorative masonry wall that is consistent with the architectural style of the building, solid hedge, green wall, or other screening treatment to the satisfaction of the Director.

   f. Ventilation motors shall be screened and enclosed with acoustic panels that limit noise subject to applicable provisions of Chapter 5.02 (Regulation of Community Noise).

2. **Objective design standards for parking structures.**

   a. Uses such as retail, offices, multifamily residential, or other uses allowed in the zone shall be incorporated on the ground level of the parking structure where the structure faces street frontages.

   b. Parking structure walls facing R-1 zones shall not have openings to avoid light and noise impacts.

   c. In addition to any landscaping required by this Zoning Code, landscaping shall be provided on all levels of a parking structure, including along exterior walls and on roof top parking or the top deck of the parking structure. Landscaping in the form of green roofs for stormwater management is acceptable for use on the top level of the parking structure.

H. Loading.

1. **Number of Loading Spaces Required.** Off-street loading spaces shall be provided as follows:

Table 11.5.04-2: Loading Space Requirements

Type of Land Use	Total GFA	Number and Type of Loading Required
Office Uses	Less than 20,000 sq. ft.	1 Service & Delivery space
	More than 20,000 sq. ft.	1 Small Truck
Retail and other allowed commercial uses	Less than 10,000 sq. ft.	1 Service & Delivery space
	10,000 to 20,000 sq. ft.	1 Small Truck
	More than 20,000 sq. ft.	1 Large Truck + 1 Small Truck
Mixed Use	Combine requirements for commercial and multifamily based on GFA of non-residential and number of residential units	
Type of Land Use	**Number of Units**	**Number and Type of Loading Required**
Multifamily	2-10	1 Service & Delivery space
	11-20	1 Small Truck
	21 or more	1 Service & Delivery space + 1 Small Truck

2. **Location.** Loading spaces shall be located to meet as many of the following criteria as deemed feasible by the Community Development Director. The spaces shall:

   a. Have direct vehicular access from a driveway or access aisle.

   b. Not be within the required front or street side yard setback;

   c. Be limited to the rear two-thirds of the parcel;

   d. Be situated to ensure that loading and unloading takes place on site and in no case within adjacent public rights-of-way or main drive aisles on site, including any drive aisle that is also a designated fire lane;

   e. Be situated to ensure that vehicular maneuvers occur on site.

3. **Design and Development Standards.**

   a. *Dimensions.*

      i. Service & Delivery – Shall have at least nine (9) feet in width and eighteen (18) feet in length and eight feet and six inches (8’-6”) of vertical clearance within the loading space.

ii. Small truck - Shall have at least ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet of vertical clearance within the loading space.

iii. Large Truck - Shall have at least twelve (12) feet in width, thirty-five (35) feet in length, and fourteen (14) feet of vertical clearance within the loading space.

b. *Loading Doors and Gates.* Loading bays and roll-up doors shall be painted to blend with the exterior structure walls and be located on the rear of the structure as far from single-family residential uses as possible.

c. *Screening.* Loading areas adjacent to residential uses or public streets or alleys shall be screened with a solid masonry wall, at least six (6) feet in height.

d. https://ecode360.com/43927992 - 43914730*Striping.* Loading areas shall be striped, indicating the service & delivery or loading space(s) and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner or tenant in a clear and visible manner at all times.

I. **Grade.** No parking area will be approved that has a minimum grade less than 0.5% (one-half percent) or a maximum grade exceeding 5% (five percent). Driveways to parking areas shall not exceed 25% (twenty-five percent) longitudinal grade and 5% (five percent) cross grade. Longitudinal slope shall not exceed 20% (twenty percent) for fire lanes.

J. **Parking Area Landscaping.**

1. Landscaping at any interior parking area intersection shall not obstruct a driver's vision of vehicle and pedestrian cross traffic.

2. All landscaped areas within and/or adjacent to parking areas, including internal circulation, parking spaces, and turn-around areas, shall be enclosed by a raised six-inch (0'-6") concrete curb or low wall. The concrete curb may include cut-outs as part of the design required for bioswales and bioretention basins. The Director may waive this requirement when the landscaped areas are designed in accordance with an integrated, comprehensive low impact development parking lot design.

3. With the exception of trees, landscaping adjacent to pedestrian pathways shall be no more than three (3) feet in height.

4. Interior landscaping for uncovered surface parking areas shall be provided as follows.

a. A minimum five (5) foot wide (inside dimension) planter area or landscape strip shall be provided between any uncovered parking space and the property line. This subsection does not apply to the Old Town District.

b. One (1) planter shall be required at each end of each parking aisle and one (1) additional planter area shall be required for each ten (10) parking spaces. This subsection does not apply to the Old Town District.

c. Except as required for vehicular movement, planter lengths shall be two feet (2'-0") less than the adjacent parking space lengths. Each planter shall average at least five (5) feet in inside width unless otherwise provided for.

d. All areas not used for parking, circulation, or another functional aspect within uncovered surface parking areas shall be landscaped.

5. **Trees.**

a. At least one (1) tree shall be provided per each prescribed planter.

b. Trees shall be a minimum of fifteen (15) gallon size, and at least 25% (twenty-five percent) of trees shall be of 24-inch box size or greater at planting.

c. Exception: Surface parking areas covered by solar photovoltaic shade structures or shade structures with roofing material that complies with the City's adopted Building and Fire Codes are permitted in whole or in part in lieu of shade tree plantings. These structures would qualify as accessory structures and be subject to the applicable development regulations of their underlying zone.

6. All landscaped areas shall be permanently maintained with proper care, weeding, pruning, and irrigation to maximize the health and longevity of plantings and to maintain conformance with the approved landscape plan.

7. All landscaping shall be in compliance with Chapter 4.23 (Water Efficient Landscaping).

8. All landscape lighting shall be in compliance with Chapter 11.5.05 (Outdoor Lighting Standards).

§11.5.04.008 Bicycle Parking

A. **Spaces Required.** Bicycle parking shall be provided according to the standards in Table 11.5.04-3: Bicycle Parking Requirements; except that if the project is subject to the requirements of Chapter 11.5.11 (Trip Reduction and Travel Demand Management), the required amount of bicycle parking shall be the greater amount required of this chapter or Chapter 11.5.11. Bicycle racks may be used for bicycle parking, unless otherwise noted.

Table 11.5.04-3: Bicycle Parking Requirements

Required Minimum Off-Street Bicycle Parking Spaces	
LAND USE[1]	**REQUIRED SPACES**
Residential Uses	
Single-Family Residential	N/A
Multi-Family Residential	1 per unit[2]
Senior Citizen Multi-family Residential Housing	1 per 10 units
Emergency Shelters	1 per 10 beds
Single Room Occupancy (SRO)	1 per 10 units
Supportive Housing	As required for comparable residential uses in the same zone
Transitional Housing	As required for comparable residential uses in the same zone
Accessory Dwelling Unit	N/A
Civic and Community Uses	
Community Gardens	2 per site
Convents and Monasteries	Resident parking: 1 per bedroom Guest parking: 1 per every 4 bedrooms
Museums	1 per 5,000 sf GFA
Private Schools	Up to 8th grade, 1/classroom: Over 8th grade: • School with grades 9 through 12: 1/each classroom plus 1 for each 50 pupils • Auditorium: 1/5 fixed seats or 1/35 sf GFA where seats aren't fixed
Religious Facilities	1 per 50 fixed seats or 1 per 350 sf GFA where seats are not fixed, plus 1 per 350 sf of gross assembly area, classrooms, meeting rooms, etc.
Retail Uses	
Retail uses, except as set forth more specifically in this Table	1 per 2,500 sf GFA
Automobile Sales, New Vehicles Only	1 per site

[1] Land uses and land use categories described in this table are consistent with Table 11.3.02-1: Land Use Permit Table for All Zones.
[2] Bicycle parking for multifamily residential uses is not required when the units have individual enclosed garages that are assigned to each dwelling unit.

LAND USE[1]	REQUIRED SPACES

Eating and Drinking Establishments	• Bar, lounge, & nightclub; brewpub; restaurants, full service; restaurants, fast food: 1 per 1,000 sf GFA
	• Restaurant, take-out service: 1 per 2,500 sf GFA
	• Outdoor dining (pursuant to Chapter 11.4.33):
	  ○ An outdoor dining area that does not exceed 100 sf shall not be required to provide additional bicycle parking
	  ○ An outdoor dining area that exceeds 100 sf in area shall comply with bicycle parking requirements for the particular type of primary eating and drinking establishment as required in this table, for the amount of square footage in excess of the first 100 sf of outdoor dining area

Plant Nurseries and Garden Supply Stores	1 per 2,500 sf GFA of indoor retail sales area; plus 1 per 10,000 sf GFA outdoor display/storage area
Service stations	1 space
Office Uses	
All Office Uses	1 per 2,500 sf GFA
Research and Development Uses	
Research and Development	As determined by Conditional Use Permit approval
Service Uses	
Service Uses, except as set forth more specifically in this Table	1 per 2,500 sf GFA
Bed and Breakfast Inns	1 per 10 guest rooms
Car Washes	See Service Stations
Hotels/Motels and Rooming/Boarding Houses	1 per 10 rooms
Mortuaries	1 per 50 fixed seats[2] or 1 per 350 sf GFA where seats are not fixed, plus; 1 per 350 sf of gross assembly area

Recycling Facilities	• Reverse Vending Machine:
	  ○ N/A
	• Small:
	  ○ N/A

Vehicle Repair	See Service Stations
Medical and Care Uses	

Child Day Care Facilities:	• Small family day care home:
	  ○ N/A
	• Large family day care home:
	  ○ 1 per 5 onsite employees
	• Child day care center:
	  ○ 1 per 5 onsite employees, plus
	  ○ 1 per 5 children

LAND USE[1]	REQUIRED SPACES
Residential Care Facilities:	• Small family residential care: N/A • Large family residential care: 1 per 5 onsite employees • Residential care facilities for the elderly: 1 per 5 onsite employees
Medical Clinics and Laboratories	1 per 2,500 sf GFA
Hospitals	1 per 50 patient beds
Entertainment, Recreation, and Open Space Uses	
Adult Businesses	1 per 50 fixed seats[2] or 1 per 350 sf GFA where seats are not fixed

Health/Fitness Facilities	• Small:
	  ○ 1 per 1,000 sf GFA; plus
	  ○ 1 per 5 onsite employees
	• Large:
	  ○ 1 per 2,500 sf GFA; plus
	  ○ 1 per 5 onsite employees

Indoor amusement and Entertainment Facilities	1 per 1,000 sf GFA
Riding and hiking trails	N/A
Theaters, auditoriums, clubs, lodges, and private meeting halls	1 per 50 fixed seats[2] or 1 per 350 sf GFA where seats are not fixed; plus 1 per 350 sf of gross assembly area

B. **Bicycle Facility Design.**

1. Bicycle racks shall be designed to support a bicycle by its frame without damage to the bicycle, allow bicycles frames and/or wheels to be easily locked to the rack, and provide easy access to each parked bicycle when the rack is fully loaded.

2. Bicycle racks shall be protected by a barrier to prevent vehicles from striking parked bicycles.

3. A minimum of 25% (twenty five percent) of the required bicycle parking shall be located within one hundred (100) feet of the primary entrance to the use to accommodate short-term bicycle parking.

[2] Eighteen (18) inches of lineal bench or bleacher shall be equal to one (1) fixed seat.

§11.5.04.009 Recreational Vehicle Parking or Storage.

A. In the single-family residential (R-1) and the residential planned development (RPD) zones and on lots in multifamily residential (R-3) zone developed with single-family residences unless otherwise specified: The parking or storage of all recreational vehicles shall require approval of a Director's Development Review permit as provided in Subsection 11.6.05.002(A)(19), with the exception of recreational vehicles not exceeding six (6) feet in height as indicated in Subsection (A)(5) of this Section, incidental parking as defined in Subsection (A)(6) of this Section, or emergency parking as defined in Subsection (A)(7) of this Section. Per the discretion of the Director, additional landscaping to screen the recreational vehicle from neighboring views may be required. Recreational vehicles shall be parked or stored behind a six (6) foot tall sight-obscuring gate and/or fence/wall/hedge. Front, side, and rear yard parking or storage shall be regulated as required in Subsections (A)(1) through (4) of this Section.

1. **Front yard and front façade.** Recreational vehicles shall be parked or stored out of the required front yard setback and behind the front façade of the primary structure, except in cases where the recreational vehicle is parked or stored in an area not prominently visible from the street and public right-of-way as determined and conditioned by the Director.

2. **Garage access.** Recreational vehicles may be parked or stored in areas that would prevent vehicle access of parking spaces within a garage or carport unless it negatively impacts parking within the neighborhood as determined by the Director through the Director's Development Review permit as provided in Subsection 11.6.05.002(A)(19).

3. **Interior side and rear yards.** Recreational vehicles exceeding six (6) feet in height that are parked or stored within the required interior and rear yard setbacks shall maintain a minimum space of eight (8) feet between the recreational vehicle and the property line.

4. **Exterior side yard.** The parking or storage of recreational vehicles within the required exterior side yard setback is prohibited.

5. **Recreational vehicles not exceeding six (6) feet in height.** Recreational vehicles not exceeding six (6) feet in height may be parked or stored within the required interior side or rear yard setbacks.

6. **Incidental parking or storage.**

    a. Incidental parking or storage of up to fourteen (14) days in any calendar year subject to a permit issued pursuant to the requirements and restrictions contained in Subsection 8.11.020(D).

    b. Incidental parking or storage of a recreational vehicle for a maximum of two (2) hours is allowed without a permit for purposes of loading or unloading the vehicle.

    c. Incidental parking or storage of recreational vehicles within a shared driveway shall be prohibited.

d. Incidental parking or storage of recreational vehicles shall not unreasonably impact egress/ingress access to a shared driveway.

7. **Emergency parking or storage permitted.** Parking or storage of recreational vehicles is permitted during emergency situations where the primary structure has been deemed unusable as determined by the Director. Examples of emergency situations include, but are not limited to, the following: mudslides, floods, fires, earthquakes, wind damage, long-term power outages, or as determined by the Director.

B. **In the Multifamily Residential (R-3) Zone.** The storage of recreation vehicles within any multifamily project shall be permitted subject to the following provisions:

1. Highway operative recreational vehicles (e.g., camper-trucks, motor homes, etc.) shall be stored within the enclosed or covered parking spaces for each unit or placed within a separate storage area.

2. Other recreational vehicles, consisting of, but not limited to, trailers, boats, etc., shall be stored within a separate storage facility within the project or at another appropriate off-site location.

3. Storage areas for recreational vehicles shall be enclosed with a six (6) foot or higher decorative block wall or acceptable substitute which is screened by exterior landscaping, and shall be paved with concrete, asphalt or similar surface. The location and size shall be subject to the approval of the Planning Commission.

4. No recreational vehicles shall be stored in designated guest parking areas.

C. **In the Mixed Use Zone.** The storage of recreational vehicles associated with the residential portion of the mixed use development shall be prohibited.

D. **In the HEI Overlay Zone.** The storage of recreational vehicles associated with any residential development shall be prohibited.

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Chapter 11.5.05 Outdoor Lighting Standards

§11.5.05.001 Purpose.

This chapter establishes outdoor lighting standards that will:

A. Minimize light pollution, glare, reflections, and light trespass that would interfere in the use or enjoyment of property that is sensitive to obtrusive impacts of artificial outdoor lighting.

B. Limit the types, kinds, construction, installation, and uses of artificial outdoor light fixtures and lighting practices that contribute to light pollution, light trespass, and skyglow.

C. Allow for the maintenance of nighttime safety, security, utility, and productivity.

D. Conserve energy and resources associated with the production of artificial outdoor lighting.

E. Provide for reasonable lighting of buildings and landscaping for aesthetic purposes.

§11.5.05.002 Applicability.

A. All outdoor light fixtures installed after the effective date of this chapter shall be installed in conformance with the provisions of this chapter.

B. Any alteration to an existing parking facility that requires a permit pursuant to the permitting requirements of Part 6 shall conform with the provisions of this chapter.

C. If a non-residential property or use with outdoor lighting that is not in conformance with this chapter is abandoned for a continuous period of 180 days, then all outdoor lighting shall be reviewed and brought into compliance with this chapter before a new use is approved.

D. Signs are not subject to this chapter. Regulations for lighting of signs are set forth in Chapter 11.5.08 (Sign Regulations).

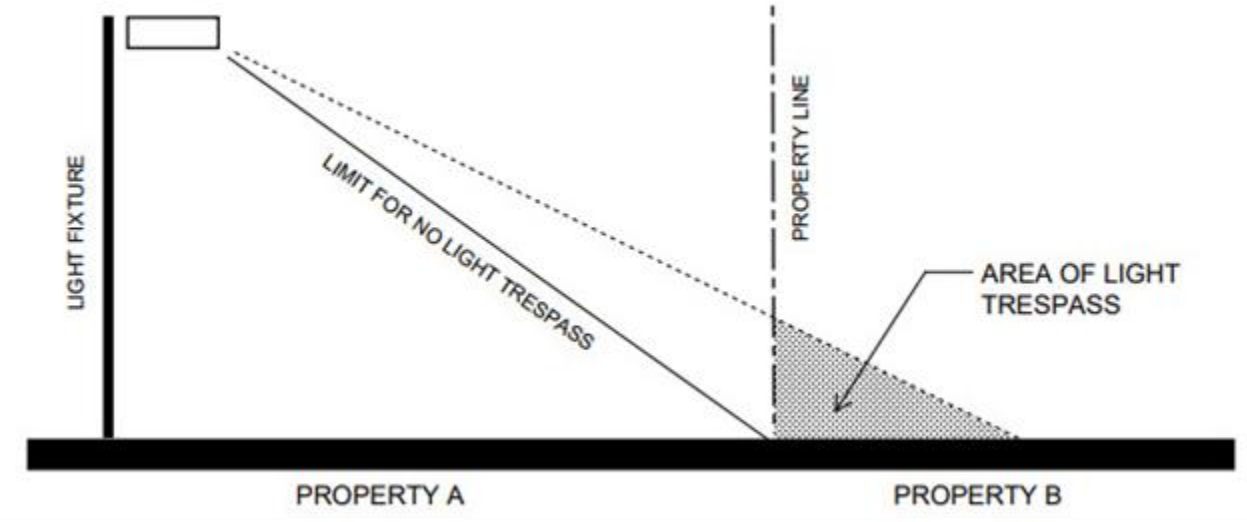
§11.5.05.003 General Lighting Standards.

All outdoor lighting on private property shall comply with the following standards:

A. All outdoor light fixtures shall be installed and maintained in a manner that does not permit light trespass and so that direct glare and reflections are contained within the boundaries of the site (see Figure 11.5.05-1). Further, any fixed objects that reflect or refract light, such as windows, mirrors, or other reflective surfaces, must not result in light pollution.

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Figure 11.5.05-1: Light Trespass



B. All outdoor lighting shall be arranged to reflect away from adjoining properties and public rights-of-way.

C. No outdoor lighting shall be permitted where the light source is directed toward or results in illumination of a property or properties other than that property upon which the light source is physically located.

D. Motion sensors that activate outdoor lights shall be placed in such a manner that they are not triggered by movement or activity located off the property on which the light is located.

E. Lighting directed upward that does not light buildings, landscape, or site surfaces is prohibited in all zones.

F. Where outdoor light fixtures are used for aesthetic purposes to up-light buildings, architectural features, and trees and other landscape features, they shall comply with the following requirements:

1. The maximum illumination on any vertical wall surface or angular roof surface shall not exceed two and one-half (2.5) foot candles. Light levels shall be limited to one-tenth (0.1) foot candle at the roofline and exterior corners, so as to prevent light trespass and skyglow.

2. Where practical, lights should be mounted to shine downward, rather than up onto buildings and landscape features.

3. Where up-lighting is used, light fixtures shall be fully shielded and aimed and controlled so that the directed light is substantially confined to the object to be illuminated and also complies with the additional lighting requirements of the zone within which the property is located.

G. Where up-lighting is used to illuminate one or more flag(s) and associated flag pole(s):

1. Lighting shall be limited to one (1) light fixture per flag pole.

2. A Conditional Use Permit shall be required in accordance with §11.6.06.004.

H. Lighting fixtures placed on a building shall be architecturally integrated as part of the overall design of the building and shall be of minimal intensity, except where oriented toward outdoor areas as security lighting.

§11.5.05.004 Outdoor Lighting Standards for Single-Family Residential Uses.

No outdoor lighting shall be installed or used in single-family residential zones except in accordance with the provisions of this Section or as otherwise required in this Zoning Code.

A. Outdoor light fixtures on property in single-family residential zones shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property.

B. No one outdoor light fixture shall exceed two-thousand eight-hundred and eighty (2,880) initial lumens.

C. Outdoor light fixtures may be mounted on any exterior wall, structure, or light pole at a maximum of fifteen (15) feet above the adjacent finished floor level, except that an outdoor light fixture adjacent to a second story balcony, deck, or exterior door may be mounted on the wall at a maximum height of eight (8) feet above the finished floor level. Any exception to this Subsection requires the Director to approve an Engineered Lighting Plan in accordance with §11.5.05.006.

D. Lighting on fences and walls in all single-family residential zones shall comply with this chapter and Subsection 11.3.03.005(G).

E. Notwithstanding the provisions of this Section, an Engineered Lighting Plan in accordance with §11.5.05.006 may be required at the discretion of the Director.

§11.5.05.005 Outdoor Lighting Standards in Non-Residential, Multifamily, Mixed Use, and Overlay Zones.

No outdoor lighting shall be installed in any non-residential, multifamily, or mixed use zone or in any overlay zone, except in accordance with the provisions of this chapter or except as otherwise provided for in this Zoning Code.

A. An Engineered Lighting Plan shall be required for all development on non-residential, multifamily, and mixed use zoned property in accordance with §11.5.05.006.

B. No individual outdoor light fixture shall exceed ten-thousand five-hundred (10,500) initial lumens, except as otherwise may be required by local, regional, State, or federal agencies.

C. Lighting levels are balanced with an average/minimum uniformity ratio that does not exceed 4:1.

D. Outdoor light fixtures for uncovered parking areas (including the top deck of a parking structure), and vehicle driveways shall not exceed a height of fifteen (15) feet. Overhead walkway lighting is between eight (8) and twelve (12) feet in height. Such overall height shall be measured from the paved parking area surface to the uppermost part of the light fixture, including the lamp.

E. Lighting shall be directed onto the driveways, walkways, and parking areas within the development and away from adjacent properties and public rights-of-way.

F. Outdoor light fixtures on non-residentially, multifamily, and mixed use zoned property and in any overlay zone shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property. Lighting on the uncovered top deck of a parking structure is prohibited between the hours of 11:00 p.m. and sunrise, except that lighting is allowed while the parking facility is open to the public. Security lighting is excluded from this prohibition.

G. Multifamily residential projects, including the residential portions of mixed use developments and residential portions of development in the HEI overlay zone, and emergency shelter facilities, shall provide lighting in accordance with this chapter, except as modified by the following standards:

1. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one (1) foot candle of illumination during the hours of darkness.

2. On-site walkway areas shall maintain a minimum illumination level equivalent to one-quarter (0.25) foot candle during the hours of darkness. Overhead walkway lighting shall be between eight (8) and twelve (12) feet in height.

3. Methods of illumination may be wall- or ground-mounted with deflectors to confine the rays to the site with minimal intrusion to the dwelling units.

4. Utilize motion sensors where appropriate for safety and energy conservation.

§11.5.05.006 Engineered Lighting Plan.

When an Engineered Lighting Plan is required by this chapter or Zoning Code, it shall be provided as follows:

A. The Engineered Lighting Plan shall include the location, height, number of lamps, lumens per lamp, estimates of maximum illumination on site, and spill/glare at property lines shall be submitted for approval by the Director.

B. The Engineered Lighting Plan shall be required to include a photometric study demonstrating compliance with the lighting standards of this chapter.

C. The Engineered Lighting Plan shall be prepared by a certified lighting professional.

§11.5.05.007 Temporary Lighting.

Temporary lighting may be approved by the Director subject to the approval of a Temporary Use Permit in accordance with the provisions of Subsection 11.6.12.005(B)(4).

§11.5.05.008 Prohibited Outdoor Lighting.

The following types of outdoor lighting are prohibited:

A. Outdoor floodlighting by flood light projection above a horizontal plane drawn through the lighting fixture's lowest light-emitting part.

B. Laser lights and pulsed light sources or any similar high-intensity light, except in emergencies by police, fire, or medical personnel or at their direction.

C. Neon or LED tubing or perimeter strips along building structures as articulation.

§11.5.05.009 Exemptions from this Chapter.

A. All outdoor lighting fixtures existing and legally installed prior to the date of adoption of this Zoning Code are exempt from the requirements of this chapter, except that:

   1. When existing luminaires become inoperable, replacement in compliance with this chapter is required; and

   2. This exemption shall cease to apply when a structure is considered new in accordance with the definition of "Structure, New" in Part 7 of this Zoning Code.

B. Low voltage, temporary lights used for holiday decorations may be unshielded. Holidays lights must not be installed prior to forty-five (45) days before and removed no later than fifteen (15) days after the applicable holiday.

C. Solar-powered lights of three hundred (300) initial lumens or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable shielding standards.

D. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting, and is used in conjunction with a valid Building Permit.

E. Lighting for public roadways for traffic control, such as signals and other devices.

F. Vehicular lights and all temporary emergency lighting needed by fire, police, medical, or other emergency services personnel.

G. Navigation lights, such as those located on radio/television towers.

H. Any facility or equipment that is subject to preemptive State or federal standards for illumination levels.

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Chapter 11.5.06 Preservation and Protection of Designated Trees on Private Property

§11.5.06.001 Purpose.

The purposes of this chapter are to preserve and protect certain species of trees, as set forth in this chapter, that are of aesthetic importance and to protect the scenic beauty of the area in a manner that does not unreasonably infringe upon the rights of property owners. It is pertinent to the public interest, health, and welfare that the protection of these certain species of trees be guarded against damage, destruction, and removal. These purposes can be achieved through education and regulation regarding the care and removal of protected trees.

§11.5.06.002 Applicability.

This chapter applies to all property in the city, except City-owned or controlled property, which is addressed in Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC, and property that is owned or controlled by a public agency.

§11.5.06.003 Definitions.

For the purposes of this chapter, the following terms are defined as follows:

"Certified arborist" means an individual who is certified as an arborist, possesses and maintains a City business license, and is on the Official City Approved Arborists and Tree Trimmers List, as set forth in §11.5.06, at the time the work is performed.

"Commercial tree service" means a service hired for the purpose of trimming protected trees that, at the time the work is performed, has a D49 contractor's license (tree service), a City business license and is on the Official City Approved Arborists and Tree Trimmers List, as set forth in §11.5.06.

"Damage" or "damaging" means any act which causes or tends to cause injury or disfigurement to a protected tree, including the root system, or impairs its structural integrity. This includes, but is not limited to, topping, poisoning, burning, or girdling a protected tree or attaching any object by means of nails, screws, lag bolts, or other similar objects. Attachment of cables, braces or similar, undertaken by a licensed arborist to protect or preserve the health of the tree, shall not be defined as "damage" or damaging" so long as undertaken, supervised, or directed by a licenses arborist for the purpose of protecting or preserving the health of the protected tree.

"Development activity" means any development work upon property subject to this chapter, including, but not limited to:

1. Construction, installation, reconstruction, demolition, or moving of a building or structure; or

2. Grading, excavation, or compaction of soil; or

3. Flatwork.

"Emergency" means an immediate threat or hazard to health, safety or property caused by the presence of the protected tree as a result of accident, disease, storm damage, acts of nature affecting the protected tree, or other acts not caused by the property owner.

"Flatwork" means an improvement built or placed at grade not requiring a footing, including, but not limited to, driveways, walkways, and/or equipment pads.

"Historic Deodar District" means the area that encompasses the following streets: Alta Canyada Road (North of Alta Park Lane), Bonita Vista Drive, Bubbling Well Lane, Del Oro Drive, Earl Drive, Earlmont Avenue, El Vago Street (West of Indian Drive), Fairmount Avenue, Hacienda Drive, Hillard Avenue, Jarvis Avenue, Linda Vista Drive, Louise Drive, and Palm Drive (North of Fairmount Avenue).

"Project area" means any development activity within thirty (30) feet of a protected tree.

"Property owner" means a person who is the record owner, as shown on the Los Angeles County assessor's latest secured real property assessment roll or then current grant deed of record as shown in the Los Angeles County recorder's office.

"Protected tree" means:

4. Any of the following trees on property located in the single-family residential (R-1) zone having a diameter of twelve (12) inches or greater at fifty-four (54) inches above natural grade: Coast Live Oak, Interior Live Oak, Canyon Live Oak, Scrub Oak, Coastal Scrub Oak, Valley Oak, Mesa Oak, and California Sycamore Tree. Where a tree trunk is divided below fifty-four (54) inches above natural grade, the diameter of all trunks, as measured at fifty-four (54) inches from the natural grade, shall be added to determine a tree's diameter.

5. Any Deodar Cedar Tree on property located in the R-1 zone that has a diameter of twelve (12) inches or greater at fifty-four (54) inches above natural grade, that has a trunk which is partially or wholly within twenty (20) feet of any curb or edge of pavement, and that is located within the Historic Deodar District, as defined in this section. Where a tree trunk is divided below fifty-four (54) inches above natural grade, the diameter of all trunks, as measured at fifty-four (54) inches from the natural grade, shall be added to determine a tree's diameter. This definition shall not apply to any Deodar Cedar Tree located within the public right-of-way, which is regulated by Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC.

6. Any species of tree greater than five (5) feet in height on property in a non-R-1 zone, except City-owned or controlled property, which is addressed in Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC.

"Protection zone" means a defined area surrounding a protected tree which may be impacted by development activity as described in Subsection 11.5.06.007(C).

"Removal," "remove," "removed," or "removing" means transplanting a protected tree, complete extraction of a protected tree, or cutting of a protected tree so that only a stump remains.

"Replacement tree" means a substituted tree designated by the Director, the Planning Commission, the Council, and/or a court of law as a replacement for a protected tree. A replacement tree is deemed a protected tree.

"Structure" means anything built, constructed, fabricated, formed or placed which requires a fixed location on the ground. For the purposes of this definition, structure does not include flatwork.

"Topping" (also known as "heading back," "stubbing" or "pollarding") means a severe type of trimming which results in the cutting back of large branches to stub, or the removal of the upper 20% (twenty percent) or more of a protected tree's trunk or primary scaffold.

"Trim," "trims," "trimmed" or "trimming" (also known as "pruning") means detaching or separating either in whole or in part, any limb, branch, and/or root, from any part of a protected tree.

§11.5.06.004 Tree Preservation and Protection Guidelines.

The City is committed to natural resource stewardship and a healthy and sustainable tree population. Trees and vegetation provide a multitude of benefits, which include clean water, clean air, enhanced quality of life, and improved property values. In an effort to promote the maintenance of protected trees, the City shall maintain the "Tree Preservation and Protection Guidelines," as adopted by resolution of the Council, as amended from time to time. A copy of said resolution shall be available in the office of the Director and on the City's website. The "Tree Preservation and Protection Guidelines" are intended to inform residents and business owners of tree trimming techniques that reflect industry standards and acceptable best management practices for the preservation of protected trees in the city. The "Tree Preservation and Protection Guidelines" recommend best practices for the proper care and maintenance of protected trees.

§11.5.06.005 Trimming of Protected Trees.

A. Official City Approved Arborists and Tree Trimmers List.

1. The Director shall prepare and maintain the "Official City Approved Arborists and Tree Trimmers List," a copy of which shall be available in the office of the Director and on the City's website. Certified arborists and commercial tree services must appear on this list at the time they are performing any trimming of protected trees, or as otherwise may be required in this chapter.

2. A certified arborist or commercial tree service may be added to the "Official City Approved Arborists and Tree Trimmers List," subject to completing a business license application, a supplemental application for certified arborists and commercial tree services, and a signed acknowledgement that the certified arborist or commercial tree service had received, read, and understood this chapter.

3. A certified arborist and/or commercial tree service may be removed from the "Official City Approved Arborists and Tree Trimmers List" for failure to comply with the provisions of this Zoning Code as further discussed in Subsection 11.5.06.008(C).

B. **Authorized Persons Who May Trim Protected Trees.**

1. For property located in the single-family residential (R-1) zone, only the following persons may trim protected trees:

   a. A commercial tree service;

   b. A certified arborist;

   c. A property owner and/or household member(s) who personally performs the work on his or her property.

2. For property located in a non-R-1 zone, only the following persons may trim protected trees:

   a. A commercial tree service;

   b. A certified arborist.

§11.5.06.006 Removal of Protected Trees.

A. **Permit Required.** A Tree Removal Permit shall be required for the removal of any protected tree in accordance with the provisions of this Section.

B. **Criteria for Tree Removal Permit.** A Tree Removal Permit may be issued only if any one (1) of the following criteria is met:

1. Where the protected tree itself, its excess foliage, or any one or more of its limbs is, in the opinion of the Director, unreasonably interfering with a structure or other improvement and there is no reasonably practical alternative to mitigate the interference.

2. Where, upon taking into account the size, shape, topography, and existing protected trees upon the lot, the denial of the permit would create an unreasonable hardship or a significant undue impairment of the use and enjoyment of the property by the property owner.

3. Where the protected tree is so diseased or damaged that it is no longer viable or is a threat to cause damage to property or to other protected trees.

4. Where the removal of one (1) or more protected trees is required by the Fire Department for reasons of public health, safety, and/or welfare, including to provide an effective firebreak. This criterion must be supported by written documentation from the Fire Department.

5. Where a property owner requests removal of a protected tree for other reasonable cause and the removal will not impact the character of the neighborhood from public view or adjacent properties or where such removal can be reasonably mitigated.

C. **Exceptions from Tree Removal Permit Requirements.** A Tree Removal Permit is not required in the following cases:

1. Removal of an unprotected tree.

2. Removal of a dead tree, as determined by the Director.

3. Removal of a protected tree which is required by the City, the Fire Department, or a public utility.

4. Removal of a protected tree due to an emergency, subject to the following requirements:

   a. If an emergency occurs during regular City Hall business hours, the person removing the protected tree, or causing it to be removed, shall notify the Director prior to the removal of the protected tree if reasonably practicable. If it is not reasonably practicable to provide notice, the person removing the protected tree, or causing it to be removed, must notify the Director within a reasonable period of time after the removal and provide supporting documentation of the emergency.

   b. If an emergency removal occurs outside of regular City Hall business hours or when City Hall is otherwise closed, the person removing the protected tree, or causing it to be removed, must notify the Director within a reasonable period of time after the removal and provide supporting documentation of the emergency.

D. **Procedure for Issuance of Tree Removal Permits.**

1. **Permit application requirements.** The Tree Removal Permit application shall be filed with the Director on a form provided by the Director and shall be processed in accordance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).

2. **Permit fee.** The fee for the Tree Removal Permit shall be as established by City Council resolution as may be amended from time to time.

3. **Decision.**

   a. The Director shall evaluate the application along with the criteria established in Subsection (B), as applicable.

   b. If the Director can make any one of the criteria for removal in his or her determination based on a visual inspection of the protected tree(s), the Tree Removal Permit shall be granted.

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c. If the Director, however, requires further evidence to make any one of the findings, the Director may require an arborist report to be prepared by a certified arborist, as defined in §11.5.06.003. The applicant may provide an arborist report or, alternatively, provide a deposit to the Director, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.

d. A determination of the Director to grant the permit may include reasonable conditions for the removal of the protected tree.

e. Upon the determination to either approve or deny the Tree Removal Permit, the Director shall provide notice to the applicant, the abutting property owners, and all others whose names appear on the application for removal, in accordance with the provisions for notice as specified in §11.2.02.003 (Public Notice) for permits subject to Review Process B (Notice of Director Review).

f. The decision of the Director may be appealed to the Planning Commission in accordance with Chapter 11.2.03 (Call-Up and Appeals).

g. A Tree Removal Permit application made in connection with a development proposal shall be considered concurrently with the development proposal.

E. As a condition to granting a Tree Removal Permit pursuant to Subsections (B)(1) through (B)(4), inclusive, the property owner or applicant may be required to plant replacement trees on the subject property if removal of the protected tree(s) impacts the character of the neighborhood from public view or adjacent properties and where removal can be mitigated on-site. The replacement trees shall be planted as follows:

1. The number and size of replacement trees required shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the office of the Director and on the City's website.

2. For property located in the R-1 zone, a replacement tree(s) shall be any species of a protected tree(s), as defined in §11.5.06.003, as determined by the Director. For property located in a non-R-1 zone, a replacement tree(s) may be any species of tree, as determined by the Director.

3. The location of replacement tree(s) shall be determined by the Director or the Planning Commission.

4. The property owner must agree to accept the conditions of replacement by his or her signature on the acknowledgement of conditions before activation of the Tree Removal Permit, including a condition that the property owner shall provide written notice to subsequent property owners about the existence of a replacement tree that is subject to the provisions of this chapter.

5. When the replacement is completed, the applicant shall contact the Planning Department for an inspection of the work and to demonstrate evidence of the mitigation.

6. In any case where the Director reasonably determines that the required replacement tree(s) cannot be planted on the subject property due to the size, shape, topography, or design of existing development of the subject property, the Director may authorize the property owner or applicant to pay money into the City's Tree Replacement Fund in lieu of the required planting of replacement trees. The amount shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.

F. As a condition to granting a Tree Removal Permit pursuant to Subsection (B)(5), the property owner or applicant shall be required to plant replacement trees on the subject property, as set forth in Subsection (F)(1), or pay a designated amount into the City's Tree Replacement Fund, as set forth in Subsection (F)(2).

1. **Replacement trees.**

a. If replacement trees are to be planted, the number and size of replacement trees required shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.

b. For property located in a single-family residential (R-1) zone, a replacement tree(s) shall be any species of a protected tree(s), as defined in §11.5.06.003, as determined by the Director. For property located in a non-R-1 zone, a replacement tree(s) may be any species of tree, as determined by the Director.

c. The location of replacement tree(s) shall be determined by the Director or the Planning Commission. If the subject property cannot accommodate multiple protected trees, if required, alternative public property locations within the city (rights-of-way, parks, etc.) may be designated.

d. The property owner must agree to accept the conditions of replacement by his or her signature on the acknowledgement of conditions before activation of the tree removal permit, including a condition that the property owner shall provide written notice to subsequent property owners about the existence of a replacement tree that is subject to the provisions of this chapter.

e. When the replacement is completed, the applicant shall contact the Planning Department for an inspection of the work and to demonstrate evidence of the mitigation.

2. **City's Tree Replacement Fund.** Except where it is determined by the Director, Planning Commission, or City Council that planting of replacement trees is necessary for purposes of mitigation, the property owner or applicant may pay money into the City's Tree Replacement Fund as an alternative to planting replacement trees. The amount shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.

G. **Term.** Unless otherwise stated in the conditions of approval, a Tree Removal Permit shall be valid for a period of one (1) year.

H. **Authorized Persons Who May Remove Protected Trees.**

1. For property located in the single-family residential (R-1) zone, only the following persons may remove protected trees:

   a. A commercial tree service;

   b. A certified arborist;

   c. A property owner and/or household member(s) who personally performs the work on his or her property.

2. For property located in a non-single-family residential zone, only the following persons may remove protected trees:

   a. A commercial tree service;

   b. A certified arborist.

§11.5.06.007 Protection Requirements During Development Activity.

A. **Reasonable Safeguards.** In recognition that development activity presents a risk of harm to protected trees, this Section is intended to ensure that reasonable safeguards are taken to ensure that protected trees are protected during development activity.

B. **Director's Determination—Tree Protection.**

1. **When required.** Development activity that includes any of the following shall require approval of a Tree Protection—Director's Determination prior to conducting said work:

   a. Placing or constructing a structure within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

b. Installing new paving or flatwork within a distance from the protected tree equivalent to two (2) times the trunk diameter, up to a maximum of ten (10) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

c. Excavating a footing, basement, or pool, or substantial compaction within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

d. Placement of fill material within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter of a protected tree, up to a maximum of fifteen (15) feet. For purposes of the provisions of this subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

2. **Procedure for Director's Determination—Tree Protection.**

a. *Site plan.* When protected trees are located within a project area involving development activity requiring a building permit, grading permit, or other zoning entitlement, the property owner or applicant shall identify the following on a site plan or, in lieu of a site plan, an approved landscape plan:

i. The location and species of all protected trees in the project area including the approximate location of each protected tree's canopy. Protected trees shall each be identified on the site plan by separate number.

ii. Canopies of neighboring protected trees that overhang the project area.

iii. Existing and proposed grades, existing and proposed improvements, and septic tanks and utility lines in the project area, if impacted.

iv. The location and type of the proposed protective barrier for each protected tree.

v. All site plans will be reviewed by City Staff, in consultation with a certified arborist, if necessary. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred by the City to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.

vi. The requirements of Subsection (B) shall not be applicable if the only development activity being conducted is flatwork that does not encroach within the area described in Subsection (D)(1)(b).

b. *Fee.* The fee for the Director's Determination—Tree Protection shall be as established by City Council resolution as may be amended from time to time.

c. *Required finding.* If the Director can find that the health of the protected tree will not be unreasonably impacted by the proposed development activity, the Director shall approve the site plan. Approval of the site plan by the Director shall constitute approval of the Director's Determination—Tree Protection.

d. *Consultation with arborist.* If the Director requires further evidence to make the necessary finding in Subsection (c) above, the Director may consult with a certified arborist as part of the Director's determination. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred to conduct the review, or as may be established by the fee resolution as adopted by the Council as may be amended from time to time, whichever is greater.

i. Unless waived by the Director, the arborist report shall be prepared by a certified arborist, as defined in §11.5.06.003, in the following cases:

(a) Any development activity within the applicable protection zone of a protected tree.

(b) In conjunction with an application for a Tree Removal Permit, if required, to support the applicable finding(s) for issuance.

(c) In all other instances as determined by the Director, Planning Commission, and/or City Council, to preserve and protect the health of a protected tree.

ii. The arborist report shall contain the following information:

(a) The name, address and daytime telephone number of the preparer.

(b) For each protected tree, the circumference and diameter of the trunk, measured fifty-four (54) inches above natural grade or, in the case of multiple trunks, the cumulative diameter of all trunks that are fifty-four (54) inches above natural grade.

(c) The locations of protected trees and the outlines and dimensions of the respective canopies on a corresponding site plan.

(d) Aesthetic assessment of the protected tree, considering factors such as, but not limited to, symmetry, broken branches, unbalanced crown, excessive horizontal branching.

(e) Recommendations to remedy structural problems where required.

(f) Evidence of disease.

(g) Identification of insects or pests.

(h) Evaluation of vigor, such as new tip growth, leaf color, abnormal bark, presence of deadwood, and thinning of crown.

(i) Health rating based on the archetype tree of the same species.

(j) Recommendations to improve the health of the protected tree, such as insect or disease control, pruning and fertilization.

(k) Evaluation of the applicant's proposal as it impacts each protected tree shown on the site plan, including suggested mitigating and/or future maintenance measures where required. This information shall only be provided when there is development activity within the protection zone of a protected tree.

iii. In lieu of the property owner or applicant obtaining an arborist report, the property owner may authorize the Director to obtain the arborist report on behalf of the property owner or applicant, subject to a deposit.

iv. All arborist reports will be reviewed by City Staff, in consultation with a certified arborist, if necessary. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred by the City to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.

3. **Conditions.** A determination of the Director to approve the site plan may include reasonable conditions to mitigate the impacts of the development activity on the protected tree, including, but not limited to:

a. Roots that are two (2) inches or greater in diameter shall not be cut within the protection zone and roots that are four (4) inches or greater in diameter shall not be cut outside the protection zone.

b. Branches that could be damaged by vehicles or that interfere with the development activity must be trimmed by a certified arborist or commercial tree service.

4. **Appeal.** The decision of the Director may be appealed to the Planning Commission in accordance Chapter 11.2.03 (Call-Up and Appeals).

C. **Protection Barriers.**

1. Prior to the commencement of development activity, and during all phases of development activity, within a project area, a property owner or applicant shall establish and maintain a protection barrier for each protected tree scheduled to be retained within the project area. The protection barrier shall:

a. Be a chain link fence; and

b. Have a minimum height of five feet; and

c. Have warning signs indicating the protected tree's protected status; and

d. Be located a distance from the trunk base equal to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet.

2. The Director, in consultation with a certified arborist if necessary, may modify the standards identified in this section and/or impose additional measures determined necessary to preserve and protect the health of protected trees depending upon the nature of development activity and site features.

D. **Remedies for Noncompliance**. In the event of noncompliance with any requirement in this Section, the Director may issue a stop work order in accordance with §11.2.04.004 for all or part of the project on the site.

§11.5.06.008 Violations and Enforcement.

A. The following actions are prohibited and are violations of this Zoning Code:

1. Damaging any protected tree.

2. Causing a protected tree to die.

3. Removing a protected tree without a Tree Removal Permit, where one is required.

4. Removing a protected tree in an emergency without complying with the proper procedures, including, but not limited to, the failure to provide the required notice and/or supporting documentation.

5. Hiring a commercial tree service or arborist who, at the time of performing the work on a protected tree, fails to appear on the Official City Approved Arborists and Tree Trimmers List.

6. For arborists and commercial tree services, the failure to, at the time of performing the work on a protected tree, possess and maintain the proper certification, a City business license, appropriate State contractor's license, and/or inclusion on the Official City Approved Arborists and Tree Trimmers List.

B. Any violation of Subsection (A) shall be punishable as a misdemeanor, subject to the fines and related penalties of §1.04.010 of the LCFMC, and/or as an administrative citation, subject to the fines set forth in Chapter 1.07 of the LCFMC.

C. In addition to the penalties imposed in Subsection (B), a person who is in violation of Subsection (A), shall be required to pay restitution to the City to mitigate the loss of the protected tree(s) as follows:

1. Persons who commit the following violations are required to pay restitution:

a. Damaging any protected tree, such that the protected tree dies within one (1) year from the act causing damage.

b. Causing a protected tree to die.

c. Removing a protected tree without a tree removal permit, where one is required.

d. Removing a protected tree in an emergency without complying with the proper procedures, including, but not limited to, the failure to provide the required notice and/or supporting documentation.

2. The amount of restitution shall be established in the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.

3. Restitution shall be paid into the City's Tree Replacement Fund.

4. Failure to pay restitution after the date ordered shall constitute a new, continuing, and separate offense each day that the restitution amount remains unpaid. All civil, criminal, and/or administrative remedies may be exercised for each such offense.

5. Any person who is required to pay restitution and who meets the low, very-low, or extremely-low income categories as established annually by the California Department of Housing and Community Development may apply for a financial hardship waiver as follows:

   a. The request for waiver shall be on a form approved by the Director and available in the Office of the Director;

   b. The completed form shall be submitted to the Director within ten (10) days of the notification of required payment of restitution;

   c. Upon receipt of such application, the Director shall schedule a hearing before the Zoning Hearing Officer. Notice of the hearing shall be sent by certified mail, return receipt requested, at least ten (10) calendar days prior to the hearing according to the provisions of Chapter 11.2.02 (Public Notice and Hearing Requirements);

   d. At the time fixed for the hearing, the Zoning Hearing Officer shall consider all relevant evidence demonstrating a financial hardship;

   e. A financial hardship shall be determined to exist if the person requesting the waiver meets the then-current low, very-low, or extremely-low income categories as established annually by the California Department of Housing and Community Development; and

   f. If the Zoning Hearing Officer finds that a financial hardship does not exist, the Zoning Hearing Officer shall deny the application. If the Zoning Hearing Officer finds that a financial hardship exists, the Zoning Hearing Officer may modify and/or waive the amount of restitution that is required to be paid. The decision of the Zoning Hearing Officer shall be in writing and shall be sent by certified mail, return receipt requested within thirty (30) days of the hearing. The decision of the Zoning Hearing Officer shall be final.

D. In any case where restitution is required pursuant to Subsection (C), the property owner of the subject property shall plant a replacement tree on the subject property in accordance with Subsection 11.5.06.006(F)(1). This Subsection shall apply irrespective of whether the property owner is a responsible person for the underlying violation of Subsection (A). In such cases when the property owner is not the party who committed the illegal removal or damage (such that the protected tree dies within one year from the act causing damage), the City shall tender to the property owner the amount of restitution collected from the offending party in an amount not to exceed the actual cost of replacement and installation. Payment shall be provided by the City after confirmation of installation by the Director and receipts have been provided to the City by the property owner. Failure to plant a replacement tree after the date ordered shall constitute a new, continuing, and separate offense each day that the replacement tree remains unplanted. All civil, criminal, and/or administrative remedies may be exercised for each such offense.

E. For violations of Subsection (A), a certified arborist or commercial tree service shall be subject to the penalties imposed by Subsections (B) and (C), and/or removal from the Official City Approved Arborists and Tree Trimmers List for a period of six (6) months for a first violation of this Zoning Code. After three (3) violations, a certified arborist or commercial tree service shall be removed from the Official City Approved Arborists and Tree Trimmers List for a period of five (5) years.

F. For violations of Subsection (A), a commercial tree service or arborist who, at the time of performing the work on a protected tree, fails to appear on the Official City Approved Arborists and Tree Trimmers List, shall be subject to the penalties imposed by Subsections (B) and (C) and shall not be eligible for inclusion on the Official City Approved Arborists and Tree Trimmers List for a minimum of six (6) months.

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Chapter 11.5.07 Refuse and Recycling Storage Areas

§11.5.07.001 Purpose.

This chapter provides development standards for refuse and recycling storage areas with trash enclosures in development projects to protect the health, safety, and welfare of the public and to prevent trash and other debris from entering the storm drain system and waterways in accordance with state and federal regulations.

§11.5.07.002 Applicability.

The requirements of this chapter shall apply to:

A. All new nonresidential development projects, mixed-use development projects, and multifamily residential development projects, including residential development in the HEI overlay zone, of five (5) units or more that will utilize shared waste and recycling enclosures; and

B. Any remodeling of an existing type of development project specified in Subsection (A) that requires a discretionary land use or development permit as required by this Zoning Code.

§11.5.07.003 Standards for New Development Projects as specified in Subsection 11.5.07.002(A).

Refuse and recycling storage areas required by this Section shall meet minimum standards, as follows:

A. **Minimum Storage Requirements.**

1. All development that is subject to this Section shall provide one or more refuse and recycling storage areas of a size sufficient to provide adequate storage for solid wastes and recyclable materials generated in accordance with the intensity of use(s) of the development, to the satisfaction of the Director.

2. At least 50% (fifty percent) of the required storage area shall be dedicated exclusively to the collection of recyclable materials and shall be located adjacent or in close proximity to refuse collection bins.

3. For mixed use development, including residential development in the HEI overlay zone, residential and non-residential waste streams shall be collected separately.

4. Enclosures that will be used by food service establishments (including, but not limited to eating/drinking establishments, markets, bakeries, grocery stores, and all other establishments that prepare and/or serve fresh food on the premises) must also provide space for a separate waste/organics bin of sufficient size to collect food waste generated onsite.

5. Compactors may be utilized which can compress refuse equivalently to the above requirement. Where compactors are utilized pursuant to Subsection (A)(1) above, they shall be completely enclosed within walls and a roof. Compactor enclosures shall include roof ventilation and shall have drainage lines connecting to the sewer and water spigots for hosing down of compactor enclosures.

B. **Location and Access Requirements.**

1. Refuse and recycling storage areas shall be located away from public streets at the rear or side of buildings and shall not be located within any required setback areas.

2. Refuse and recycling storage areas shall be conveniently accessible to the employees/residents of the units/buildings they are designed to serve. Clustering of bins is permitted on a multi-tenant site.

3. Refuse and recycling storage areas shall be located in a manner that is easily accessible for refuse pickup companies.

4. The developer/applicant shall provide signage directing building occupants of the location of the bins.

C. **General Design and Screening.** All refuse storage areas shall be screened from public view to the extent possible. Where refuse, recycling, and/or compactor enclosures are not located inside a building, they may be attached to the building or may stand-alone enclosures and shall be designed as provided in this Subsection (C)(1).

1. Refuse storage areas or compactors shall be integrated into the rear or side building façade if reasonably possible. If it can be demonstrated that the integration of the structure within the façade is not possible, then exterior refuse storage areas shall be designed as follows:

a. Where exterior enclosures are provided, they shall be screened by a trash enclosure wall constructed to a width, depth, and height adequate to accommodate the number of refuse and recycling bins needed and to screen all such bins from view, except that in no case shall the walls of the enclosure be less than six (6) feet in height.

b. An exterior enclosure that is attached to the building of the primary structure shall be designed such that the enclosure appears as an integral part of the appearance of the façade.

c. The materials facing a stand-alone enclosure shall be the same as the primary material of the rest of the façade or of other solid, nonflammable material consistent in design, quality, and color with the building(s) serviced by the area. Use of chain link fencing shall be prohibited.

d. The pad upon which trash bins or receptacles are stored and the access or pathway over which the bins or receptacles are moved for collection purposes shall be composed of a smooth, flat material such as concrete.

D. **Landscaping.**

1. Exterior enclosures shall require landscaping to screen views of the refuse and recycling storage area.

2. The plant materials shall be appropriately sized and spaced so that a dense screen grows in a short period of time and views of the storage area are effectively screened, including a combination of drought resistant shrubs and/or climbing evergreen vines.

E. **Security/Gates.**

1. Each refuse and recycling storage area shall be provided with decorative solid heavy gauge metal gates designed with cane bolts to secure the gates when in the open and closed positions.

2. Gates shall be designed not to swing into any drive aisle, parking space, and walkway, and shall not otherwise interfere with onsite and offsite circulation.

3. Access into the enclosure, including pedestrian access doors, shall be lockable to discourage trespassing, illegal dumping, and theft of recyclable materials. The removal of refuse that is illegally dumped on the subject property becomes the responsibility of the property owner.

F. **Sanitation and Maintenance.**

1. All exterior refuse and recycling storage areas, whether attached to the primary building or detached, shall be covered with solid roofing to prevent rainfall from entering the enclosure and to prevent contaminants from washing into the storm drain system. The roof shall extend past any open sides but shall not prevent waste collection vehicles from accessing the refuse and recycling collection bins.

2. There shall be no storm drain located inside the enclosure or in the immediate vicinity of the refuse and recycling storage area.

3. Each refuse and recycling storage area shall be provided with a water line and drain for cleaning purposes.

4. Property owners of refuse and recycling storage areas shall be responsible for the cleanliness and sanitary conditions of the surrounding area.

5. At his or her discretion, the Director shall have authority to require more frequent waste collections at premises where overflowing refuse and recycling bins become a frequent public nuisance, with the cost of such additional collections to be borne solely by the property owner.

6. All restaurants, markets, or any food-related uses that are within one hundred fifty (150) feet of a residential zone shall maintain their refuse bins to prevent the creation of objectionable odors.

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§11.5.07.004 Standards for Existing Development Projects as Specified in Subsection 11.5.07.002(B).

A. **Refuse and Recycling Storage Area Required.** If an existing development as specified in Subsection 11.5.07.002(B) does not have an existing refuse and recycling storage area, the development shall be required to provide for collection and disposal of refuse and recycling materials. To the extent possible, the standards provided in Subsection 11.5.07.003(A) shall apply, except as provided for in Subsection (B) below.

B. **Exception.** Due to potential constraints of an existing built-out site, compliance with all the standards prescribed in Subsection 11.5.07.003(A) may not be possible. The decision-making authority shall have the authority to modify, waive, or otherwise grant exceptions to the requirements of Subsection 11.5.07.002(A) to achieve the purpose of this chapter without unduly restricting use of the property if it is determined that the site conditions present an undue hardship. However, in all cases a property shall provide a waste collection bin and a recycling bin. The decision-making authority shall review each application on a case-by-case basis.

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Chapter 11.5.08 Sign Regulations (Reserved)

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Chapter 11.5.09 Story Pole and Site Marking Requirements.

§11.5.09.001 Purpose.

This chapter provides standards and criteria for story poles and site marking requirements, which provide a tool to assist decision-makers, Staff, and the public when reviewing development projects and assist in making applicable findings.

§11.5.09.002 Applicability.

A. Any project in the single-family residential (R-1) zone that requires approval by the Planning Commission or as may otherwise be required by this Zoning Code.

B. As may be otherwise required by the decision-making authority.

C. Planning and construction of story poles shall be accordance with Figures 11.5.09-1 and 11.5.09-2.

§11.5.09.003 Procedure.

A. A Story Pole Plan shall be submitted to the City, indicating the location and height of each story pole and/or other site feature(s) and/or building footing outline. Unless otherwise required by the Director, this plan shall be based on the roof plan combined with the site plan.

B. Each story pole on the site plan shall be numbered and must correspond with a numbered story pole at the project site.

C. No story poles shall be installed until the Story Pole Plan is approved by the City as adequately showing the outline of the proposed building or other site feature(s).

D. Staff will not schedule a hearing until the story poles and related installation materials are in place.

§11.5.09.004 Construction.

A. Story poles shall be of sufficiently rigid and durable material as to last for at least three (3) months. PVC pipe is not permitted.

B. Building eaves, ridges, and other prominent horizontal features shall be constructed with materials specified above, strung with durable pennant streamers, and shall be clearly distinguished through the use of colors. One color shall be used to denote building ridges and a contrasting color shall be used to denote eaves.

C. Other features and/or building footing outline shall be marked in the ground as indicated on the approved Story Pole Plan.

Figure 11.5.09-1: Story Poles—Plan View

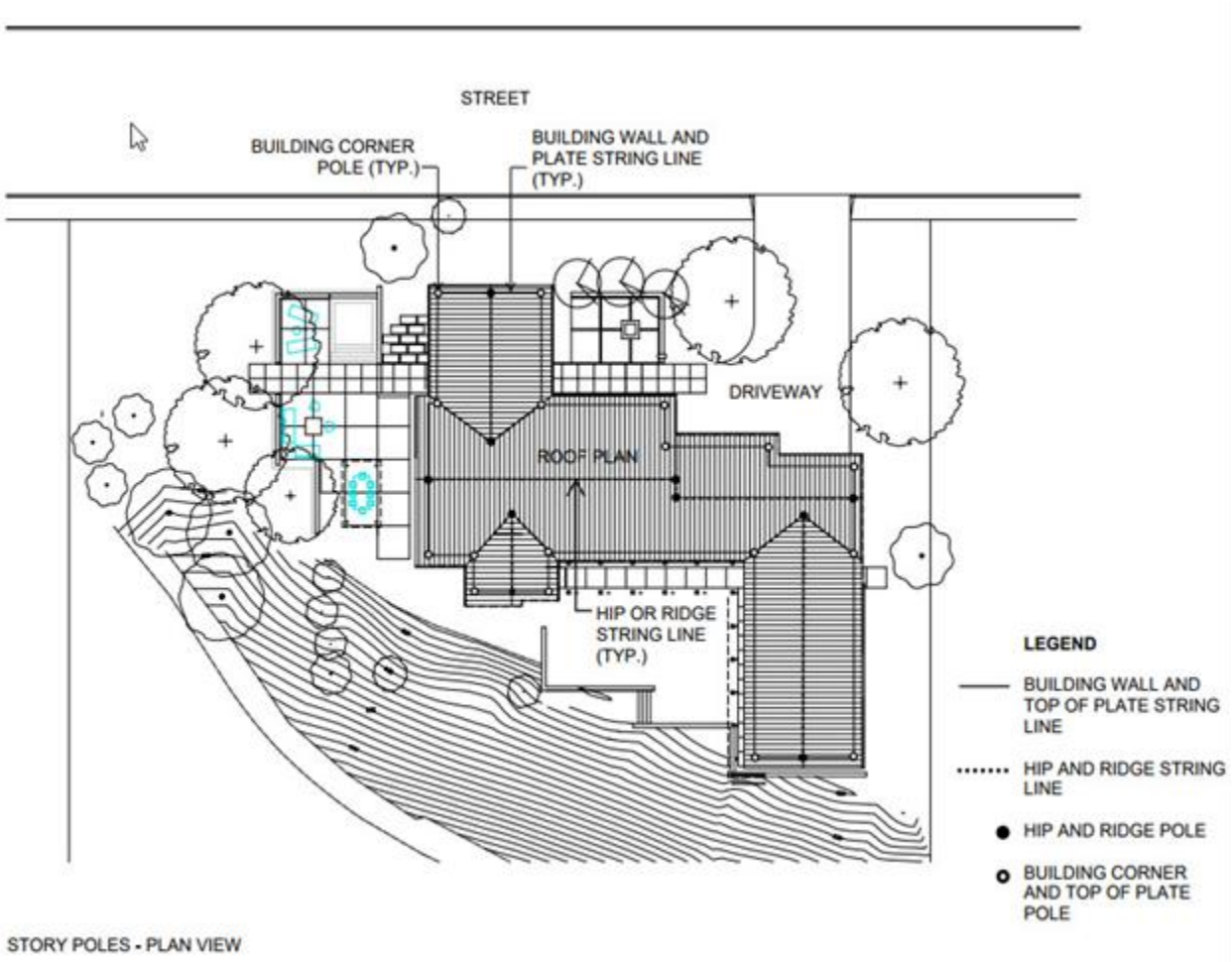
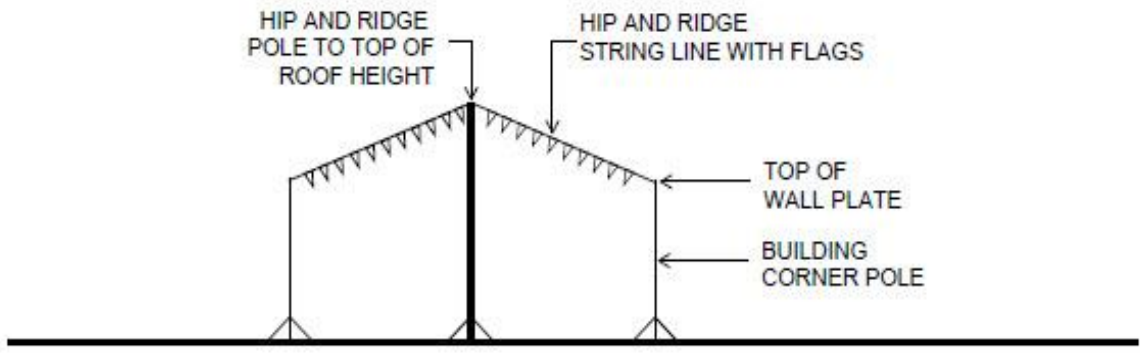


Figure 11.5.09-2: Story Pole–Elevation View



§11.5.09.005 Certification.

A. Prior to story pole installation, the applicant shall sign a release absolving the City of any liability associated with the construction of, or damage by, the temporary story pole construction.

B. The story poles shall be installed by a licensed contractor. The contractor, or a licensed engineer, architect, or surveyor, shall complete and sign a City form certifying the accuracy of the story pole installation.

§11.5.09.006 Removal.

The story poles shall remain in place until the appeal period has expired, or until a City Council appeal action has been made, whichever comes last. Removal shall occur within three (3) days of that date.

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Chapter 11.5.10 Trails

§11.5.10.001 Purpose.

This chapter provides for review of projects in accordance with the City of La Cañada Flintridge Trails Master Plan.

§11.5.10.002 Applicability.

All projects that are determined by the Director to be trails-affected are subject to the provisions of this chapter and the City of La Cañada Flintridge Trails Master Plan.

§11.5.10.003 Requirements.

A. **General Requirements.**

1. For all projects that are determined to be trails-affected, all permits and approvals shall be consistent with the protection and preservation of all existing and proposed trails and trail rights identified in the Trails Master Plan.

2. The Director shall impose, or recommend to the decision-making authority, the imposition of all permit conditions necessary to carry out the purposes of the Trails Master Plan.

3. The Director shall notify the Trails Council as provided for in the Trails Master Plan, as may be amended from time to time.

B. **Ministerial Projects.** Ministerial projects that are determined to be trails-affected shall be reviewed as provided for in Appendix 7 of the Trails Master Plan.

C. **Discretionary Projects.**

1. Discretionary projects that are determined to be trails-affected shall be reviewed as provided for in Appendix 7 of the Trails Master Plan.

2. If the Director, in consultation with the City Manager and City Attorney, determines there is a nexus between the impact of the proposed project and the trail or proposed trail, the project shall be conditioned in such a manner to protect the trail in accordance with the Trails Master Plan. If a survey is required, the applicant shall be required to pay for the survey to ensure the easement and trail are located appropriately.

Chapter 11.5.11 Trip Reduction and Travel Demand Management

§11.5.11.001 Purpose.

This chapter is intended to comply with the Congestion Management Program's (CMP) requirements for a trip reduction and travel demand management ordinance. The requirements of the South Coast Air Quality Management District ("air district") Regulation XV are separate from this chapter and administered by the air district. Nothing herein is intended, nor shall it be construed, to limit or otherwise preclude employers from offering or providing additional inducements to use alternatives to single-occupant vehicles to their employees necessary to meet Regulation XV requirements.

In order to use the existing and planned transportation infrastructure more efficiently, maintain or improve levels of service and lower motor vehicle emissions, it is the policy of the City to minimize the number of peak period vehicle trips generated by additional development, promote the use of alternative transportation, improve air quality and participate in regional and countywide efforts to improve transportation demand management.

§11.5.11.002 Review of Transit Impacts.

A. Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted. Projects for which a notice of preparation (NOP) for a draft EIR (DEIR) has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions. The "Transit Impact Review Worksheet" contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIRs and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

B. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR.

§11.5.11.003 Transportation Demand and Trip Reduction Measure.

A. Applicability.

1. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

2. Additions to buildings which existed prior to the effective date of the ordinance codified in this chapter and which exceed the thresholds defined in Subsection 11.5.11.003(B) shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements.

B. Development Standards.

1. Nonresidential development of twenty-five thousand (25,000) gross square feet or more shall provide the following:

   a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

      i. Current maps, routes, and schedules for public transit routes serving the site;

      ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

      iii. Ridesharing promotional material supplied by commuter-oriented organizations;

      iv. Bicycle route and facility information including regional/local bicycle maps and bicycle safety information; and

      v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand (50,000) gross square feet or more shall comply with Subsection (B)(1) of this Section and shall provide all of the following measures:

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a. Not less than 10% (ten percent) of the employee parking area shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential carpool/vanpool vehicles without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for a building permit. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches (7'-2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Except as otherwise required in §11.5.04.008 (Bicycle Parking), bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of one-half (0.5) or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle which protects the bicycle from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be provided.

3. Nonresidential development of one hundred thousand (100,000) gross square feet or more shall comply with Subsections (B)(1) and (2) of this Section and shall provide all of the following:

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

c. If determined necessary to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops; and

d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite.

§11.5.11.004 Land Use Analysis Program.

All development projects for which an EIR is required to be prepared shall be subject to the Land Use Analysis Program contained in the CMP, and shall incorporate into the EIR an analysis of the project's impacts on the regional transportation system. Said analysis shall be conducted consistent with the Transportation Impact Analysis (TIA) Guidelines contained in the most recent CMP adopted by the Los Angeles County transportation authority.

§11.5.11.005 Monitoring.

Prior to the issuance of a certificate of occupancy or of any business license for the management of the development, or for any tenant therein, the applicant of said certificate or business license shall certify that all required development standards of this chapter are provided.

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Chapter 11.5.12 Historic Preservation

§11.5.12.001 Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare through the following measures:

A. Safeguard the heritage of the City by protecting resources that reflect its cultural, historic and architectural legacy;

B. Promote public understanding, appreciation and involvement in the unique heritage of the City;

C. Foster civic pride in the beauty and notable accomplishments of the past;

D. Enhance the visual and aesthetic character of the city;

E. Promote the maintenance and use of historic resources;

F. Ensure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded;

G. Fulfill the City's responsibilities under the California Environmental Quality Act regarding historic resources;

H. Implement the historic preservation goals, policies, and programs of the General Plan.

§11.5.12.002 Definitions.

The following words, as used in this chapter, shall have the respective meanings assigned to them in the following definitions:

"Alteration" means any exterior change or modification to the character-defining or significant, physical improvements or architectural features of a historic resource. Alteration shall include new construction of additions, but not include ordinary maintenance and repairs.

"Architectural feature" means an exterior design element of a historic resource embodying the style thereof, including, but not limited to, the kind, color, texture of building materials; tile and iron work; the type, style, and arrangement of windows, doors, lights, signs, and other fixtures appurtenant to such structure; and, on a larger scale, includes siting, composition, and massing (the number, placement and size of improvements).

"Certificate of appropriateness" means the discretionary approval required before exterior alterations, additions, or demolitions related to a historic resource can be permitted.

"City's official register" means the City's official list of historic or architecturally significant sites, places, or landmarks.

"Contract" means a Mills Act contract.

"Demolition" means the complete destruction or removal of a building or structure or removal of more than fifty percent (50%) of the perimeter walls or roof thereto without a substantially similar replacement.

"Historic resource" means any improvement, historic landmark, or other object of cultural, architectural, or historic significance to the citizens of the City, the region, the state, or the nation, which has previously been designated for historic preservation on a federal, state or the City's official register as set forth in §11.5.12.004 below.

"Mills Act contract" means an agreement authorized by this chapter and California Government Code §50280 et seq., as amended.

"Qualified consultant" means a preservation architect, architectural historian, or other professional who meets one of the professional qualifications standards as defined by the National Park Service (1992, N.P.S.).

"Qualified historic property" means privately owned property which is not exempt from property taxation and which is:

1. Listed in the National Register of Historic Places or located in a registered historic district, as defined in §1.191-2(b) of Title 26 of the Code of Federal Regulations; or

2. Listed in any California or county of Los Angeles official register of historic or architecturally significant sites, places, or landmarks; or

3. Designated as a historic resource and listed in the City's official register and as subsequently amended; or

4. Not designated or listed in the City's official register but includes an application for designation prepared by a qualified consultant and submitted concurrently with an application for a Mills Act contract. The nomination must be deemed complete by the Mills Act application deadline; or

5. Not identified as a historic resource due to inappropriate alterations, but includes an application for designation prepared by a qualified consultant submitted concurrently with an application for a Mills Act contract, if/when the proposed work program results in exterior restoration and/or reconstruction of historic and architectural features and if the work is in compliance with the Secretary of the Interior's Standards for Rehabilitation. The nomination must be deemed complete by the Mills Act application deadline.

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"Secretary of the Interior's Standards for Rehabilitation (also Secretary's Standards)" means the Secretary of the Interior's Standards for Rehabilitating Historic Buildings, issued by the U.S. Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, N.P.S.) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, N.P.S.), and any subsequent publication on the Secretary's Standards by the N.P.S.

"State Historical Building Code" means Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

§11.5.12.003 Criteria for Designation of Historic Resources (City's Official Register).

Evaluation of Historic Resources. When considering applications to designate a historic resource, the Planning Commission may recommend that the City Council add the subject property to the City's official register if the property satisfies at least one (1) of the following criteria:

A. The property is identified with persons or events significant in local, regional, state, or national history; and/or

B. The property is representative of the work of a notable builder, designer or architect; and/or

C. The property embodies one (1) or more distinctive characteristics of style, type, period, design, materials, or craftsmanship; and/or

D. The property has a unique location or physical characteristics or represents an established and familiar visual feature of neighborhood, community, or the city.

§11.5.12.004 Designation Process for Historic Resources (City's Official Register)

A. Any person who wishes to request that a property be designated as a historic resource and included in the City's official register shall submit an application to the Director along with any required supporting documents (historic resources report) and any required fees approved by the City Council by resolution. The application shall be on a form approved by the Director.

B. Upon receipt of a complete application, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with §11.2.02.003 (Public Notice) of this Zoning Code.

C. Following the close of the public hearing, the Planning Commission may recommend that the City Council designate the subject property as a historic resource, adding it to the City's official register if the property satisfies at least one (1) of the criteria set forth in §11.5.12.003.

D. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing. Notice of the public hearing shall be provided in accordance with Subsection (B) of this section. Following such hearing by the City Council, it shall consider the matter and determine whether the subject property shall be designated a historic resource and added to the City's official register based on the criteria set forth in Subsection (A) of this section. The City Council's determination shall be by resolution and therein authorize the Mayor to execute a declaration of designation.

E. The designation of a historic resource shall be approved by a declaration of designation executed by the Mayor and mailed to the owner of record of the designated property.

F. The City Clerk shall record the declaration in the Office of the County Recorder.

G. Any property designated as a historic resource and listed on the City's official register shall be eligible for a contract with the City under the Mills Act, which provides for property tax relief and for the preservation of those historic properties. Mills Act contracts are governed by Subsection 11.5.12.009(C) of this chapter.

H. The City's official register shall be maintained by the Director and available in his or her office.

§11.5.12.005 Rescinding a Designation.

A. Any person who wishes to rescind the historic resource designation shall submit an application to the Director along with any required supporting documents and any required fees approved by the City Council by resolution. The application shall be on a form approved by the Director.

B. Upon receipt of a complete application, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with §11.2.02.003 (Public Notice) of this Zoning Code.

C. Following the close of the public hearing, the Planning Commission may recommend that the City Council rescind the historic resource designation if the Planning Commission finds:

1. The subject property no longer satisfies the criteria listed in Subsection 11.5.12.003(A); or

2. The property owner requests removal for reasonable cause and reasonable cause has been demonstrated to the Planning Commission.

D. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing in accordance with §11.2.02.003 of this Zoning Code. The City Council's determination shall be by resolution.

E. The City Clerk shall file for removal of the recordation with the Office of the County Recorder.

F. If a property is approved for removal from the City's official register, but is still subject to a Mills Act contract, the removal from the City's official register shall not be effective until the Mills Act contract is canceled by the City or the term of the contract has expired following the non-renewal of the Mills Act by the property owner.

§11.5.12.006 General Regulations for Historic Resources.

A. No discretionary or ministerial permit shall be issued by the City for the alteration or demolition of a historic resource unless and until the applicant obtains a certificate of appropriateness as provided in this section.

B. The provisions below shall govern permits for alteration of a historic resource.

1. The applicant shall submit a report from a qualified consultant (meeting one of the professional qualifications standards as defined by the National Park Service) wherein the consultant shall opine whether the proposed alterations to the historic resource are consistent with the Secretary of the Interior's Standards for Rehabilitation, and related guidelines. In lieu of providing said report, the applicant may submit a deposit to the City to fully reimburse the City for the preparation of a report by a consultant selected by the City. The report may also include recommendations to make the proposed alterations consistent with the Secretary of the Interior's Standards for Rehabilitation.

2. The applicant shall also submit:

   a. Plans and specifications showing the proposed exterior appearance;

   b. Materials and colors to be used on the exterior of the resource;

   c. Relationship of the proposed work to the surrounding environment, if necessary;

   d. Relationship to the existing scale, massing, architectural style, site and streetscape, and landscaping; and

   e. Any other information determined by the Director to be necessary for review of the proposed alteration.

   f. Fee in amount set forth by resolution of the City Council.

3. The Director shall only issue a certificate of appropriateness (alteration) if the Director determines that the proposed alterations are consistent with the Secretary of the Interior's Standards for Rehabilitation and related guidelines.

4. Notwithstanding the foregoing, the following actions will be deemed to not affect the historic integrity of the structure and are exempt from review under this section:

   a. Routine maintenance and minor repairs;

b. Exterior painting if the color, texture, and general appearance matches the existing exterior painting;

c. Interior alterations;

d. Replacing deteriorated roofing materials with the same type of material already in use;

e. Replacing damaged chimneys with the same type already in use;

f. Addition or removal of screens, awnings, canopies, and similar incidental appurtenances;

g. Addition or removal of yard walls and fences;

h. Addition or removal of landscaping; and

i. Addition or removal of driveways and walkways or other flat concrete work.

C. The provisions below shall govern permits for demolition of a historic resource.

1. A certificate of appropriateness (demolition) shall be required prior to demolition. The certificate of appropriateness (demolition) shall be subject to compliance with the California Environmental Quality Act ("CEQA") and be issued prior to issuance of a demolition permit by the City's Building and Safety Division.

2. The following procedure shall be completed prior to issuance of the certificate of appropriateness (demolition):

   a. The applicant shall submit an application for certificate of appropriateness (demolition) along with an application fee in an amount set forth by resolution of the City Council.

   b. Upon receipt of a complete application and after compliance with CEQA, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with §11.2.02.003 (Public Notice) of this Zoning Code.

   c. Following the close of the public hearing, the Planning Commission may recommend that the City Council approve the application if the Planning Commission finds that demolition is necessary for any one of the following reasons:

      i. All efforts to restore, rehabilitate, and/or relocate the structure have been exhausted; or

      ii. Restoration/rehabilitation is not practical because the extensive alterations required would render the resource not worthy of preservation; or

      iii. Failure to demolish the resource would adversely affect or detract from the character of the neighborhood.

d. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing. Notice of the public hearing shall be provided in accordance with Subsection (C)(2)(b) of this section. Following such hearing by the City Council, it shall consider the matter and determine whether to issue the certificate of appropriateness (demolition) based on the criteria set forth in Subsection (C)(2)(c) of this section. The City Council's determination shall be by resolution.

e. Notwithstanding the foregoing, a certificate of appropriateness (demolition) shall not be required if an unsafe or dangerous condition exists that cannot be rectified under the California State Historic Historical Building Code.

f. A certificate of appropriateness (demolition) shall not be granted unless and until a development application or proposal for development of the subject property has been submitted to the City, describing what will replace the demolished historic resource. The development application and certificate of appropriateness (demolition) shall be processed and considered concurrently with one another.

D. If a certificate of appropriateness (demolition) is granted, the Director shall recommend that the City Council concurrently rescind the historic resource designation and remove the subject property from the City's official register, as applicable. Compliance with §11.5.12.005 (Rescinding a Designation) shall not be required except that the City Council's determination shall be by resolution.

E. Notwithstanding any other provision of this chapter, the Director may authorize permits to demolish, relocate, remove, or significantly alter a designated or eligible historic resource if a permit is necessary for the preservation of the health and safety of the public.

§11.5.12.007 Historic Resources Reports.

A historic resources report shall, at a minimum, set forth the following information about the subject building or structure:

A. Year completed;

B. Architectural style/physical description;

C. Photographs;

D. Architect/builder – brief history of architect and/or builder;

E. Ownership history – brief biography of owners – highlight notable owners;

F. Permit history;

G. Assessor's information;

H. Historic significance/significance evaluation;

I. A description of the integrity of the property; and

J. Other supporting documentation as determined by the director.

§11.5.12.008 Penalties.

A. If a historic resource is demolished without compliance with the requirements of this chapter, no building or construction-related permits shall be issued for a period of five (5) years from the date of demolition as reasonably determined by the Director.

B. If a historic resource is altered without compliance with the requirements of this chapter, no building or construction-related permits shall be issued for a period of three (3) years from the date of alteration as reasonably determined by the Director, except for nonstructural maintenance or to correct a code deficiency or health and safety issue.

C. In addition to the penalties above, any violation of Subsections (A) and (B) of this section shall be deemed a misdemeanor and is subject to the fines and related penalties identified within §1.04.010 of the LCFMC.

§11.5.12.009 Incentives for Properties Designated as Historic Resources.

A. **State Historical Building Code.** All designated historic resources shall be eligible to utilize the State Historical Building Code for reasonable alternatives or reasonable levels of equivalency in situations where strict compliance with established statutes or regulations would negatively affect a historic resource's historic appearance.

B. **Waiver of Covered Parking Requirements.** For designated historic resources, the requirement for two (2) covered parking spaces—when adding a bedroom to a residential dwelling—shall be waived if an existing one-car garage contributes to the significance of the property and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the dwelling.

C. **Mills Act.**

1. **Purpose.** The City Council desires to foster the preservation, rehabilitation, and maintenance of landmark and historic properties in the city. In furtherance of this policy, the purpose of this chapter is to implement the Mills Act and establish a process to enter into contracts with owners of qualified historic properties, for property tax relief and for the preservation of those historic properties. The Mills Act preservation incentive will support the goals and objectives of the General Plan by encouraging the maintenance and preservation of historic structures (Conservation Element of the General Plan, CNE Goal 3: Encourage the preservation of significant historical resources within the city.).

2. **Eligibility.** Approval of Mills Act contracts shall have the following limitations on eligibility:

a. Mills Act contracts shall be limited to qualified historic properties.

b. The total City property tax revenue reduction in any one (1) year, of all existing and newly approved Mills Act contracts combined, shall not exceed $30,000 or $3,000 for any one (1) individual property, unless approved by the City Council.

c. Mills Act contracts shall be limited to properties that are in need of restoration and/or rehabilitation at the time of application as demonstrated by a detailed and specific work program that enumerates elements that are visible from the street and/or building systems that protect the overall structural integrity of the house (seismic retrofitting, electrical systems, plumbing, roofing, etc.).

3. **Administrative Guidelines and Procedure for Approval of Mills Act Contracts.** The City Council shall issue administrative guidelines for implementation of the Mills Act contract process by resolution.

4. **Concurrent Review.** An application for historic resources designation (inclusion on the City's official register) and an application for approval of a Mills Act contract, may be reviewed concurrently. Final action on the City's official register shall first be taken before final action on the approval of a Mills Act contract.

5. **Required Provisions in Mills Act Contracts.** A Mills Act contract shall include provisions required by applicable state law and those provisions required by the City including, but not limited to:

a. The term of the Mills Act contract shall be for a minimum period of ten (10) years.

b. Each Mills Act contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, one (1) year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. Each contract shall also provide that after five (5) years, and every five (5) years thereafter, the Director or designee shall inspect the interior and exterior of the premises to determine the owner's continued compliance with the contract. If the property owner or the City Council desire in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least ninety (90) days prior to the renewal date or by the City Council at least sixty (60) days prior to the renewal date, one (1) year shall automatically be added to the term of the contract.

c. Each Mills Act contract shall provide that, for the preservation of the qualified historic property and, when necessary, the property owner restore and rehabilitate the property to conform to the rules and regulations of the State Office of Historic Preservation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.

d. Each Mills Act contract shall provide for an inspection of the interior and exterior of the premises by the City prior to a new agreement, and every five (5) years thereafter, to determine the owner's compliance with the Mills Act contract. The property owner further agrees to allow the City to photograph the subject property.

e. The owner agrees to permit periodic examination of the interior (if applicable) and exterior of the premises by the Los Angeles County assessor, the State Board of Equalization, the State Department of Parks and Recreation, and/or any other governing agency as may be necessary to verify the owner's compliance with the Mills Act, and to provide any information requested to ensure compliance with the Mills Act.

f. The Mills Act contract shall be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract. An updated Mills Act contract shall be entered into with new owner(s) of the subject property.

g. The Mills Act contract shall state that the City may cancel the contract after a duly noticed public hearing if it determines that the property owner has breached any of the conditions of the Mills Act contract or has allowed the property to deteriorate to the point that it no longer meets the criteria under which it was designated on the City's official register. The Mills Act contract shall state that if the City cancels the contract pursuant to this section, the owner shall pay the state of California a cancellation fee of twelve and one-half percent (12.5%) of the full value of the property at the time of cancellation, as determined by the Los Angeles County assessor without regard to any restriction on the property imposed by the Mills Act contract.

h. The Mills Act contract shall provide that, as an alternative to cancellation, the City may bring an action for specific performance, injunction, or other action necessary to enforce the Mills Act contract.

i. The Mills Act contract may provide that modifications to any approved work plan require review and approval by the Director.

j. The Mills Act contract shall also provide that in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the contract may be cancelled by the City, or upon the owner's application, without requiring the owner to pay the state of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the state of California Office of Historic Preservation, in compliance with Public Resources Code §5028, that preservation, rehabilitation, or restoration is infeasible.

6. **Cancellation of Mills Act Contracts.**

a. If the City Council determines that the owner has breached any of the conditions of a Mills Act contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property, the City Council shall do one of the following:

i. Bring any action in court necessary to enforce a contract, including, but not limited to, an action to enforce the contract by specific performance or injunction; or

ii. Cancel the Mills Act contract in accordance with the procedures set forth in the Mills Act.

b. Prior to the proposed cancellation of a Mills Act contract, the City Council will conduct a public hearing to determine if the contract shall be cancelled. Written notice of the public hearing shall be provided in accordance with §11.2.02.003 (Public Notice) of this Zoning Code, in addition to any other notice required under applicable state law.

c. Concurrent with any termination of a Mills Act contract, the City Council may also consider removal of the subject property from the City's official register if the subject property no longer satisfies the criteria to be listed on the City's official register.

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Chapter 11.5.13 Objective Design Standards

§11.5.13.001 Purpose.

Recent state housing legislation requires jurisdictions to implement streamlined and ministerial review processes for qualifying housing projects. One requirement is for jurisdictions to replace design guidelines with objective design standards for multifamily residential development, including residential portions of mixed use developments. Objective design standards are numeric and/or quantifiable and can be measured, as opposed to design guidelines, which are subjective and require interpretation. The Objective Design Standards in this chapter provide a clear set of architectural and site design requirements for new multifamily residential development and mixed-use development. These standards provide clear and quantifiable direction to ensure that future development maintains the unique character and quality of design within the city of La Cañada Flintridge, quality materials are used, and building form and scale are appropriate to the site.

§11.5.13.002 Applicability.

These objective design standards shall apply to new qualifying residential projects, in addition to any and all other standards, regulations, and plans that apply to development in the city. A qualifying project is a Housing Development Project as defined in Gov. Code §65589.5 in zones where the use is principally permitted. Qualifying residential projects shall comply with the objective design standards, and include multi-family housing, residential mixed use projects with at least two-thirds of the square footage designated for residential use, or supportive and transitional housing.

§11.5.13.003 General Requirements.

New qualifying development shall comply with the objective design standards in this section. Some objective design standards apply only to commercial portions of mixed use developments (indicated by "mixed use"), while others apply to residential and mixed use developments (indicated by "all").

1. **Building Placement and Orientation.**

    a. *Mixed Use:* Tenant Spaces and/or buildings are connected to each other by public sidewalks, pedestrian pathways and promenades, courtyards, plazas, or similar features, and are not separated by parking areas/

    b. *All:* Each building entrance, parking area, private and public open space, and pedestrian facility includes one (1) or more of the following features in a manner that preserves and does not obstruct the view into the area:

        i. Landscaping

        ii. Outdoor furniture

        iii. Enhanced pavement

iv. Recessed entry

v. Decorative lighting

vi. Public art

vii. Other similar amenities

c. *All:* Buildings within thirty (30) feet of a public street right of way have at least one (1) primary entrance that faces a public street or that is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance. Corner buildings have corner entrances except where not possible. Every building has at least one (1) entrance that does not require passage through a parking lot or garage to gain access.

d. Rooftop terraces or decks are prohibited on any portion of a building above the second story. No buildings abutting a single-family zone have rooftop terraces and decks. An exception is permitted where the rooftop is designed and utilized for rooftop vehicle parking.

2. **Building Form and Massing.**

a. *Mixed Use:* Ground floor façades for nonresidential uses are designed with one or more structural bays. The maximum width of each bay is between twenty five (25) and fifty (50) feet. At least one entrance is provided for each shopfront bay.

b. *All:* For facades over thirty (30) feet in length, no more than 75% (seventy five percent) of the facade shares the same plane.

c. *All:* A minimum three-foot (3') offset is required for any wall plane that exceeds thirty feet (30') in length.

d. *All:* Blank walls (facades without doors, windows, landscaping treatments) are not more than thirty (30) feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

e. *All:* There are not more than seven (7) repeated structural bays or other major elements.

f. Mixed Use: Storefronts are articulated within the rhythm of fifteen (15) to twenty five (25) foot modules.

3. **Architecture and Articulation**. The objective design standards required by this subsection are considered minimum standards. Refer to the *City of La Cañada Flintridge Architectural Styles Design Manual* for articulation and decorative features or elements and amenities that apply to the particular architectural style chosen for the development.

a. *All:* Building are in the following architectural styles, dependent on size (see Table 11.5.14-1), in terms of materials, colors, forms, and details.

Table 11.5.13-1: Architectural Style

Architectural Style	Structures less than 35,000 Square Feet	Structures 35,000 Square Feet or Great
Craftsman	X	
Italian Renaissance	X	X
Mission	X	X
Monterey	X	
Spanish	X	X
Spanish Colonial Revival	X	X

b. *All:* Building facades include at least three (3) features and elements, to create openings, reveals, shadow lines, articulation of edges and surface breaks. Features and elements must occupy a minimum of 5% (five percent) of the building's facade. Features and elements include, but are not limited to, the following list.

i. Pilasters

ii. Eave treatments

iii. Alcoves

iv. Sconces and decorative lighting

v. Wall fountains

vi. Decorative tiles

vii. Structural bays

viii. Transoms

ix. Awnings (segmented)

x. Detailed bulkhead treatment

xi. Cornices and moldings

xii. Balconies

xiii. Decorative grillwork

xiv. Roof modulation

Other features and elements determined by the Director to be similar and consistent with the Architectural Styles Design Manual.

c. *Mixed Use:* A minimum of sixty percent (60%) of the first story street-facing commercial portion of the building façade between two (2) and eight (8) feet in height is comprised of clear windows that allow views of indoor space or product display areas.

d. *All:* Sites have the following number of amenities as provided in Subsection (e) below, based on the size of the development.

i. One (1) amenities for sites between 10,000 sf and 20,000 sf.

ii. Two (2) amenities for sites between 20,000 sf and 30,000 sf.

iii. Three (3) amenities for sites between 30,000 sf and an acre.

iv. Four (4) amenities for sites greater than an acre.

v. Amenities:

(a) Trellises

(b) Arbors

(c) Benches

(d) Tables and chairs

(e) Planters

(f) Fountains

(g) Small water bodies

(h) Sculpture

(i) Sculptural lighting

(j) Murals

(k) Other amenities determined by the Director to be similar and consistent with the Architectural Styles Design Manual.

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e. *All:* Ends of parapet walls are not visible.

f. *All:* When stepped or gabled, visible ends of parapet walls are not more than four (4) times taller than the width of the wall section, but not less than one (1) foot thick.

g. *All:* Windows are recessed not less than two (2) inches or project less than one (1) foot from the façade plane to create texture and shadow lines.

4. **Building Materials and Colors.**

a. *All:* Light reflectance values do not exceed 80% (eighty percent) for walls or 50% (fifty percent) for visible roofs.

b. *All:* Glazing is transparent or not more than 10% (ten percent) tinted at the ground floor. Mirror glazing is not allowed on any floor.

c. All façade materials, such as siding, window types, and architectural details, used on the street-facing façade are used on all other building façades that are visible from the public right-of-way.

5. **Site Landscaping.**

a. Setback areas are completely dedicated to landscaping and pedestrian areas, except for the minimum necessary driving aisles.

§11.5.13.004 Review Authority.

Development projects that are subject to the requirements of this chapter shall be reviewed in accordance with the requirements of Chapter 11.6.08 (Design Review).

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PART 11.6 LAND USE AND DEVELOPMENT PERMITS AND PROCEDURES

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Chapter 11.6.01 Filing and Processing of Applications

§11.6.01.001 Purpose.

This chapter establishes the general processes and procedures necessary for the efficient and consistent processing of applications for land use and planning development permits, licenses, requests, entitlements, and other actions subject to the regulation of this Zoning Code.

§11.6.01.002 Applicability.

The provisions of this chapter shall apply to the filing and processing of all applications required by this Zoning Code unless otherwise specified.

§11.6.01.003 Applications.

A. **Applicants.** The following persons may file applications:

1. The owner(s) of the subject property.
2. A representative of the property owner, duly authorized in writing by the property owner.
3. The City.

B. **Planning Applications.**

1. Planning applications pertaining to this Zoning Code shall be submitted to the Director on a completed City application approved by the Director and designated for the particular request. The applicant shall provide such information and supporting data as the Director considers necessary to process that particular type of permit, including, but not limited to, the minimum application requirements plus any additional requirements based on each permit.
2. Every application shall include the signatures of the applicant and/or representative of the property owner as appropriate and shall include a property owner's affidavit.
3. Applications shall be submitted together with all plans, exhibits, maps, data, and any additional information about the proposed project development or land use entitlements requested, project site, and vicinity deemed necessary by the Director to provide the decision-making authority with adequate information on which to base decisions.
4. When a new structure or addition(s) to an existing structure is proposed, where such new development could potentially encroach into a required setback, a survey prepared by a licensed surveyor shall be required. The survey shall include all pertinent property lines and existing structures and easements on site. The surveyor shall stake the property lines in the field for building inspection. The requirements for a survey may be waived by the Director if the proposed structure or addition is to be located a minimum of five (5) feet beyond the required setback, as demonstrated on the project plans and verified by field measurements.

§11.6.01.004 Application Fees.

All applications shall be subject to the permit and processing fee(s) prescribed by City Council resolution and as amended from time-to-time, as prescribed by state law in accordance with Government Code §66020, to cover the cost of investigation and processing, unless otherwise specified.

§11.6.01.005 Determination of Completeness.

A. **Application Completeness**. Within thirty (30) days of application submittal, except as otherwise provided for in this Zoning Code, the state Permit Streamlining Act (California Government Code §65943), or as otherwise provided for in state law, the Director shall determine whether the application is complete for processing. The Director shall notify the applicant of the determination in writing that either:

1. All the submittal requirements have been satisfied and the application has been accepted as complete; or

2. The submittal is not in compliance with City standards and requirements and specific information is still necessary to complete the application for processing.

B. **Application Completeness Without Notification**. If the written determination is not made within thirty (30) days after receipt, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for the purposes of this chapter.

C. **Resubmittal**. Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the Director shall determine the completeness of the application, as specified in Subsection (A) of this section.

D. **Incomplete Application**. If additional information or submittals are required and the application is not made complete within six (6) months, or some greater period as determined by the Director, of the completeness determination letter, the application may be deemed by the City to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by a Resolution of the City Council, will be returned to the applicant as provided for in the Fee Resolution as adopted by the City Council and as may be amended from time to time. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this chapter.

E. **Right to Appeal**. The applicant may appeal the determination in accordance with Chapter 11.2.03 (Call-Up and Appeals) and the Permit Streamlining Act.

§11.6.01.006 Environmental Review.

A. After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA).

§11.6.01.007 Multiple Entitlements.

When a proposed project requires more than one (1) permit with more than one (1) decision-making authority, the Director shall have the discretion to elevate all permits to the highest level of authority if there is a nexus between the permits. If the Director determines that there is no nexus, the permits may be considered individually. Projects that require legislative approvals may go to the City Council as stand-alone items with the associated quasi-judicial approvals stopping at Planning Commission.

§11.6.01.008 Additional Permits May Be Required.

A. A land use on property that complies with the permit requirement or exemption provisions of the Zoning Code shall also comply with the permit requirements of other LCFMC provisions and any permit requirements of other public agencies before construction or use of the property is commenced. Nothing in the Zoning Code shall eliminate the need to obtain any permits required by any applicable county, regional, State, or federal regulations.

B. All necessary permits shall be obtained before starting work or establishing a new use.

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Chapter 11.6.02 Land Use and Development Permits

§11.6.02.001 Purpose.

This chapter establishes general provisions and processes for land use and development permits that are subject to the regulation of this Zoning Code.

§11.6.02.002 Applicability.

The provisions of this chapter shall be applicable to all permits for development, building, establishment, renewal, modification, or discontinuance of any land use or structure within the city. Land use permits that are subject to this chapter shall be issued in accordance with the permitted land use, as established by the applicable zone. Nonconforming uses and structures shall be subject to permit procedures as established by Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels) and as otherwise prescribed in this Zoning Code. All development proposals and applications may be subject to one (1) or more permits and processing procedures as provided for in this Zoning Code.

§11.6.02.003 Authority for Land Use and Development Permits.

A. The decision-making authorities designated in Table 11.6.02-1 shall have the authority to approve, conditionally approve, recommend, or deny land use and development permits and other actions in accordance with Chapter 11.2.01 (Administrative Authority and Responsibility). In acting on a permit, the decision-making authority shall make all required findings as applicable. Call-up shall be in accordance with Chapter 11.2.03 (Call-Up and Appeals). If provided for in Table 11.6.02-1 or elsewhere in this Zoning Code, an action of a decision-making authority may be appealed pursuant to procedures set forth in Chapter 11.2.03 (Call-Up and Appeals). Enforcement of any land use permit shall be in accordance with Chapter 11.2.04 (Enforcement) or as otherwise specified.

B. Table 11.6.02-1 depicts the following information regarding land use and development permits provided for in this Zoning Code: 1) list of land use and development permits; 2) the applicable chapter or section of each permit for reference purposes; and 3) the role of the decision-making and appeal authority (if applicable) responsible for action on the permit. The permits are organized based on the applicable review processes, which are described in §11.6.02.004.

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Table 11.6.02-1: Permits and Role of Decision-Making Authority

Permits and Role of Decision-Making Authority							
LAND USE & DEVELOPMENT PERMITS[1,2]	**CHAPTER/ SECTION**	**ROLE OF Decision-Making AUTHORITY[3]**					
		Director	**City Manager**	**Zoning Hearing Officer**	**Design Commission**	**Planning Commission**	**City Council**
Review Process A (Section 11.6.02.004(A))							
Certificate of Compliance (C of C)	Chapter 12.X.XX	I					
Home Occupation Permit (HOP)	§11.4.31.003	I					
Zoning Clearance (ZC)	Chapter 11.6.03	I					
Review Process B (Section 11.6.02.004(B))							
Zoning Modification (ZM)	Chapter 11.6.04	F				A	A
Director's Use Permit (DUP)	§11.6.06.002	F				A	A
Director's Development Review Permit (DDPR)	§11.6.05.002	F				A	A
Review Process C (Section 11.6.02.004(C))							
Minor Development Review Permit (DRP-MIN)	§11.6.05.003			F		A	A
Review Process D (Section 11.6.02.004(D))							
• **Review Process D-1:**							
Minor Conditional Use Permit (MUP)	§11.6.06.003					F	A
• **Review Process D-2:**							
Conditional Use Permit (CUP)	§11.6.06.004					F	A
Master Conditional Use Permit (CUP-MAS)	§11.6.06.005					F	A
Development Review Permit (DRP)	§11.6.05.004					F	A
Tentative Parcel Map (TPM)	Chapter 12.X.XX						
Tentative Tract Map (TTM)	Chapter 12.X.XX						
Variance	§11.6.07					F	A
Design Review	Chapter 11.6.08				F		A
Review Process E (Section 11.6.02.004(E))							

[1] Any CEQA document or decision may be appealed in accordance with the appeal procedures in Chapter 11.2.03 (Call-Up and Appeals).

[2] Design Review is required for all permits pursuant to Chapter 11.6.08 (Design Review) and as otherwise provided for in this Zoning Code. In addition, any project subject to Planning Commission review, and individually or categorically made subject to Design Review by the Planning Commission or City Council, other than single-family residential, may be referred to the Design Commission for review and recommendation.

[3] "I" means the permit is issued ministerially by the Director and is not subject to appeal. "F" means the decision by decision-making authority is final unless appealed to a higher approving authority. "R" means the designated authority makes a recommendation to a higher approving authority for approval. "A" means the decision-making authority to which the appeal is subject.

Permits and Role of Decision-Making Authority							
LAND USE & DEVELOPMENT PERMITS[1,2]	**CHAPTER/ SECTION**	**ROLE OF Decision-Making AUTHORITY[3]**					
		Director	**City Manager**	**Zoning Hearing Officer**	**Design Commission**	**Planning Commission**	**City Council**
Amendments of General Plan, Zoning Code, & Zoning Map	Chapter 11.6.09					R	F
Specific Plan	Chapter 11.6.10					R	F
Development Agreement	Chapter 11.6.11					R	F
Special Permits (with Review Processes as Specified)							
Adult Oriented Business Permit	Chapter 11.4.26		R				A
Animal Club Permit	§11.4.27.011			F		A	A
Animal Keeping—Property Registration	§11.4.27.009	F				A	A
Certificate of Appropriateness (Historic Preservation)	§11.5.12.006	F					
Condominium Conversion Permit	Chapter 12.X.XX					F	A
Donation Collection Bin Permit	§11.4.29.003	F				A	A
Emergency Shelter Facilities Permit	§11.4.04.002	F				A	A
Excess Animal Permit	§11.4.27.010			F		A	A
Hillside Development Permit (HDP):	§11.4.05.013(B)(1)						
• Director Review (HDP-D)	§11.4.05.013(B)(2)	F		A			A
• Zoning Hearing Officer Review (HDP-ZHO)	§11.4.05.013(B)(3)			F		A	A
• Planning Commission Review (HDP-PC)	§11.4.05.004					F	A
Historic Designation and Mills Act	§11.5.12.004					R	F
Lot Line Adjustment (LLA)	Chapter 12.X.XX	F				A	A
Massage Permit	Chapter 11.4.21						
Merger of Contiguous Parcels	Chapter 12.X.XX	I					
Outdoor Vending/Service Facility Permit	§11.4.35.003	F				A	A
Personal Indoor Cultivation of Marijuana Permit	§11.4.36.004	F	A				
Reasonable Accommodation (RA)	Chapter 11.6.13	F		A			A
Sign Permit	Chapter 11.5.08-TBD						
Telecommunications Permit (TP):	Chapter 11.4.22						
• Director Review (TP-D)	§11.4.22.004	F[4]				A[4]	A[4]
• Planning Commission Review (TP-PC)	§11.4.22.004					F[4]	A[4]
Temporary Use Permit (TUP):	Chapter 11.6.12						
• Major (TUP-Major)	§11.6.12.004(A)	F	A				
• Master (TUP-Master)	§11.6.12.004(A)	F	A				
• Minor (TUP-Minor)	§11.6.12.004(B)	F	A				

[4] The final decisions, including appeals, shall be conducted in accordance with applicable State and Federal law.

Permits and Role of Decision-Making Authority							
LAND USE & DEVELOPMENT PERMITS[1,2]	**CHAPTER/ SECTION**	**ROLE OF Decision-Making AUTHORITY[3]**					
		Director	**City Manager**	**Zoning Hearing Officer**	**Design Commission**	**Planning Commission**	**City Council**
Tree Protection—Director's Determination	11.5.06.007(B)	F				A	A
Tree Removal Permit	§11.5.06.006	F				A	A

§11.6.02.004 Review Process for Decisions Regarding Land Use and Development Permits.

Decisions for permits and actions referenced in Table 11.6.02-1 are categorized into five (5) general review processes (Review Processes A through E) based on several criteria, including: 1) which decision-making authority has responsibility for the decision; 2) whether the action is ministerial or discretionary; 3) whether public notice is required; 4) whether a public hearing is required; and 5) whether there is an opportunity for appeal. Permits that do not fall into one of the five (5) general review processes are categorized in the table as "Special Permits (with Other Review Processes as Specified)"; they are described elsewhere in this Zoning Code. Refer to Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements) regarding the notification processes and public hearing procedures that are applicable to administration of this Zoning Code, or as otherwise described in the applicable section of the Zoning Code. The review processes are described below in Subsections (A) through (E) and summarized in Table 11.6.02-2.

A. **Review Process A.** Review Process A decisions are ministerial land use decisions made by the Director for certain permits and actions subject to the regulation of this Zoning Code.

1. **Authority:** Director.
2. **Action:** Ministerial.
3. **Public Notification:** No.
4. **Public Hearing:** No.
5. **Call-Up and Appeals:** No.

B. **Review Process B.** Review Process B decisions are discretionary land use decisions made by the Director for certain permits subject to the regulation of this Zoning Code.

1. **Authority:** Director.
2. **Action:** Discretionary.
3. **Public Notification:** Yes—as specified in §11.2.02.003 for permits subject to Review Process B.

4. **Public Hearing:** No.

5. **Call-Up and Appeals:** Yes—as specified in Chapter 11.2.03 (Call-Up and Appeals).

C. **Review Process C.** Review Process C decisions are discretionary land use decisions made by the Zoning Hearing Officer for certain discretionary permits subject to the regulation of this Zoning Code.

1. **Authority:** Zoning Hearing Officer.

2. **Action:** Discretionary.

3. **Public Notification:** Yes—as specified in §11.2.003 for permits subject to Review Process C.

4. **Public Hearing:** Yes—as specified in §11.2.02.004.

5. **Call-Up and Appeals:** Yes—as specified in Chapter 11.2.03 (Call-Up and Appeals).

D. **Review Process D.** Preview Process D decisions are discretionary land use decisions made by the Design Commission or Planning Commission for certain discretionary permits subject to the regulation of this Zoning Code. Process D decisions include two sub-processes, Process D-1 and Process D-2, as provided for in Subsections (1) and (2) of this Subsection.

1. **Review Process D-1.**

a. *Authority:* Planning Commission.

b. *Action:* Discretionary.

c. *Public Notification:* Yes—as specified in §11.2.02.003 for projects subject to Review Process D-1.

d. *Public Hearing:* No—Review Process D-1 permits are placed on the Consent Calendar of the Planning Commission's agenda. Items on the Consent Calendar may be enacted by one (1) motion without individual discussion. If discussion is requested by one (1) or more Planning Commissioners, the applicant, or a member of the public, the item may be removed from the Consent Calendar and considered separately.

e. *Call-Up and Appeals:* As provided for in Chapter 11.2.03 (Call-Up and Appeals).

2. **Review Process D-2.**

a. *Authority:* Design Commission or Planning Commission.

b. *Action:* Discretionary, unless otherwise provided for in this Zoning Code or required by state law.

c. *Public Notification:* Yes—as specified in §11.2.02.003 for projects subject to Review Process D-2.

d. *Public Meeting or Public Hearing:* Yes—as specified in §11.2.02.004;

e. *Call-Up and Appeals:* As provided for in Chapter 11.2.03 (Call-Up and Appeals).

E. **Review Process E.** Review Process E decisions are discretionary land use decisions for certain legislative actions made by the City Council, after consideration and recommendation by the Planning Commission and other commissions as may be authorized or requested by the City Council.

1. **Authority:**

a. *Recommendation:* Planning Commission and other Commissions, as applicable.

b. *Approval:* City Council.

2. **Action:** Discretionary.

3. **Public Notification:** Yes—as specified in §11.2.02.003 for projects subject to Review Process E.

4. **Public Hearing:** Yes—as specified in §11.2.02.004 for projects subject to Review Process E.

5. **Call-Up and Appeals:** No—the City Council is the final decision-making authority for all Process E decisions.

Table 11.6.02-2: Review Process for Decisions Regarding Land Use and Development Permits

Review Process for Decisions Regarding Land Use and Development Permits					
Permit Process	**Decision-Making Authority**	**Action**	**Public Notice Required**	**Public Meeting or Public Hearing**	**Call-Up/Appeal**
Process A	Director	Ministerial	No	No	No
Process B	Director	Discretionary	Yes §11.2.02.003(A)(1)	No	Yes Chapter 11.2.03
Process C	Zoning Hearing Officer	Discretionary	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03
Process D:					
• ***Process D-1***	Planning Commission	Discretionary	Yes §11.2.02.003(A)(2)	Yes §11.2.02.004	Yes Chapter 11.2.03
• ***Process D-2***	Design Commission Planning Commission	Discretionary or Ministerial	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03
Process E	Recommendation: Planning Commission Approval: City Council	Discretionary or Legislative	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03

§11.6.02.005 Burden of Proof and Precedence.

A. **Burden of Proof**. The burden of proof to establish the evidence in support of the required finding(s) for any permit or planning action in accordance with this chapter is the responsibility of the applicant.

B. **Precedence**. Each permit shall be evaluated on a case-specific basis. Therefore, granting of a prior permit does not create a precedent and is not justification for the granting of a new permit.

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Chapter 11.6.03 Zoning Clearance

§11.6.03.001 Purpose.

This chapter establishes the Zoning Clearance (ZC), which provides an administrative process to ensure that all new and modified uses, structures, and certain development of land comply with applicable provisions of this Zoning Code, and, if applicable, the terms and conditions of any previously approved permit or variance.

§11.6.03.002 Applicability.

A Zoning Clearance shall be required as follows:

A. For any structure that requires a Building Permit.

B. Prior to striping, restriping, or resurfacing of any existing or new parking facility.

C. Prior to the issuance of any business license, Home Occupation Permit, encroachment permit, grading and improvement plans, and/or any other applicable City permit or license.

D. As requested by an interested party.

§11.6.03.003 Procedures and Requirements for a Zoning Clearance.

A request for a Zoning Clearance is subject to the following procedures and requirements.

A. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Zoning Clearance as provided for in Chapter 11.6.01 (Filing and Processing of Applications). In addition to the applicable application procedures provided for elsewhere in this Zoning Code, the following application procedures shall apply to Zoning Clearances.

1. **General application**. An application for a Zoning Clearance, not subject to Subsections (2) or (3) below, shall be filed with the Department on an application provided by the Director with the required fee as required by §11.6.01.004. The application shall be accompanied by plans, specifications, and information as may be required by the Director to determine compliance with this Title. The Zoning Clearance issued under this Subsection may be in the form of a letter signed by the Director, an application signed by the Director, or the plans approved by the Department, as determined applicable by the Director.

2. **Application associated with a building permit**. An application submitted to the Building Department for a building permit shall include plans, specifications, and information as determined necessary by the Director that demonstrates conformance with this Title. The Zoning Clearance associated with the issuance of a building permit shall be the plans approved by the Department for issuance of a building permit; a separate permit application is not required.

3. **Application associated with other City permits**. An application submitted to the City for a business license, Home Occupation Permit, or any other applicable City permit shall include information as determined necessary by the Director that demonstrates conformance with this Title. The Zoning Clearance associated with the issuance of an applicable permit shall be the permit approved by the Department for issuance of that permit; a separate permit application is not required.

B. **Review Process.** The applicable Review Process for a Zoning Clearance is Review Process A (§11.6.02.004(A)).

§11.6.03.004 Time Limits—Expiration of Zoning Clearance.

A Zoning Clearance shall be valid for the same period that the subject license or permit is in effect.

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Chapter 11.6.04 Zoning Modifications

§11.6.04.001 Purpose.

This chapter establishes a process for a Zoning Modification to allow certain specific minor modifications of the standards and regulations of this Zoning Code, in order to provide flexibility necessary to achieve the objectives of this Zoning Code, where such modifications will result in development that is compatible with adjoining properties and consistent with the General Plan.

§11.6.04.002 Applicability.

Certain development standards are subject to a Zoning Modification as provided for in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as specified in this Zoning Code and listed below:

A. **Mechanical Equipment Encroachment:** The Director may approve a Zoning Modification for encroachment of mechanical equipment in the side yard setback as provided in §11.3.03.005(E)(8)(a) only if the findings in required in §11.6.04.004 can be made. Additionally, per the discretion of the Director, a sound-buffering structure may be required for any equipment located within the required side or rear yard setback, depending on the location and orientation of the adjacent affected residence.

B. **Dormer Encroachment:** The Director may approve a Zoning Modification for encroachment of a dormer in the side yard setback as provided in §11.3.03.005(E)(8)(b) only if the findings in required in §11.6.04.004 can be made and the additional finding in this subsection can be made:

   1. **Additional required finding:** The proposal is consistent with the Residential Design Guidelines as adopted by Resolution of the City Council.

C. **Yard Equipment Encroachment:** The Director may approve a Zoning Modification for encroachment of yard equipment as provided for in §11.3.03.005(E)(8)(c) only if the findings in required in §11.6.04.004 can be made.

D. **Fence, Solid Wall, and Gate Encroachment.** The Director may approve a Zoning Modification for encroachment of a fence, solid wall, or gate as provided for in Subsection 11.3.03.005(E)(8)(d) only if the findings in §11.6.04.004 and the additional finding in this subsection can be made:

   1. **Additional required finding:** The fence, solid wall, or gate(s) will not be visible from the public right-of-way or surrounding properties.

E. **Design and Materials of Fences and Walls:**

   1. The Director may approve a Zoning Modification for the design and materials for all fences and walls as provided for in §11.3.03.005(G)(1)(b) only if the findings required in §11.6.04.004 can be made and the additional finding in this Subsection can be made:

a. *Additional required finding for a determination regarding the finished side of fences and walls:* The proposed fence or wall is similar in appearance on both sides and is otherwise not adversely affecting neighboring properties.

2. The Director may approve a Zoning Modification for the design and materials for all fences and walls as provided for in §11.3.03.005(G)(1)(c) only if the findings in required in §11.6.04.004 can be made.

F. **Replacement of Legal Nonconforming Fences or Walls.** The Director may approve a Zoning Modification to allow the replacement of legal nonconforming walls as provided for in §11.3.03.005(G)(9) upon receipt of evidence (such as, but not limited to: previous fence material present on-site, camera-dated photograph, or written testimony from the owners of the adjoining property) indicating that the fence or wall existed on-site, and if the findings in §11.6.04.004 and the additional findings in this Subsection can be made:

1. **Additional required findings:**

a. The fence or wall does not impede line-of-sight or public safety; and

b. Either the fence or wall is compatible with the neighborhood or the removal of which would impose a practical hardship.

G. **Chicken Coop Waiver:** The Director may approve a Zoning Modification to waive the requirements pertaining to chicken coops as provided in Subsections 11.4.27.006(B)(3) and (4) only if the criteria in Subsection 11.4.27.006(B)(5) are met and the findings required in §11.6.04.004 can be made.

H. **Batting Cage Encroachment.** The Director may approve a Zoning Modification for encroachment of a batting cage into the side yard as provided for in Subsection 11.4.37.003(A)(1) or rear yard as provided for in Subsection 11.4.37.003(A)(2) only of the findings required in §11.6.04.004 can be made.

§11.6.04.003 Procedures and Requirements for Zoning Modification.

A Zoning Modification application shall be prepared, filed, and processed as provided by this section.

A. **Application.** Any property owner or any individual with the property owner's written authorization shall submit an application to the Director for a Zoning Modification as provided for in Chapter 11.6.01 (Filing and Processing of Application).

B. **Review Process.** A Zoning Modification is subject to Review Process B (Subsection 11.6.02.004(B)).

§11.6.04.004 Decision and Required Findings.

A Zoning Modification shall not be approved unless the Director makes the following findings:

A. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.

B. The proposed project preserves the existing character of the surrounding neighborhood and protects public views and aesthetics.

C. The granting of the Zoning Modification will not interfere with the reasonable use and enjoyment of adjacent or adjoining property, and will not be materially detrimental to public health, safety, welfare, or be materially injurious to properties or improvements in the vicinity.

§11.6.04.005 Conditions of Approval.

In approving a Zoning Modification, the Director may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

§11.6.04.006 Expiration Where Not Used.

A Zoning Modification shall expire when not used within one (1) year unless otherwise specified by the Director in a condition of approval.

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Chapter 11.6.05 Development Review Permits

§11.6.05.001 Purpose.

This chapter establishes a permit process for review, evaluation, and determination of certain types of development projects and site plan review to ensure orderly development of structures and sites that are consistent with and maintain the character of the surrounding neighborhood. The development review permits prescribed in this chapter include Director's Development Review Permit, Minor Development Review Permit, and Development Review Permit.

§11.6.05.002 Director's Development Review Permit (DDRP).

A. **Applicability**. The Director may approve a Director's Development Review Permit for any proposed structure or site development which meets any of the following criteria:

1. **Height modification:** as provided in Subsection (a) of this Subsection, only if the findings required in §11.6.05.005 and the additional finding in Subsection (b) of this subsection can be made:

   a. *Development subject to a height modification:*

      i. Excess height as provided in Subsection 11.3.03.005(A)(3).

      ii. Porch height as provided in Subsection 11.3.03.005(A)(4)(b).

   b. *Additional required finding:* The excess height accommodates an architectural objective, as dictated by style, scale, and/or architectural consistency with the subject structure.

2. **Single story review:** as provided for in Subsection 11.3.03.005(A)(6)(a)(i), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

   a. *Additional required finding:* The design includes adequate setbacks, screening, and modulation, and preserves reasonable privacy.

3. **Second story review:** as provided in Subsection 11.3.03.005(A)(6)(b)(i)(a), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

   a. *Additional required finding:* The two-story design includes adequate setbacks, screening, and modulation, and preserves reasonable privacy.

4. **Conversion of attic space to floor area:** as provided in Subsection 11.3.03.005(A)(6)(c)(i), only if the conditions required in Subsection 11.3.03.005(A)(6)(c)(i) and the findings required in §11.6.05.005 can be made.

5. **Flat roof modification:** as provided for in Subsection 11.3.03.005(B)(1)(b), only if the findings required in §11.6.05.005 and the additional required finding in Subsection (a) of this Subsection can be made:

    a. *Additional required finding:* The roof configuration accommodates an architectural objective, as dictated by style, scale, and/or architectural consistency with the subject structure.

6. **Roof equipment review:** as provided in Subsection 11.3.03.005(B)(2)(b), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this subsection can be made:

    a. *Additional required findings:*

        i. The equipment is not in a position to be visible from offsite, or

        ii. The equipment is adequately screened from off-site view and the screening is integral to the design of the structure.

7. **Setback modification:** development subject to setback modification shall be as provided in Subsections (a), (b), and/or (c) of this subsection, except that any project that meets the definition of a new structure shall not be eligible for a setback modification.

    a. Setback modification to allow a building addition to an existing and legally established primary or accessory residential structure to encroach into a required front, side, or rear setback as provided in Subsection 11.3.03.005(E)(1)(d), subject to the following conditions, and only if the findings required in §11.6.05.005 can be made:

        i. The building addition will not encroach into a required front, side, or rear yard beyond the limits already established by the existing structure to which the addition will be attached, or result in less than a five (5) foot setback.

        ii. If the building addition is a second story, it will not create additional encroaching floor area that is more than 50% (fifty percent) of the amount of overall encroaching floor area on the same side and story as the request, existing prior to the request.

        iii. Within the required setback, the existing exterior walls, windows or doors and roofline of the structure establishing an existing setback encroachment shall be retained to qualify for a setback modification. This shall not prohibit modification of materials or changes made for maintenance purposes, and "like-for-like" replacement of windows and doors. Framing of a new roof on top of an existing roof (often referred to as "California framing") within the setback encroachment shall be prohibited.

    b. Setback modification for outdoor fireplaces/chimneys as provided for in Subsection 11.3.03.005(E)(5)(a), subject to the following conditions, and only if the findings required in §11.6.05.005 can be made:

i. Outdoor fireplaces/chimneys and chimney outlets serving interior fireplaces shall not encroach into the front, side, and rear yard beyond the limits already established by the existing primary structure. In no case shall the setback be less than five (5) feet;

ii. Maximum width of encroachment up to and including ten (10) feet above finish floor: ten (10) feet;

iii. Maximum width of encroachment more than ten (10) feet above finish floor: five (5) feet.

c. *Other setback encroachments:* All other setback encroachments as provided for in Subsection 11.3.03.005(E)(9), only if the findings required in §11.6.05.005 and the additional findings in Subsection (i) of this Subsection can be made.

i. Additional required finding: Topographic features, lot configurations, or other conditions make it impractical to require compliance with the yard setback requirements.

8. **Relocation of pool/spa equipment previously approved with a Development Review Permit (or equivalent permit):** as provided for in Subsection 11.3.03.005(E)(6)(a)(iii), and only if the findings required in §11.6.05.005 can be made.

9. **Light wells in front and exterior side yards:** as provided for in Subsection 11.3.03.005(F)(1)(b), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Conditions for light wells in front and exterior side yards:*

i. The light well shall not encroach into the required front or exterior side yard setback; and

ii. Per the discretion of the Director, additional screening, including landscaping, fencing, and/or walls, may be required for any light well located within the front or exterior side yard.

b. *Additional required findings:*

i. Due to unique conditions, such as lot configuration (including flag lots and other lots where the front or exterior side yard does not face the street), topographic features, or other conditions, the light well will not be located between the dwelling unit and the street.

10. **Street-fronting fences and walls:** as provided for in Subsection 11.3.03.005(G)(4)(b), subject to the condition in Subsection (a) of this Subsection, and only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (b) of this Subsection can be made:

a. *Required condition:* Walls and fences within the front yard setback, the street side yard of a reverse corner lot, or the rear yard of a through lot shall not be visible from the public right-of-way or surrounding properties.

b. *Additional required findings:*

i. Due to lot configuration, topography, or a similar condition as determined by the Director, the wall, fence, or gate will not be visible from the public right-of-way or surrounding properties; and

ii. Meets State Uniform Building Code requirements for pools, as appropriate, and

iii. If visibility requirements are met

11. **Pedestrian entries:** as provided for in Subsection 11.3.03.005(G)(4)(d), only if the findings required in §11.6.05.005 can be made.

12. **Terracing:** as provided for in Subsection 11.3.03.005(G)(7), only if the findings required in §11.6.05.005 can be made.

13. **Minimum front yard landscaping:** as provided for in Subsection 11.3.03.005(G)(11), only if the required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made.

a. *Additional required findings:*

i. The front yard treatment is compatible with the neighborhood;

ii. The front yard treatment is not prominently visible from the street.

14. **Grading:** as provided for in Subsection 11.5.01.002(A), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:*

i. Natural topography and scenic features of the site have been retained and incorporated into the proposed project to the extent feasible.

15. **Reduction of required off-street parking:** as provided for in Subsection 11.5.04.004(F)(1), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The applicant has demonstrated to the satisfaction of the Director, on plans submitted with the permit application, that the use is located within one quarter mile (1,320 feet) of a bus stop or public parking lot, measured as the walking distance (along sidewalks or other legal walking routes and legal street crossings) from the nearest bus stop sign or the lot line of the public parking lot to the nearest lot line of the lot containing the use; and

ii. The use has at least one (1) primary entrance that is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance; and

iii. Pedestrian access from the public sidewalk to each use is free of physical barriers, such as walls and significant vegetation.

16. **Garage modification:** as provided for in Subsection 11.5.04.005(A)(2)(b), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The garage was existing and was constructed in good faith in compliance with the regulations of the Zoning Code at the time the garage was constructed; and

ii. The existing exterior walls, windows or door and roofline of the structure of the garage will not change as a result of alteration or expansion of the dwelling unit. This shall not prohibit modification of materials or changes made for maintenance purposes, and "like-for-like" replacement of windows and doors. Framing of a new roof on top of an existing roof (often referred to as "California framing") within the setback encroachment shall be prohibited.

17. **Semi-circular driveway:** as provided for in Subsection 11.5.04.005(D)(2)(c) and Subsection 11.5.04.005(D)(2)(e) only if the findings required in §11.6.05.005 can be made.

18. **Vehicle parking facilities in multifamily, mixed use, and non-residential zones:** as provided for in §11.5.04.007, only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The applicant has demonstrated that, due to the size and/or configuration of the subject property, strict adherence to the requirements of §11.5.04.007 would result in unreasonable difficulties in developing the property.

19. **Recreational vehicle parking or storage review:** as provided for in Subsection 11.5.04.009(A), only if the findings required in §11.6.05.005 can be made.

20. Any development project for which a Director's Development Review Permit is required pursuant to a zone, overlay zone, specific plan, or other regulatory provision of this Zoning Code, only if the findings required in §11.6.05.005 can be made and any additional findings as otherwise may be required.

21. Any new non-residential accessory structure, excluding a parking structure.

22. Any changes required to implement the Americans with Disabilities Act that conflict with the requirements of this Zoning Code.

23. Any addition to an existing non-residential structure.

24. Any new non-residential primary structure.

B. **Procedures and Requirements for Director's Development Review Permits.** Any Director's Development Review Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Director's Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review process.** A Director's Development Review Permit is subject to Review Process B (Subsection 11.6.02.004(B)).

§11.6.05.003 Development Review Permit—Minor (DRP-MIN).

A. **Applicability.** The Zoning Hearing Officer may approve a Development Review Permit—Minor (Minor Development Review Permit) for any proposed structure or site development which meets any of the following criteria:

1. **Garage elevation review:** as provided in Subsection 11.5.04.005(B), only if the if the findings required in §11.6.05.005 can be made.

2. **Large garage review:** as provided for in Subsection 11.5.04.005(C), only if the findings required in §11.6.05.005 can be made.

3. Any development that is subject a Director's Development Review Permit and for which the Director determines a higher level of review is required.

B. **Procedures and Requirements for Minor Development Review Permits.** A Minor Development Review Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Minor Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Application).

2. **Review process.** A Minor Development Review Permit is subject to Review Process C (Subsection 11.6.02.004(C)).

§11.6.05.004 Development Review Permit (DRP).

A. **Applicability**. The Planning Commission may approve a Development Review Permit for any proposed structure or site development which meets any of the following criteria, as otherwise provided for by this Zoning Code, and as otherwise determined by the Director.

1. **Second story review:** as provided for in Subsection 11.3.03.005(A)(6)(b)(i)((b)) and in Subsection 11.3.03.005(A)(6)(b)(ii), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this subsection can be made:

a. *Additional required findings:*

i. The two-story design includes adequate setbacks, screening, modulation, and preserves reasonable privacy.

ii. The two-story design preserves the existing scale and character of the surrounding neighborhood.

iii. The two-story design protects public views, aesthetics, and privacy of the neighbors.

iv. The two-story design is consistent with the residential design guidelines as adopted by resolution of the City Council.

2. **Conversion of attic space:** as provided for in Subsection 11.3.03.005(A)(6)(c)(ii), only if the findings required in §11.6.05.005 can be made.

3. **Floor/solid roofed area review for narrow lots:** as provided in Subsection 11.3.03.005(D)(1)(b)(i), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this subsection can be made:

a. *Additional required finding:* Through its siting, screening, and/or massing effects, the project is compatible with its neighborhood setting and is consistent with the residential design guidelines as adopted by resolution of the City Council.

4. **Floor/solid roofed area review for large projects:** as provided in Subsection 11.3.03.005(D)(1)(b)(ii), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this subsection can be made:

a. *Additional required finding:* Through its siting, screening, and/or massing effects, the project is compatible with its neighborhood setting and is consistent with the residential design guidelines as adopted by resolution of the City Council.

5. **Pool or spa in front of a residence or within the front yard setback:** as provided for in Subsection 11.3.03.005(E)(6)(a)(iii), only if the findings required in §11.6.05.005 can be made.

6. **Allowable total floor/roofed area of accessory structure:** as provided in Subsection 11.3.03.005(H)(2), only if the findings required in §11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:* The design of the accessory structure and location on the lot are appropriate to the size and shape of the lot and are compatible and harmonious with and prevent adverse effects on surrounding properties.

7. **Grading:** as provided in Subsection 11.5.01.002(B), only if the findings required in §11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made.

a. *Additional required finding:* Natural topography and scenic features of the site have been retained and incorporated into the proposed project to the extent feasible.

8. **Reduction of required off-street parking:** as provided for in Subsection 11.5.04.004(F)(2), only if the findings in §11.6.05.005 and the additional findings in Subsection (a) of this subsection can be made:

    a. *Additional required findings:*

        i. Expected automobile use, alternative modes of transportation, or other use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use(s), as supported by a parking study if required by the Planning Commission.

        ii. The parking demand varies throughout the day in relation to parking supply.

        iii. The nature of operational aspects of the use warrants unique parking arrangements.

9. **Off-street shared parking:** as provided for in Subsection 11.5.04.004(G), only if the findings in §11.6.05.005 and the additional findings in Subsection (a) of this subsection can be made:

    a. *Additional required findings:*

        i. The existing or anticipated land use(s) will have different periods of peak parking demand;

        ii. The shared parking arrangement can accommodate the parking demand for all uses;

        iii. Off-site parking is located within one-quarter mile (1,320) feet of the associated use;

        iv. Appropriate signage to direct vehicles to the shared parking facility and pedestrians from the parking facility to each use is or will be installed;

        v. Pedestrian access from the parking facility to each use is free of physical barriers, such as walls and significant vegetation;

        vi. Shared driveway access for all users of the parking facility is guaranteed;

        vii. A parking management plan is provided specifying parking space assignments, as applicable, and detailing any time limit or other restrictions to ensure that spaces are available for the intended users; and

        viii. A written agreement is provided between the property owners lessees to share their parking as determined by the decision-making authority, approved by the City, and recorded against the participating properties.

10. **Valet parking:** as provided in Subsection 11.5.04.004(H) only if the findings in §11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. The nature of operational aspects of the use will benefit from valet parking.

11. Any development project for which a Development Review Permit is required pursuant to a zone, overlay zone, specific plan, or other regulatory provision of this Zoning Code, only if the findings required in §11.6.05.005 can be made and any additional findings as otherwise may be required.

B. **Procedures and Requirements.** A Development Review Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review process.** A Development Review Permit is subject to Review Process D-2 (Subsection 11.6.02.004(D)(2)).

§11.6.05.005 Decision and Required Findings.

The decision-making authority shall approve, or approve with conditions, an application for a development permit as provided by this chapter after finding all of the following, unless the project is subject to the Housing Accountability Act (HAA). If the project is a multi-family development (including Single Family Dwellings with Accessory Dwelling Units), these findings would not apply. If the decision-making authority does not make all the findings, the development permit shall be denied. A development permit shall not be approved unless the decision-making authority makes the following findings:

A. The proposed project is consistent with all elements of the City's General Plan and with any Specific Plan which has been adopted for the area; and

B. The proposed project complies with any applicable design guidelines and the development standards set forth in this Zoning Code; and

C. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts; and

D. For projects in the single-family (R-1) zone that are subject to the provisions of this chapter, the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views and aesthetics in such neighborhood(s) in a manner which is compatible with reasonable development of the subject lot and is consistent with the Residential Design Guidelines as adopted by Resolution of the City Council.

§11.6.05.006 Conditions.

In approving a development permit, the decision-making authority may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

Chapter 11.6.06 Use Permits

§11.6.06.001 Purpose.

This chapter establishes permits for review, evaluation, and determination of requests for uses and activities that typically have features or operating characteristics that require special consideration so that they may be designed, located, and operated compatibly with neighboring sites and the vicinity. The use permits prescribed in the chapter include Minor Use Permit, Conditional Use Permit, and Master Conditional Use Permit.

§11.6.06.002 Director's Use Permit (DUP).

A. **Applicability.** The Director may approve a Director's Use Permit for land use requiring a Director's Use Permit as designated with a "DUP" on Table 11.3.02-1, except that uses that otherwise would require a Director's Use Permit may be established without an additional Director's Use permit where an existing Master Conditional Use Permit explicitly so allows.

B. **Procedures and Requirements for Director's Use Permits.** A Director's Use Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Director's Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review Process.** A Director's Use Permit is subject to Review Process B (Subsection 11.6.02.004(B)).

C. **Decision and Required Findings.** The Director shall approve, or approve with conditions, an application for a Director's Use Permit as provided by this chapter after finding all of the following. If the Director does not make all of these findings, the Director's Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Director's Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. Approval of the Director's Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.003 Conditional Use Permit—Minor (MUP).

A. **Applicability.** The Planning Commission may approve a Conditional Use Permit—Minor (Minor Conditional Use Permit or MUP) as follows:

1. Land use requiring a Minor Conditional Use Permit as designated with a "MUP" on Table 11.3.02-1.

2. Land use requiring a Conditional Use Permit as designated with a "CUP" on Table 11.3.02-1 in the Zoning Code and the Downtown Village Specific Plan, but where the all of the following circumstances apply:

   a. Only the use is changing and no construction other than interior tenant improvements is required or will occur.

   b. The project does not require a Variance, joint use parking agreement, or other similar action(s) that otherwise would be subject to Review Process D-2 or Review Process E.

B. **Procedures and Requirements for Minor Conditional Use Permits.** A Minor Conditional Use Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization shall submit an application to the Director for a Minor Conditional Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Application).

2. **Review Process.** A Minor Conditional Use Permit is subject to Review Process D-1 (Subsection 11.6.02.004(D)).

C. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Minor Conditional Use Permit as provided by this chapter after finding all of the following. If the Planning Commission does not make all of these findings, the Minor Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Minor Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Minor Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.004 Conditional Use Permit (CUP).

A. **Applicability.** The Planning Commission may approve Conditional Use Permits for land use as designated with a "CUP" on the allowed use tables and that is not otherwise subject to Subsection 11.6.06.003(A)(2).

B. **Procedures and Requirements for Conditional Use Permits.** A Conditional Use Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Conditional Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review Process.** A Conditional Use Permit is subject to Review Process D-2 (Subsection 11.6.02.004(D)(2)).

C. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Conditional Use Permit as provided by this chapter after finding all of the following. If the Planning Commission does not make all of these findings, the Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.005 Conditional Use Permit—Master (CUP-MAS).

A. **Applicability.** The Planning Commission may approve applications for Master Conditional Use Permits as provided for in this section.

1. **Master-planned, campus-style, and/or phased projects.** An applicant may apply for a Master Conditional Use Permit for any master-planned or campus-style project (planned for development as a cohesive project) and/or phased project, and that otherwise would require a Use Permit in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones), except for R-1 and R-3 uses, and that is not otherwise subject to the requirements of a specific plan; and/or

2. **Multiple conditional use projects.** An applicant may apply for a Master Conditional Use Permit if the applicant proposes multiple uses that otherwise would require approval of individual use permits or will be renting space to multiple tenants that may require individual use permits in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones), except for single-family and multifamily uses, adult oriented business uses, or uses otherwise preempted by State law.

B. **Additional Regulations.** In addition to the requirements of this Zoning Code, a Master Conditional Use Permit shall be subject to the following regulations. A Master Conditional Use Permit does not allow modifications from standards in this Zoning Code except as otherwise provided for.

1. **For all projects.** The proposed subject use(s), structures, and/or building(s) must be located on one (1) parcel or on multiple adjoining parcels under one (1) ownership at the time of the application for the Master Conditional Use Permit, and where no portion of the site is separated by a parcel(s) that is maintained under ownership different than the signatory for the project.

2. **For projects subject to Subsection (A)(1):**

   a. A project approved pursuant to Subsection (A)(1) may be developed with multiple land uses, activities, buildings, and structures organized in an integrated and comprehensive manner over single or multiple parcels. If the project is proposed to be developed over multiple parcels and/or is proposed to be phased, the maximum allowed floor area ratio allowed by the zone may be averaged across the entirety of the project.

   b. A project approved pursuant to Subsection (A)(1) may be built in phases in accordance with the approved Master Conditional Use Permit, if the construction and provision of all required elements (such as parking, utilities, drainage, common open spaces, etc.), as shown on the approved plan, proceed at a rate commensurate with the construction of buildings. If the Director determines that the rate of building construction is not commensurate with the construction of the required elements, the Director shall notify the developer that no permits for building construction will be issued until the rate of construction conforms accordingly. Failure to comply with the terms of this subsection in a timely manner following notification shall result in all building construction being halted until compliance is restored.

   c. When the project has been completed, the use of the land and the buildings and structures within the development shall remain in conformance with the approved plan except that any minor extension, alteration, or modification of existing buildings or structures may be reviewed and approved by the Director if the request is found to be consistent with the purpose and intent of the approved Master Conditional Use Permit.

3. **For projects subject to Subsection (A)(2):**

   a. The Master Conditional Use Permit must include the total square footage of the building(s) and/or area devoted to the use(s), a list of specific conditional uses that are consistent with the conditional uses allowed in the zone (as provided in Table 11.3.002-1), and the proportion of square footage (building and/or area) allowed for those conditional uses, consistent with parking as required in Chapter 11.5.04 (Off-Street Parking). Uses that are permitted in the zone do not need to be listed in the Master Conditional Use Permit.

b. Once a Master Conditional Use Permit is approved for a project (pursuant to Subsection (C)), the Director may issue occupancy permits for users/tenants without further discretionary review upon determination by the Director that the conditional uses are consistent with the list and proportion of conditional uses approved in the Master Conditional Use Permit, the property and landscaping are in good repair, and that all other conditions of the Master Conditional Use Permit are being met.

c. If a proposed conditional use is not consistent with the Master Conditional Use Permit, the use shall require approval of a Use Permit as otherwise required by this chapter; alternatively, an amendment to the Master Conditional Use Permit may be applied for to add the conditional use to the list of allowed conditional uses in the Master Conditional Use Permit.

d. Any adverse determination made by the Director under this subsection may be appealed by the applicant to the Planning Commission within ten (10) calendar days of receipt of notice from the Director.

C. **Procedures and Requirements for Master Conditional Use Permits.** A Master Conditional Use Permit application shall be prepared, filed, and processed as provided by this section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Master Conditional Use Permit as provided for in Chapter 11.6.01 (Application Filing and Processing).

2. **Review process.** A Master Conditional Use Permit is subject to Review Process D-2 (Subsection 11.6.02.004(D)(2)) and as otherwise required by this section.

D. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Master Conditional Use Permit as provided by this chapter after finding all the following. If the Planning Commission does not make all the findings, the Master Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; or for projects that are subject to Subsection (A)(2), the proposed types and proportion of conditional uses allowed pursuant to the Master Conditional Use Permit are compatible with existing and proposed land uses within the project and in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use(s) including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Master Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

5. *Additional finding for projects subject to Subsection (A)(1):* The master-planned/campus-style and/or phased land use activities and development are designed to achieve a comprehensive, cohesive, and integrated project to benefit both the project and neighboring area.

E. **Five-Year Review Required.**

1. All Master Conditional Use Permits shall be reviewed by the Planning Commission every five (5) years, commencing the fifth year after the approval date of the Master Conditional Use Permit to review the status of implementation of the Master Conditional Use Permit. The City's cost for such periodic review shall be paid by the applicant to the City prior to the time of such review.

2. The review shall take place at a noticed public hearing pursuant to §11.2.02.003 for projects subject to Review Process D-2.

3. The owner and original applicant, if not the owner, shall be notified of the public hearing.

4. The owner and original applicant, if not the owner, shall be notified in writing of the Planning Commission's determination.

5. If the Planning Commission finds noncompliance with the approved Master Conditional Use Permit or the conditions of approval, it may direct:

   a. The applicant to apply for an amendment of the Master Conditional Use Permit pursuant with Subsection 11.6.06.005(F); and/or

   b. The Director to issue a "Stop Work Order" withholding building and other permits for any development within the area covered by the Master Conditional Use Permit until compliance is achieved; and/or

   c. The Director to schedule a public hearing before the City Council for revocation or modification of the Master Conditional Use Permit pursuant to Chapter 11.2.04 (Enforcement).

F. **Amendments.** The Planning Commission may approve, conditionally approve, or disapprove an application for an amendment to an approved Master Conditional Use Permit. The application for an amendment shall be processed with the same procedures and fees as required for Master Conditional Use Permit applications. The review of the proposed amendment shall be limited to the scope of the application, and shall not address reconsideration of aspects of the existing Master Conditional Use Permit, including conditions of approval, that are not the subject of the application, with the following exceptions:

1. The Planning Commission may reconsider aspects of the existing Master Conditional Use Permit and conditions of approval that may be affected by the proposed amendment.

2. The Planning Commission may reconsider aspects of the existing Master Conditional Use Permit and conditions of approval if either the development or operation of the use, as approved pursuant to the existing Master Conditional Use Permit, have been demonstrated to adversely impact the health, safety, and welfare of the community such that one (1) or more of the required findings can no longer be made.

§11.6.06.006 Time Extension and Expiration Where Not Used.

Unless otherwise specified in the approval, §11.6.14.004 shall apply to all Use Permits, except that a Master Conditional Use Permit shall be subject to the discretion of the approving authority; a two (2) year time extension may be granted in accordance with §11.6.14.004.

§11.6.06.007 Conditions.

In approving a Use Permit, the decision-making authority may impose any reasonable conditions that will ensure that the approved use will comply with the required findings and eliminate or minimize any negative impacts caused by the use.

DRAFT

Chapter 11.6.07 Variances

§11.6.07.001 Purpose.

This chapter establishes a Variance procedure to permit modification of development standards of this Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zones.

§11.6.07.002 Applicability.

A. A Variance may be granted to permit modification of the standards and regulations of this Zoning Code only for the following development standards:

1. Dimensional standards (i.e., distance between structures, parcel area, building coverage, landscape and paving requirements, parcel dimensions, setbacks, and structure heights); and

2. Number and dimensions of parking spaces and drive aisles, loading spaces, landscaping, or lighting requirements, except as otherwise provided in this Zoning Code.

B. No Variance shall be granted to allow land uses or residential densities that would otherwise not be allowed by this Zoning Code.

C. Any modification of a development standard that is not in accordance with Chapter 11.6.04 (Zoning Modifications) or Chapter 11.6.05 (Development Review Permits) shall be required to be processed as a Variance in accordance with this chapter or as an amendment to the Zoning Code (Chapter 11.6.09—Amendments to General Plan, Zoning Code, and Zoning Map).

§11.6.07.003 Procedures and Requirements for Variances.

A Variance application shall be prepared, filed, and processed as provided by this section.

A. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Variance as provided for in Chapter 11.6.01 (Filing and Processing of Application).

B. **Review Process.** A Variance is subject to Review Process D-2 (Subsection 11.6.02.004(D)(2)).

§11.6.07.004 Decision and Required Findings.

The decision-making authority may approve or approve subject to conditions an application for a Variance where the information submitted by the applicant and/or presented at a public hearing substantiates the following findings:

A. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not apply generally to other properties in the same zone and vicinity.

B. The strict application of this Zoning Code would deprive such property of privileges enjoyed by other property in the vicinity and under the identical zone.

§11.6.07.005 Conditions.

In approving a Variance, the decision-making authority may impose any reasonable conditions to ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

§11.6.07.006 Precedents.

A previous Variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered only on its individual merits.

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Chapter 11.6.08 Design Review

§11.6.08.001 Purpose.

This chapter establishes procedures for Design Review in order to:

A. Improve, enhance, and encourage the orderly and harmonious, yet varied appearance of existing and proposed public and private non-single-family development and property within the city, including structures, signs, awnings, landscaping, outdoor lighting (non-single-family), and parking areas.

B. Ensure that development does not have an adverse impact in terms of aesthetics upon existing adjoining properties or the City in general; and

C. Preserve and enhance the particular character and unique assets of the City, as described in the City's General Plan.

§11.6.08.002 Applicability.

The following projects are subject to Design Review pursuant to this chapter, except that the Director may waive the requirement for Design Review for any project subject to Subsections (A) through (G) when he or she determines the change is minor in nature and/or is for the purpose of de minimis repair:

A. Discretionary design review shall be required for the following development projects and uses:

1. **Nonresidential Projects.**

a. Projects involving new construction or appreciable exterior change to any building, where such change requires a building, grading, or trade permit.

b. Buildings repainted or partially repainted. Design Review can be waived by the Director if it can be determined that the colors are similar to or compatible with the existing building colors or colors previously approved by the Design Commission. Partial repainting for de minimis repair, touch-up maintenance, or graffiti removal with substantially similar paint color shall be exempt from Design Review. There shall be no presumption, if a color has not been previously approved by the Design Commission, that the color is prohibited.

c. Permanent signage, as governed by Chapter 11.5.08 (Sign Regulations) of this Zoning Code.

d. Awnings visible from a public right-of-way.

e. Outdoor furniture visible from a public right-of-way, if said furniture is not approved by the Director.

f. Landscaping, in the case of:

i. A project subject to review for building construction or change under Subsection (A)(1) or (A)(3) of this section, or

ii. A project involving changes to an approved landscape plan.

2. **Residential Projects.** Residential Planned Development. For any project requiring a residential planned development permit, the associated design guidelines shall be reviewed per Subsection 11.3.05.002(F) and a recommendation made to the City Council.

3. **Development Review Permit for Mixed Use Development.** For any project requiring a Development Review Permit for mixed use development, the commercial portion of the project shall be reviewed in accordance with Subsection (A) and the multifamily residential portion shall be reviewed in accordance with Subsection (B) of this section.

4. **Master Conditional Use Permit.** Any project requiring a Master Conditional Use Permit.

5. **Specific Plan.** Creation of a specific plan or any amendment(s) to a specific plan that include new or modified design elements.

6. **Referred Projects.** Any project, other than single-family residential, subject to Planning Commission review, and individually or categorically made subject to Design Review by the Planning Commission or City Council.

B. Ministerial design review to confirm nondiscretionary compliance with the objective design standards in Chapter 11.5.13 (Objective Design Standards) and the objective development standards of the underlying zone district are required for the following development projects and uses unless the district regulations require discretionary review or the project needs another discretionary permit;

a. **Housing Development Projects.** Housing Development Projects are defined as consisting of any of the following; Residential units only.

b. Mixed-Use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

c. Transitional housing or supportive housing.

d. Any other project mandated by state law to be reviewed ministerially.

§11.6.08.003 Findings.

For Design Review approval to be granted, the following findings shall be made:

A. **Findings for Projects Pursuant to Subsection 11.6.08.002(1) (excluding Subsection 11.6.08.002(A).1.c - Permanent Signage and Subsection 11.6.08.002(A).3 – Development Review Permit for Mixed Use Development).**

1. The design of the proposed project is compatible with the character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the harmonious, orderly, and attractive development contemplated by this Zoning Code and the General Plan.

2. The design of the proposed project will provide a desirable environment and that it is aesthetically of good composition, materials, texture, and color that will remain aesthetically appealing with the level of maintenance that might reasonably be expected.

B. **Findings for Projects Pursuant to Subsection 11.6.08.002(A)(3):** The design of any commercial portion of the project complies with the findings in Subsection (A) of this section. And the design of the residential component complies with the nondiscretionary objective design standards provided in Chapter 11.5.13 for all projects, including multifamily residential.

C. **Findings for Projects Pursuant to Subsection 11.6.08.002(B):** The design of the proposed project complies with the nondiscretionary objective design standards provided in Chapter 11.5.13 for multifamily residential and mixed use projects and the objective development standards applicable to the underlying zone district.

D. **Signage Findings.**

1. Add findings from Sign Ordinance, when it is completed.

§11.6.08.004 Procedures and Requirements for Projects Subject to Design Review.

A. **Application.** Any property owner or any individual with the property owner's authorization may submit an application to the Director for Design Review as provided for in Chapter 11.6.01 (Filing and Processing of Applications). Items listed as requirements in the application may be waived by the Director for projects of smaller scope. For projects consisting solely of signage, the application materials need not exceed the review requirements set forth for sign applications. All application materials shall be retained by the City to assure field compliance with Design Commission approval.

B. **Review Process.** Design Review is subject to Review Process D-2 pursuant to Subsection 11.6.02.004(D)(2), and as further required by this section.

C. **Design Commission Review.** The Design Commission shall review all applications for design review action as provided for in §11.6.05.002:

1. **Design Concept Review.**

a. Design concept review is the opportunity for initial Design Commission response to the project. Topics of review may include building massing and siting, circulation, façade composition and articulation, and open space design.

b. Design Concept Review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements).

c. The Design Commission shall not take its final action on the project under consideration.

2. **Final Design Review.**

a. Final design review includes review for compliance with conditions set forth in design concept approval, as well as more detailed concerns including materials, colors, lighting, detailing, and landscape/hardscape specifications.

b. Final design review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements).

c. The Design Commission may take its final action on the project under consideration.

3. **Consolidated Design Review.**

a. An applicant may consolidate the Design Concept Review and Final Design Review application materials and review meetings. In so doing, the applicant acknowledges the risk in preparing Final Design Review detail prior to Design Concept Review.

b. Consolidated design review is appropriate chiefly for projects of minor scope and/or minor visibility.

c. Consolidated design review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements). The Design Commission may take its final action on the project under consideration.

D. **Coordination with Planning Commission Review.**

1. In cases for which Planning Commission action is required, Planning Commission review and action shall precede final or consolidated Design Commission review and action, except that the Planning Commission may remand projects to the Design Commission for final details, when appropriate.

2. Design Commission review concurrent with Planning Commission review shall be used for those cases in which the Director determines that design considerations are essential to project analysis for Planning Commission action.

§11.6.08.005 Initiation.

An application for Design Review may be initiated by application or by the City Council.

§11.6.08.006 Enforcement.

Failure to comply with a Design Review approval is a violation of this Zoning Code and shall be subject to the provisions of Chapter 11.2.04 (Enforcement).

Chapter 11.6.09 Amendments of General Plan, Zoning Code, and Zoning Map

§11.6.09.001 Purpose.

This Chapter establishes provisions for the amendment of the General Plan, this Zoning Code, or the Zoning Map.

§11.6.09.002 Applicability.

A. **General Plan**. A General Plan amendment may include revisions to text, maps, or exhibits.

B. **Zoning Code.** A Zoning Code amendment may impose regulations not previously imposed, and may remove or modify any standard, requirement, guideline, process, or procedure applicable to land use and/or development within the city.

C. **Zoning Map**. A Zoning Map amendment has the effect of rezoning property from one zone to another and/or to alter the boundaries of zones.

§11.6.09.003 Authority.

All amendments to the General Plan, Zoning Code, or Zoning Map shall be made by the City Council pursuant to the provisions of this Zoning Code and Title 7 of the California Government Code.

§11.6.09.004 Initiation of Amendments.

An amendment to the General Plan, this Zoning Code, or the Zoning Map shall be initiated in compliance with this section:

A. **Who May Initiate an Amendment.**

1. **General Plan**. A General Plan amendment may only be initiated in the following manner:

   a. Upon the initiative of the City Council;

   b. Upon the initiative of the Planning Commission;

   c. Upon the initiative of the Director;

   d. Upon the filing of an application by an applicant for an amendment to the Land Use Map of the General Plan, who has provided evidence that he or she:

      i. Is the owner or authorized agent of the owner of the property involved, or

      ii. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or

iii. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

e. If the property for which amendment is proposed is under more than one ownership, all the owners or their authorized agents must join in filing the application.

2. **Zoning Code**. A Zoning Code amendment may only be initiated in the following manner:

a. Upon the initiative of the Council;

b. Upon the initiative of the Planning Commission;

c. Upon the initiative of the Director;

d. Upon the request of an applicant.

3. **Zoning Map**. A Zoning Map amendment may be initiated in the following manner:

a. Upon the initiative of the Council;

b. Upon the initiative of the Planning Commission;

c. Upon the initiative of the Director; or

d. Upon the filing of an application by an applicant who has provided evidence that he or she:

i. Is the owner or authorized agent of the owner of the property involved, or

ii. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or

iii. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

iv. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

e. Where an application is filed requesting an amendment to the Zoning Map, the Director, the Planning Commission, or the City Council may elect to include additional property within the boundaries of the area to be studied when, in his/her/its opinion, good planning practice justifies such action.

B. **Application Filing and Processing.** An application for an amendment shall be filed and processed in compliance with Chapter 11.6.01 (Filing and Processing of Applications).

C. **Amendment Fees.**

1. An applicant applying for a General Plan or Zoning Code amendment initiated pursuant to Subsection (A)(1)(d) shall be required to deposit with the Planning Department an amount equal to the estimated cost of preparing the amendment, as determined by the Director, prior to the preparation of the amendment.

2. An application for a Zoning Map amendment initiated pursuant to Subsection (A)(2)(c) shall be accompanied by the filing fee as required by §11.6.01.004.

§11.6.09.005 Review Process.

Amendments as provided in this chapter shall comply with Review Process E, as provided for in Subsection 11.6.02.004(E), and as further required in §11.6.10.006. In addition, an amendment to rezone property in accordance with Chapter 11.3.05 (Residential Planned Development) also shall comply with the requirements of that Chapter.

§11.6.09.006 Planning Commission Action on Amendments.

A. The Planning Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in §11.6.09.008.

B. A recommendation by the Planning Commission relative to an amendment shall be by resolution carried by the affirmative vote of not less than three (3) of its members.

C. Recommendation by the Planning Commission shall be forwarded to the City Council for consideration at the earliest available date.

§11.6.09.007 City Council's Action on Amendments.

A. **Approval or Disapproval of Amendment.** Upon receipt of the Planning Commission's recommendation, the City Council shall consider the proposed amendment.

B. **Referral to Planning Commission.**

1. If the City Council proposes to adopt any substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation, in compliance with State law (Government Code §65356 General Plan amendments and §65857 Zoning Code/Map Amendments).

2. Failure of the Planning Commission to report to the City Council within forty-five (45) days for General Plan amendments or forty (40) days for Zoning Code or Zoning Map amendments after the referral, or within a longer time set by the City Council, shall be deemed a recommendation for approval of the modification.

§11.6.09.008 Decision and Findings.

A. **Findings for General Plan Amendments.** An amendment to the General Plan may be approved only if all the following findings can be made in a positive manner:

1. The proposed amendment is internally consistent with the goals, objectives, policies, and programs of the General Plan; and

2. If applicable, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

B. **Findings for Zoning Code and Zoning Map Amendments.** An amendment to this Zoning Code or the Zoning Map may be approved only if all the following findings of fact can be made in a positive manner, as applicable to the type of amendment.

1. **Finding required for all Zoning Code/Map amendments.** The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan.

2. **Additional finding for Zoning Code amendments.** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

3. **Additional findings for Zoning Map amendments.**

a. That the subject property is physically suitable (including access, compatibility with adjoining land uses, provision of utilities, and absence of physical constraints) for the requested zone and anticipated land uses/projects; and

b. That placement of the proposed zone at such location will be in the interest of public health, safety, and general welfare and in conformity with good zoning practice.

§11.6.09.009 Effective Date.

An amendment shall become effective as follows:

A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the City Council.

B. **Zoning Code or Zoning Map.** A Zoning Code or Zoning Map amendment shall become effective following the adoption of an ordinance by the City Council in accordance with applicable State law.

Chapter 11.6.10 Specific Plans

§11.6.10.001 Purpose.

This Chapter establishes uniform procedures for preparing, processing, reviewing, adopting, and amending a specific plan for the orderly and systematic implementation of the General Plan. The intent of a specific plan is to provide for the creative and effective planning and design of portions of the city that would benefit from a more comprehensive and coordinated approach to planning than can be achieved through the conventional application of zoning regulations.

§11.6.10.002 Authority.

The authority for specific plans is as set forth in Sections 65450-65457 of the California Government Code.

§11.6.10.003 Effect of Approval.

A. The adoption of a specific plan shall constitute the zoning regulations for the property that is subject to the specific plan.

B. If the specific plan does not address a particular standard, the provisions of this Zoning Code shall apply.

§11.6.10.004 Initiation of a Specific Plan.

A specific plan may only be initiated in the following manner:

A. Upon the initiative of the Council;

B. Upon the initiative of the Planning Commission;

C. Upon the initiative of the Director;

D. Upon the filing of an application by an applicant for a specific plan, who has provided evidence that he or she:

1. Is the owner or authorized agent of the owner of the property involved, or

2. If the property for which the specific plan is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

§11.6.10.005 Project Requirements.

A. **Minimum Site Area.** The minimum site area for a specific plan shall be ten (10) acres. A Variance shall not be allowed to decrease this minimum project area requirement.

B. **Ownership.** For specific plans proposed by private property owners, the project area may be one (1) parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with the full written concurrence of all applicable property owners.

§11.6.10.006 Procedures.

A. The adoption of a specific plan shall include an amendment to the Zoning Map in accordance with Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map). The designation on zoning map shall include the designation "SP" followed by a reference number that corresponds to the name of the specific plan. Land use designations and zoning for the area will then be guided by the provisions of the adopted specific plan.

B. The adoption of a specific plan shall also require an amendment to the General Plan in accordance with Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

§11.6.10.007 Processing, Review, and Adoption.

A draft specific plan shall be processed in the same manner as required for General Plans by State law, in accordance with Chapter 11.6.01 (Filing and Processing of Applications), and as follows:

A. **Specific Plan Application.** An application for a specific plan shall be filed in compliance with Chapter 11.6.01 (Filing and Processing of Applications) and shall include detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code §65451).

B. **Review Process**. Specific plans are subject to Review Process E, as provided for in Subsection 11.6.02.004(E).

C. **Planning Commission Initial Action on Specific Plans**. The Planning Commission shall consider an application for a specific plan based upon the findings contained in this chapter. The Planning Commission will forward the specific plan to the Design Commission for review of certain design aspects of the specific plan under the Design Commission's purview.

D. **Design Commission Action on Specific Plans**. The Design Commission shall make a written recommendation on the specific plan for the items under its authority, including potential design aspects such as landscaping, lighting, and aesthetic style, as provided for in Title 2 of the LCFMC. Design Commission action recommending that the proposed specific plan be approved, approved in modified form, or denied shall be forwarded to and considered by the Planning Commission following Design Commission action.

E. **Planning Commission Action on Specific Plans**. The Planning Commission shall make a written recommendation on the proposed specific plan whether to approve, approve in modified form, or disapprove, based upon the findings contained in this Chapter. Planning Commission action recommending that the proposed specific plan be approved, approved in modified form, or denied shall be forwarded to the City Council following Planning Commission action.

F. **City Council Action on Specific Plans.** Upon receipt of the Planning Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed specific plan based upon the findings contained in this Chapter.

G. **Findings.** A specific plan may be adopted only if all the following findings are made:

1. The proposed specific plan is consistent with the General Plan.

2. The proposed specific plan would not be detrimental to the public interest, health, safety, or welfare of the city.

3. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use developments.

H. **Adoption.** The specific plan shall be adopted by ordinance, or by resolution of the City Council, in compliance with State law (Government Code §65453).

§11.6.10.008 Implementation and Amendments to Approved Specific Plans.

A. **Development on Property Within a Specific Plan.** After the adoption of a specific plan, subsequent projects to implement the specific plan may be approved/adopted within the area covered by a specific plan only if first found consistent with the specific plan.

B. **Permit Fees**. Permits within the specific plan area shall be subject to the applicable filing fee as set by resolution of the Council and as may be amended from time to time, in compliance with State law (Government Code §65456).

C. **Amendments.**

1. Amendments to approved specific plans shall be made using the same procedure as was followed when the plan was adopted.

2. Any adopted specific plan may also be repealed by the same procedure as was applied when the plan was originally adopted.

§11.6.10.009 Approved Specific Plans.

The following specific plans have been approved by the City and are designated on the official Zoning Map of the city:

A. **SP-1: Downtown Village Specific Plan (DVSP)**

B. **SP-2: Flintridge Sacred Heart Academy (FSHA)**

Chapter 11.6.11 Development Agreements

§11.6.11.001 Purpose.

The purpose of this chapter is to establish rules and regulations for the processing, review, and approval of development agreements.

§11.6.11.002 Applicability.

The procedures and requirements set forth in this chapter shall apply to all development agreements proposed by developers of projects in the city of La Cañada Flintridge and considered by the City Council of La Cañada Flintridge.

§11.6.11.003 Authority.

This chapter is adopted in accordance with Government Code Title 7, Division 1, Chapter 4, Article 2.5, §65864 et seq., as amended.

§11.6.11.004 Parties to Development Agreements.

A. An applicant shall possess a legal or equitable interest in the real property which is to be the subject of the development agreement. As set forth in Subsection 11.6.11.005(A), an application for a development agreement may be submitted by an authorized agent of the applicant.

B. In addition to the City and the applicant, any federal, State, or local governmental agency may be included as a party to a development agreement. Any such additional party may be made a party to a development agreement pursuant to the provisions of the Joint Exercise of Powers Act, set forth in §6500 et seq., of the California Government Code, as amended, providing for joint powers agreements, or provisions of other applicable federal, State, or local law, in order to create a legally binding agreement among such parties.

§11.6.11.005 Procedures and Requirements for Development Agreements.

A. **Application**. Any property owner or any individual with the property owner's authorization may submit an application to the Director for a development agreement as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

B. **Review Process.** A Development Agreement is subject to Review Process E (Subsection 11.6.02.004(E)).

C. **Finding.** To approve a development agreement, the City Council shall be required to find that the provisions of the development agreement are consistent with the City's General Plan and any applicable Specific Plan.

§11.6.11.006 Execution and Recordation of Development Agreement.

No later than ten (10) days after the ordinance approving a development agreement takes effect, the City's Mayor or other authorized City official shall execute the development agreement, and the City Clerk shall have the development agreement recorded in the official records of the county of Los Angeles.

§11.6.11.007 Effect of Development Agreement.

A. When approved, a development agreement and any development control maps and all notations, references, and regulations which are a part of the development agreement shall be considered part of this Zoning Code. Development control maps include, but are not limited to, regulations intended to carry out any plan with respect to location or type of activities; height, bulk, siting, or design of structures; location or design of open areas; and landscaping and other comparable regulations. In the case of any conflict with any other provisions of this Zoning Code, such development agreement provisions shall take precedence.

B. Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the subject property, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the development agreement.

C. A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

D. In the event that State or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such State or federal laws or regulations.

§11.6.11.008 Irregularity in Proceeding.

Formal rules of evidence or procedure which must be followed in a court of law shall not apply to the consideration of a proposed development agreement. No action, inaction, or recommendation regarding a development agreement shall be held void or invalid on the ground of the improper admission or rejection of evidence or by reason of any error or informality, as to any procedural matter whatsoever unless, after an examination of the entire case, including the evidence, a court of law finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

§11.6.11.009 Periodic Review.

A. The City shall review development agreements which have been approved by the City Council at least once every twelve (12) months from the date of their approval. Pursuant to Government Code §65865.1, the applicant shall have the duty to demonstrate its good faith compliance with the terms of the development agreement at the time of such periodic review. The City's cost for such periodic review shall be paid by the applicant to the City prior to the time of such review.

B. Not less than thirty (30), nor more than sixty (60), days prior to the anniversary date of a development agreement, and each anniversary date thereafter, the applicant shall submit to the Director a letter setting forth the applicant's good faith compliance with the terms and conditions of the development agreement. Such letter shall be accompanied by documents and other information as may be necessary and available to enable the City to undertake its annual review of good faith compliance under the terms of the development agreement, and shall also state that such letter is submitted to the City pursuant to the requirements of Government Code §65865.1, as amended, and this chapter. Following receipt of the letter, the Director shall provide notice to the City Council, at a regularly scheduled meeting of the City Council, that a development agreement will be subject to annual review in accordance with this Chapter.

C. The Director shall review the applicant's submission to ascertain whether the applicant has complied in good faith with the terms of the development agreement. Upon request of the Director, the applicant shall furnish such additional documents or information as may be reasonably required and available to the applicant to enable Director to make and complete its review hereunder. If the Director finds good faith compliance by the applicant with the terms of the development agreement, he or she shall issue a certificate of compliance, certifying the applicant's good faith compliance with the terms of the agreement through the period of the applicable annual review. Such certificate of compliance shall be in recordable form and shall contain such information as may be necessary in order to impart constructive record notice of the finding of good faith compliance hereunder. The applicant shall have the right to record the certificate of compliance, at the applicant's sole cost, in the official records of the county of Los Angeles. At least ten (10) days prior to making its determination, the Director shall provide to the applicant copies of all staff reports and other information concerning the applicant's compliance with the terms of the development agreement and the determination made by the Director.

D. If the Director finds that the applicant has not complied in good faith with the terms of the development agreement, it shall specify to the applicant in writing the respects in which the applicant has failed to comply. The Director shall also specify a reasonable time for the applicant to comply with such terms for compliance, which shall not be less than thirty (30) days, and shall be reasonably related to the time necessary to adequately bring the applicant's performance into good faith compliance with the development agreement. If the areas of noncompliance specified by the Director are not perfected within such reasonable time limits prescribed by the director, then the development agreement shall be subject to modification or cancellation pursuant to this chapter and the provisions of Government Code §65865.1.

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E. The Director may refer any review to be conducted hereunder to the City Council. Such referral shall be made by the Director, together with a staff report on the Director's preliminary findings. Upon such referral, the City Council shall conduct a noticed public hearing on the applicant's compliance with the terms of the development agreement in accordance with the provisions of this chapter and Government Code §65865.1. If, after considering all the evidence at such public hearing, the City Council finds and determines on the basis of substantial evidence that the applicant has not complied in good faith to the terms and conditions of the development agreement, then the City Council shall specify to the applicant the respects in which the applicant has failed to comply and shall also specify a reasonable time for the applicant to comply with such terms which shall not be less than thirty (30) days, and shall be reasonably related to the time necessary to adequately bring the applicant's performance into good faith compliance with the terms of the development agreement. If the areas of noncompliance specified by the City Council are not perfected within such reasonable time limits, then the City Council, by noticed hearing in accordance with Chapter 11.2.02 (Public Notice and Hearing Requirements) and §11.6.11.008 of this Chapter, may terminate, modify or take such other action with regard to the development agreement.

F. The Director's determination of either compliance or noncompliance shall be made within thirty (30) days after the submission by the applicant of the required material hereunder, and, if the Director refers the matter to the City Council, then the determination by the City Council shall be made within thirty (30) days after such referral. The issuance of the certificate of compliance by the Director (or the City Council on referral) shall conclude the review for the applicable period, and such determination shall be final and conclusive up to and including the date of the annual review hereunder.

G. All costs incurred by the City for the annual review conducted under this chapter shall be borne by the applicant, including, but not limited to, the City's retention of professionals.

§11.6.11.010 Amendment or Cancellation by Mutual Consent.

A. Any development agreement may be cancelled or modified by mutual consent of the parties, but only in the manner provided for by California Government Code §65868, as amended. Any proposal to cancel or modify a development agreement shall be heard and determined in accordance with the same procedures specified by this Chapter for approval of a development agreement.

B. If the parties to a development agreement, or their successors in interest, mutually agree to amend or cancel the development agreement as provided for in Government Code §65868 and this chapter, the City Clerk shall, after such action takes effect, have notice of such action recorded in the official records of the County of Los Angeles.

§11.6.11.011 Cancellation by City.

A. If, at any time during the term of a development agreement the Director determines that the applicant has not complied with the terms and conditions of the development agreement, the Director shall provide the applicant thirty (30) days to cure any deficiency following notice to the applicant. Should the applicant fail to cure said deficiency, the Director shall, pursuant to the notice provisions of Subsection 11.6.11.007(B), request that the Planning Commission conduct a public hearing at which the applicant must demonstrate good faith compliance with the terms of the development agreement. The burden of proof by substantial evidence of compliance by the applicant is upon the applicant. If such compliance cannot be shown, the Planning Commission shall recommend to the City Council that it either commence proceedings to cancel the development agreement or recommend new terms and conditions intended to remedy the noncompliance.

B. The City Council shall conduct a noticed hearing, as provided in Subsection 11.6.11.007(B), on the recommendations of the Planning Commission at which the applicant and any other interested person shall be entitled to submit such evidence and testimony as may be germane to the issue of the applicant's good faith compliance with the terms of the development agreement. If the City Council finds, based on substantial evidence, noncompliance with the terms and conditions of the development agreement and failure to cure the deficiency during the cure period provided in Subsection (A) of this section, it may either cancel the development agreement upon giving sixty (60) days' notice to the applicant, or in its discretion, may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance. The City Council may impose such conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council shall be final.

C. Any cancellation or imposition of new terms and conditions pursuant to this section shall be noticed in accordance with the procedures specified in Subsection 11.6.11.007(B).

D. If the City Council cancels or modifies a development agreement as provided for in Government Code §65865.1 and this chapter for failure of the applicant to comply in good faith with the terms or conditions of the development agreement, the City Clerk shall, after such action takes effect, have notice of such action recorded in the official records of the County of Los Angeles.

§11.6.11.012 Rights of the Parties after Cancellation.

In the event a development agreement is cancelled, unless otherwise agreed, all rights of the applicant under the development agreement, shall terminate. Any and all benefits, including money or land, received by the City shall be retained by the City. Notwithstanding the above provision, the termination of a development agreement shall not prevent an applicant from completing a building or other improvements authorized pursuant to a valid building permit previously approved by the City or under construction at the time of termination, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and the applicant or any tenant shall not occupy any portion of the project or any building not authorized by a previously issued building permit. As used herein, "construction" shall mean work performed in good faith in reliance upon a valid building permit, and "completing" shall mean completion for beneficial occupancy for an applicant's use, or if a portion of the project is intended for use by a lessee or tenant, then for such

portion "completing" shall mean completion except for interior improvements such as partitions, duct and electrical run outs, floor covering, wall coverings, lighting, furniture, trade fixtures, finished ceilings and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of this Zoning Code.

§11.6.11.013 Fees.

The applicant shall reimburse the City for all its reasonable and actual costs, fees, and expenses, including legal counsel and special counsel fees, for review, processing, negotiation, approval, and recordation of the development agreement. The City Council may, by resolution, fix the schedule of fees and charges imposed for the filing and processing of each development agreement application and for the annual review.

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Chapter 11.6.12 Temporary Use Permits

§11.6.12.001 Purpose and Intent.

The intent of this Chapter is to accommodate reasonable requests for interim, temporary, or seasonal uses within any zone, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis. Temporary uses generally do not have permanent structures associated with their use. Temporary uses allowed under this chapter shall be sensitive to the health, safety, and general welfare of persons residing and working in the vicinity of their use, and shall be conducted so as not to cause any long-term detrimental effects on surrounding uses, properties, or the community. The issuance of a Temporary Use Permit does not confer any land use entitlement or property right to the holder of the permit.

§11.6.12.002 Authority.

A temporary use permit may be approved, conditionally approved, or denied administratively by the Director. The Director may, at his or her discretion, refer such initial applications to the Planning Commission for determination.

§11.6.12.003 Applicability.

A. Temporary events or uses identified in §11.6.12.005 shall not be established, operated, or conducted in any manner without the issuance and maintenance of a valid Major, Master, or Minor Temporary Use Permit in compliance with this section.

B. The temporary events and uses identified in §11.6.12.006 are exempt from a Temporary Use Permit.

C. The provisions of this chapter shall govern special events and temporary uses on private property. The provisions of this chapter shall not govern special events and temporary uses on public property.

D. Special events and temporary uses within the public right-of-way or on public property shall be as governed by Chapter 4.05 of the LCFMC.

§11.6.12.004 Procedures and Requirements for Temporary Use Permits.

A. **Major and Master Temporary Use Permits.** Prior to commencement of a major or master temporary use listed in this chapter, a Major or Master Temporary Use Permit must be approved by the Director. A public hearing shall not be required for the approval and issuance of a temporary use permit; however, public notice of an approved event shall be provided prior to commencement of the use, as follows:

1. An application for a Temporary Use Permit shall be filed with the Community Development Department as provided in Chapter 11.6.01 (Filing and Processing of Applications) at least thirty-five (35) days prior to the proposed use. Applicants are encouraged to apply earlier for larger projects.

2. The Director shall render a decision at least twenty-four (24) days prior to the proposed use.

3. The decision shall be followed by the mailing or delivery of public notices to all property addresses within a five hundred (500) foot radius of the subject property.

4. The public notice shall state the nature of the request, location, and zone of the property, name of the project proponent, the time and place of the proposed temporary use, the conditions placed on the use, and notice of a seven (7) day appeal period.

B. **Minor Temporary Use Permit**. Prior to commencement of a minor temporary use listed in this chapter, a Minor Temporary Use Permit must be approved by the Director. A public hearing shall not be required for the approval and issuance of a Minor Temporary Use Permit. An application for a Minor Temporary Use Permit shall be filed with the Community Development Department at least ten (10) days prior to the proposed use. Notice of the Director's determination shall be sent to the applicant prior to the commencement of the use. No other notice shall be required. The decision of the Director shall be final.

§11.6.12.005 Permitted Temporary Uses.

Temporary uses are divided into three (3) general categories: major, minor, and master, as follows:

A. **Major Temporary Uses.** Major temporary uses or events are generally distinguished by, but not limited to, the following circumstances: may create health and safety concerns; may occur on undeveloped property; may create traffic problems; and/or may disrupt community life if not properly conditioned or otherwise limited. Major temporary uses include, but are not limited to, the following:

1. Off-site contractors' construction yards in conjunction with an approved, active development project.

2. Storage of building materials and construction equipment used in the construction of a building or building project, during the construction and thirty (30) days thereafter, for a period not to exceed one (1) year unless extended by the Director, including contractor's temporary office provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

3. Temporary real estate tract offices and model homes within approved development projects are limited to a maximum of two (2) years or until all dwelling units are sold, whichever occurs first, provided they shall only be within an existing unit within the development and not within a temporary structure or trailer.

4. Trailers, coaches, or mobile homes as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to two (2) years, or upon expiration/finalization of the building permit, whichever occurs first.

5. Outdoor display and sales of Christmas trees or pumpkins on vacant commercial property, or on parking lots of commercial property, the commercial portion of mixed use, public-semi-public, or institutional (in the DVSP) property, subject to the following provisions:

    a. Operation of a Christmas tree sales lot shall not exceed a maximum of forty-five (45) calendar days. All products, materials, temporary structures, signs, fencing, and any other evidence of the Christmas tree sales lot operation must be completely removed from the subject site by December 31.

    b. Operation of a pumpkin sales lot shall not begin prior to October 1. All products, materials, temporary structures, signs, fencing, and any other evidence of the pumpkin sales lot operation must be completely removed from the subject site by November 6.

    c. A site plan shall be submitted for approval by the Director, showing the layout for the subject display area, pedestrian circulation aisles, sales area, temporary structures, temporary fencing, lighting, and customer parking area, with adequate parking capacity provided in a safe, convenient location to the satisfaction of the Director. Christmas tree or pumpkin sales lots located on a parking lot of an existing business/use shall not occupy more than 10% (ten percent) of a required parking area and shall not substantially alter the existing traffic circulation pattern of the site. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan.

6. Temporary portable storage units in residential zones, subject to the following provisions:

    a. A temporary portable storage unit shall be placed on property within a residential zone for a period not to exceed thirty (30) consecutive calendar days unless used in conjunction with a building permit; except that a maximum of one (1) time extension up to a maximum of thirty (30) consecutive calendar days may be granted prior to the expiration of the original Major Temporary Use Permit.

    b. A temporary portable storage unit shall be placed on property within a residential zone for a period not to exceed ninety (90) calendar days when used in conjunction with a building permit, or upon expiration/finalization of the building permit, whichever occurs first; except that a maximum of one (1) time extension up to a maximum of ninety (90) days may be granted prior to the expiration of the original Major Temporary Use Permit.

7. Storage of seasonal merchandise on-site in temporary portable storage units on parking lots of commercial use or the commercial portion of mixed use property, subject to the following provisions:

    a. The placement and use of temporary portable storage units on-site shall be limited to October 1 through December 31.

b. The temporary portable storage unit(s) shall not be visible from the public right-of-way of the front property line, unless the storage unit is screened to the satisfaction of the Director.

c. The maximum number of temporary portable storage units shall be determined by the Director. The Director may ask for additional information to make the decision, including a parking analysis.

8. Outdoor temporary swap meets or auctions in commercial, mixed use, public/semi-public or institutional (in the DVSP) zones, limited to two (2) events per calendar year, and not exceeding five (5) consecutive days per event.

9. Indoor and outdoor entertainment and assembly events in the commercial portion of mixed use, commercial, public/semi-public, or institutional (in the DVSP) zones, including, but not limited to, fundraisers, retreats, fairs, circuses, festivals, and concerts, when not held within premises designed to accommodate such events, such as: auditoriums, stadiums or other public assembly facilities, or private clubhouse facilities and excluding special events which are considered social events and approved through a separate City process.

10. In residential zones or the residential portion of mixed use zones:

a. Temporary uses that are of a scale and use to have the ability to disrupt residential neighborhood character, may include some accessory commercial use, may increase traffic impacts, and generally last for more than one (1) day, such as the "Showcase House" charitable event.

b. A Bed and Breakfast within a residential zone may be used for receptions, private parties, or similar activities only with Major Temporary Use Permit approval.

c. Except as allowed as a home occupation pursuant to Chapter 11.4.31 (Home Occupations) of this Zoning Code, allowed pursuant to an issued filming permit, and allowed pursuant to (A)(3) of this section, commercial uses in the residential zone are prohibited.

11. **Mobile Food Vending.**

a. *Defined.* For the purposes of this section, "mobile food vendor" and "vending vehicle" shall have the same meanings as defined in Section (TBD) of Title 4 of the LCFMC. A mobile food vendor is not a "caterer."

b. *Applicability.* Applies only to public events held on private property not in residential zones.

c. *Standards for mobile food vending.* A Major Temporary Use Permit, which the Director may issue for a single event with a duration of more than one (1) day, shall be issued to a mobile food vendor or a group of mobile food vendors that are part of a mobile food vending event, only if the Director determines that the following standards or requirements listed below have been met. For the purposes of this Subsection, a "single event" includes the number of days for which one (1) Major Temporary Use Permit allows mobile food vending at the subject site.

i. A mobile food vendor or a group of mobile food vendors that are part of a mobile food vending event may not operate for more than twelve (12) days within a ninety (90) day period on any single property within nonresidential zones.

ii. If located within a parking lot, written permission of the property owner is required.

iii. Vending vehicles, including those operated at events on public school property, shall maintain a valid Los Angeles County Department of Health permit and a valid City business license.

iv. Mobile food vendors shall comply with Chapter 6.05 (Regulation of Food Facilities). For the purposes of this Subsection, "mobile food vendor" and "vending vehicle" shall have the same meanings as defined by §6.05.010, "mobile food facility" and "mobile food preparation unit."

v. Maintenance of clearly designated noncombustible waste receptacles in the immediate vicinity of the food truck sales which will reasonably accommodate the immediate waste needs of the mobile food vendor's patrons, which are generated by the mobile food vendor's sales.

vi. If a mobile food vendor operates and/or parks for more than one (1) hour at the location, provision of a letter or other written documentation verifying that employees and customers of the mobile food vendor have permission to use a readily available toilet and handwashing facility that is located within two hundred (200) feet travel distance from the location where the vending vehicle is engaged in operations and/or is parked, and otherwise the mobile food vendor complies with the California Health Code standards.

vii. Necessary plans or other required documents have been submitted and found to be satisfactory to the Director, and contain at least the following information:

(a) Proposed vehicle and pedestrian circulation at the site for both the temporary vending vehicle use and existing uses;

(b) Proposed parking plan for the vending vehicle(s);

(c) Proposed lighting plan; and

(d) Proposed noise mitigation plan.

viii. In approving a Major Temporary Use Permit for a mobile food vending vehicle, the Director shall first make the finding that the proposed vending vehicle sales will not be located, operated, or maintained in a manner that impedes vehicular and pedestrian circulation at the proposed site.

B. **Minor Temporary Uses.** Minor temporary uses or events are generally distinguished by, but not limited to, the following circumstances: occur on developed private property for short time periods; produce little noise; do not impact improved parking areas; and/or have no significant impacts to adjacent properties or to traffic and public safety. Minor temporary uses include, but are not limited to, the following:

1. In any building project, during construction and for thirty (30) days thereafter, property in the project may be used for the storage of building materials and equipment used in the construction of the building project, and for the contractor's temporary office, provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

2. Outdoor display and sales of merchandise within commercial or mixed use zones, including "sidewalk" type sales not exceeding thirty (30) days per calendar year per business or organization, and subject to the following provisions:

   a. Merchandise displayed or sold must be customarily sold on the premises by the permanently established business;

   b. All outdoor displays shall occur in front of or alongside the subject store,

   c. The maximum number of consecutive days for any one event shall not exceed four (4) calendar days;

   d. Set-up and take-down of tents, lighting, fencing, merchandise and/or items for the event shall not be counted towards the allowable event days per calendar year, except that set-up shall not exceed one (1) day and take-down shall not exceed (1) one day unless otherwise authorized by the Director;

3. Public health and safety activities, including clinics and temporary inoculation centers not otherwise exempted under §11.6.12.006;

4. Temporary lighting of a limited duration for special events, holidays and other temporary uses, such as spotlights or searchlights identifying civic and commercial events, construction projects, and other temporary lighting determined by the Director to be similar;

5. Veterinary clinics on developed sites that are not in conjunction with a veterinary facility (i.e., pet store or groomer).

6. Temporary car washes for fundraising, limited to a maximum of two (2) days each month for each sponsoring organization, on non-residentially zoned properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with §501(c) of the Federal Revenue and Taxation Code. Car washes are subject to §9.21.060(B)(h) of the LCFMC.

C. **Master Temporary Use Permits.** Master temporary uses are similar, in effect, to major temporary uses; however, they occur with more regularity and/or for much longer time periods. Master temporary uses are generally reoccurring events at a reoccurring fixed location but without permanent structures. Master temporary uses include, but are not limited to, the following:

1. Outdoor markets and swap meets, limited to a maximum of two (2) days per week and generally occurring weekly or with some frequency or regularity throughout the calendar year.

§11.6.12.006 Exempt Temporary Uses.

The following minor and limited duration temporary events and uses are exempt from the requirement for a Temporary Use Permit. Events and uses that do not fall within the categories defined below shall comply with §11.6.12.005.

A. Emergency public health and safety needs and land use activities;

B. Garage sales, provided that sales occur no more often than two (2) times per year per residence, for a maximum of two (2) consecutive days each.

C. Noncommercial weddings and other single-day life events, such as birthday parties, etc., conducted on the premises of a residence in a residential zone, and not being used as a Bed and Breakfast, shall be exempt from the requirement to obtain any type of temporary use permit.

§11.6.12.007 Temporary Uses Not Listed.

For other temporary uses not listed, the Director may, at his or her discretion, determine whether an unlisted temporary use should be classified as major, master, minor, or exempt. This determination shall be based upon the similarities and differences with the listed uses and an assessment of the proposed temporary use's compatibility with the zone and surrounding land uses.

§11.6.12.008 Temporary Use Limitations.

A. **Canopies/Tents.** Canopies/tents shall not be located within any public right-of-way.

B. **Banners.**

1. The maximum number shall be one (1) banner per street frontage.

2. The maximum area for each banner shall not exceed twenty-four (24) square feet.

3. The vertical dimension of a banner shall not exceed six (6) feet and shall not be located more than eight (8) feet above the ground, unless the banner is mounted to the face of a building.

C. **Food Services.** Food services are allowed subject to all rules and regulations of the Los Angeles County Health Department.

D. **Obstructions.** Activities shall not substantially block, restrict, or impair any of the following, as determined by the Director:

1. The public's view of another business or activity;
2. The public's view of the signage for another business or activity;
3. The view or visibility of the operator of any motor vehicle;
4. The movement of any pedestrian or motorized or non-motorized vehicle; or
5. The points of ingress or egress to a site or trail.

§11.6.12.009 Decision and Required Findings.

The Director may approve a Temporary Use Permit application provided all the following findings are made:

A. The proposed site is adequate in size and shape to accommodate the temporary use;

B. Adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Director; and

C. The proposed use will not unreasonably jeopardize the public health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

§11.6.12.010 Conditions of Approval.

In approving an application for a temporary use permit, the Director may impose such conditions as are deemed necessary to ensure that the permit will be in accordance with the findings required by §11.6.12.009. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to, the following:

A. Provision of adequate temporary off-street parking facilities, including vehicular access and egress as defined by the Director.

B. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination onto adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses, and heat.

C. Regulation of temporary buildings, structures and facilities (including placement, height, and size), location of equipment, and open spaces (including buffer areas and other yards).

D. Provision of sanitary and medical facilities.

E. Provision of solid waste collection and disposal, including containers for recycling cans, glass, plastic, and paper generated.

F. Provision of security and safety measures.

G. Regulation of signs.

H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested, and limiting the hours for event set-up, break-down, and clean-up.

I. Submission of a performance bond or other surety device(s) to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

J. Requirement that the approval of the Temporary Use Permit is contingent upon compliance with applicable provisions of other ordinances or other agencies (e.g., Fire Department).

K. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this chapter.

L. Submission of additional services bond for the purpose of protecting, assisting and regulating the proposed event. The cost of providing such additional services shall be paid in advance to the City by the applicant.

M. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action, or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this permit.

N. The applicant shall have a copy of the approved Temporary Use Permit available and visible on-site during the entire duration of the use.

O. The temporary use shall conform to the City's Community Development Department, Building and Safety Division, Public Works Department, Los Angeles County Fire Department, Los Angeles County Sheriff's Department, and the Los Angeles County Environmental Health Department programs, regulations, and requirements.

§11.6.12.011 Appeals.

Appeals of Major and Master Temporary Use Permits shall be made directly to the City Manager pursuant to Chapter 11.2.03 (Call-Up and Appeals).

§11.6.12.012 Violations and Enforcement.

A. The following actions are prohibited and are violations of this chapter:

1. Conducting any temporary use as provided for in this chapter, with the exception of exempt temporary uses pursuant to §11.6.12.006, without a permit.

2. Failing to comply with any conditions of a permit.

3. Failing to comply with any rules and regulations promulgated by the Director.

4. Falsification of any information in an application for a temporary use permit.

5. Conducting any temporary use during prohibited hours and/or on prohibited days.

6. Conducting any temporary use in violation of any law, or if the activity endangers the public health, safety, or general welfare so as to constitute a nuisance, hazard, or detriment to the surrounding properties, neighborhood, or City in general.

B. Any violation of Subsection (A) of this section shall be enforceable in accordance with Chapter 11.2.04 (Enforcement).

C. In addition to penalties imposed in accordance with Subsection (B) of this section, any person who conducts any temporary use without a permit shall be levied a penalty fee of 300% (three hundred percent) of all fees which would have otherwise been required.

D. Revocation or modification of a Temporary Use Permit shall be as provided for in §11.2.04.005 (Permit Revocation or Modification) of Chapter 11.2.04 (Enforcement).

E. In addition to the penalties imposed in Subsections (B), (C) and (D), the property owner and/or applicant shall not be permitted to obtain a Temporary Use Permit for up to one (1) year following the violation.

§11.6.12.013 Expiration.

Temporary Use Permits shall expire at the end of their approval period. No Temporary Use Permit shall exceed a one (1) year approval period unless otherwise specified. Recurring temporary uses must be reapplied for each year.

Chapter 11.6.13 Reasonable Accommodation for Individuals with Disabilities

§11.6.13.001 Purpose.

It is the policy of the City, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter called "fair housing laws"), to provide individuals with disabilities reasonable accommodations in rules, policies, practices and procedures to ensure equal access to housing, facilitate the development of housing for individuals with disabilities, and remove constraints to housing for persons with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

§11.6.13.002 Definitions.

The following definitions are applicable to this chapter.

"Act" means The Fair Housing Amendments Act of 1988.

"Applicant" means an individual making a request for reasonable accommodation pursuant to this Division.

"Reasonable accommodation" in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

"Disabled person" means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

§11.6.13.003 Procedure for Requesting a Reasonable Accommodation.

A. **Permit Application Requirements.** Any disabled person, or someone acting on his or her behalf, may request a reasonable accommodation from land use, zoning, and building regulations, policies, practices, and procedures. Such individual desiring to obtain a reasonable accommodation shall file an application with the Director on a form provided by the Director. The application shall be filed and processed in accordance with the procedures specified in Chapter 11.6.01 (Filing and Processing of Applications). The application form shall contain the following information:

1. Name, address, and telephone number of the applicant. If the disabled person is not the applicant, the identity of the disabled person(s), and the applicant's relationship to the disabled person(s).

2. The address of the property for which the request is being made, including the name and address of all persons owning any or all of the subject property.

3. A statement that the applicant is either an individual with a disability or is applying on behalf of one or more individuals with a disability.

4. Evidence that the applicant is the owner of the subject property or has written permission of the owner or owners to make such request.

5. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s).

6. Legal description of the subject property.

7. Description of the current use of the property.

8. A description of the requested accommodation, including the specific regulations, policies, procedures and/or standards that are requested to be waived or modified.

9. A statement setting forth the basis for the request, including verifiable documentation of disability status.

10. Copies of memoranda, correspondence, pictures, plans, or background information reasonably necessary to reach a decision regarding the need for the accommodation.

11. Any additional information deemed necessary by the Director to facilitate proper consideration of the request.

B. **Application Fee.** There is no application fee for processing a request for reasonable accommodation.

§11.6.13.004 Approval of Reasonable Accommodation.

A. **Reviewing Authority.** The Director shall be the reviewing authority for a request for reasonable accommodation except as provided in Subsection 11.6.13.005(C).

B. **Findings.** The Director shall grant a request for reasonable accommodation where all of the following findings can be made:

1. The accommodation requested is intended to be used by an individual with a disability who resides or will reside on the property;

2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use;

3. The requested accommodation will not impose an undue financial or administrative burden on the City; and

4. The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning of the city or unreasonably impact adjoining residential property.

C. **Conditions.** The Director may impose conditions upon the approval of the reasonable accommodation request deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (B) above. Conditions of approval may include, but are not limited to, those that provide for any or all of the following:

1. Inspection of the affected premises prior to and/or after any physical alteration.

2. Removal of the alteration if the need for which the accommodation was granted no longer exists.

3. That upon transfer of ownership of the property the affected premises be returned to its physical condition, if reasonable to do so, unless the transferee of ownership applies for and is granted a new reasonable accommodation.

§11.6.13.005 Notice of Determination.

A. The Director shall issue a written decision that incorporates the findings set forth in Subsection 11.6.13.007(B), states whether the request is approved, approved with conditions of approval as permitted by Subsection 11.6.13.004(C), or denied, and describes the applicable appeal process.

B. The written decision of the Director shall be mailed to:

1. The applicant at the address listed in the application; and

2. The abutting owners of the subject property.

C. The written decision by the Director shall be final unless it is timely appealed as set forth in §11.6.13.006.

§11.6.13.006 Appeals.

A. An appeal shall be made in writing, and shall be processed pursuant to the procedures established in §11.2.03.003.

B. The appeal shall be heard by the City Manager.

C. A determination on the appeal shall address and be based upon the same findings required in accordance with Subsection 11.6.13.004(B).

§11.6.13.007 Effect of Reasonable Accommodation.

A reasonable accommodation is granted to an individual, shall not run with the land, and shall be removed, if reasonable to do so, when the grantee of the reasonable accommodation no longer requires the accommodation unless the decision-making authority finds that the modification is physically integrated on the property and cannot feasibly be removed or altered.

§11.6.13.008 Confidentiality.

Any information pertaining to an applicant's disability shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection unless otherwise required by law or court order.

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Chapter 11.6.14 Permit Implementation

§11.6.14.001 Purpose.

This Chapter provides requirements for the implementation or "exercising" of the permit approvals required by this Zoning Code, including determination of conformance, requests for changes to an approved project, procedures for extensions of time, expiration of permits where not used, and bonds and insurance.

§11.6.14.002 Substantial Conformance with Original Approval.

A. **Purpose.** This section provides direction for the Director to determine whether previously approved plot plans, use permits, development review permits, special permits, and similar previously approved ministerial and discretionary projects are in substantial conformance with the original approval. This section is not intended to authorize a deviation from any applicable development standard specified in this Zoning Code.

B. **Substantial Conformance Required.** A project authorized through a zoning approval granted in compliance with this Zoning Code shall be established, operated, and/or constructed only as approved by the decision-making authority and determined by the Director to be in substantial conformance with the original approval, prior to the issuance of any permits or approval of plans. A substantial conformance determination shall not extend the approval period nor be considered a time extension. Except as required in Subsection (C) below, no written determination is required provided that plans submitted to the City for approval exhibit substantial conformance with the original approval.

C. **Determination.** A previously approved project is considered in substantial conformance with the original approval as submitted and approved by the decision-making authority if the Director determines all the following:

1. There is no appreciable modification to any buildings, structures, fences, walls, signs, roadways, parking areas, landscaping, lighting, and other facilities or features as shown on all plans as submitted and approved by the decision-making authority, except as otherwise stated in the conditions of approval; and

2. It complies with all conditions of approval.

3. A substantial conformance determination shall not extend the original expiration date of the entitlement.

§11.6.14.003 Changes to an Approved Project.

A. Any requested change from the conditions and plans as approved by the decision-making authority shall be submitted by the applicant in writing to the Director prior to the issuance of any building, grading, or other permits. If the Director determines that any requested deviation is in substantial conformance with the original approval, the Director shall indicate so in writing.

B. If the Director determines that a proposed project or development is not in substantial conformance with the original approval, the Director shall notify the property owner of the following options:

1. Construct the project as approved; or

2. Apply for a new zoning permit for approval by the original decision-making authority.

§11.6.14.004 Time Extension and Expiration Where Not Used.

Unless otherwise specified, a permit or approval granted pursuant to this Title shall automatically expire if the use or action authorized by such approval is not commenced on or before the time limit specified in such permit and thereafter diligently advanced, or if no time is specified, within two (2) years after the date such approval was granted; except that in all cases the Director may extend such time for a period of not to exceed two (2) years, provided an application requesting such extension is filed a minimum of ninety (90) prior to such expiration date, or as allowed by state law, and the application requesting such extension shall include information prescribed by the Director to enable the Director to the make the determinations prescribed in this subsection. The renewal period, if approved, shall specify the new expiration date.

A. Permits shall be considered inaugurated if the following are met:

1. A permit related to construction granted pursuant to this Title shall be considered inaugurated if applicable grading and building permits have been issued, internal infrastructure installed, foundations poured, and above-ground construction initiated and ongoing.

2. A permit related to use shall be considered inaugurated if applicable zoning and related approvals are effective; and all required building permits have been issued; and a City business license obtained.

3. A Tentative Tract Map or Tentative Parcel Map shall become null and void if a final map has not been timely filed prior to the expiration date in accordance with provisions of the Subdivision Map Act.

§11.6.14.005 Assurance of Faithful Performance of Imposed Conditions.

A. When one or more conditions are attached to any grant, modification or appeal of a zone change, permit, variance, or nonconforming use or structure review, the Planning Commission or Council may require the owners of the property to which such zone change, permit, variance, or nonconforming use or structure review applies, to deposit with the City Council in an amount equal to or greater than the sum of the work to be performed for the purpose of guaranteeing the faithful performance of said conditions. Alternative methods in lieu of a cash deposit shall require Director approval.

B. When one or more conditions are attached to any grant, modification or appeal of a zone change, permit, variance, or nonconforming use or structure review, the Planning Commission or Council may require the owners of the property to which such zone change, permit, variance, or nonconforming use or structure review applies, to deposit with the City Council in an amount equal to or greater than the sum of the work to be performed for the purpose of guaranteeing the faithful performance of said conditions. Alternative methods in lieu of a cash deposit shall require Director approval.

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Chapter 11.7.01 Definitions

This Chapter provides definitions of terms and phrases used in this Zoning Code that are technical or specialized or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the LCFMC, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this Chapter, or in other provisions of this Zoning Code or in other provisions of the LCFMC, the Director shall determine the correct definition. As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. Definitions of land uses are followed by the term "land use" in parentheses (land use).

§11.7.01.001 "A" Definitions.

A/B Line. A hillside management line established in the General Plan and implemented by the Zoning Code. The A/B Line separates the "A," more urban development, from the "B," more rural development on very steeply sloping hillsides, with the purpose of minimizing negative impacts of hillside development and preserving the City's viewscapes, open space, and environmental and recreational resources.

Abut or Abutting. See "Adjoining."

Accessory Use, General (land use). A use customarily incidental to, related, and clearly subordinate to a primary use established on the same lot or parcel of land (or, in the case of a commercial use, in the space occupied by a particular land use), which accessory use is otherwise a permitted use in the zone; does not alter said principal use, does not exceed 20% (twenty percent) of the gross floor area of the use, including storage (unless otherwise specified); nor serve any property other than the parcel where the principal use is located. An accessory use may be located either in the primary structure or an accessory detached structure.

Accessory Use, Non-Residential (land use). A use meeting the definition of "accessory use, general," and unless otherwise specified in this Zoning Code, including the following:

- Light manufacture or assembly of small products (such as apparel, jewelry, sculpture, and art) in support of the on-site retail business that is the primary use of the site;
- Pharmacies within medical office buildings and hospitals;
- Other non-residential accessory uses and activities that serve the needs of employees, guests, patrons, and customers of the primary use, as determined by the Director to be of the same general character as those listed above, and not objectionable or detrimental to surrounding properties and the neighborhood.

Accessory Use, for Residential Developments of More than Two (2) Dwelling Units (land use). A use meeting the definition of "accessory use, general," and including the following: accessory uses for residential projects of more than two (2) dwelling units include places of assembly, such as common recreation and community rooms or similar facilities appurtenant to a project, and recreational facilities such as playground equipment, unlighted tennis courts, pools, or similar facilities appurtenant to a project.

Adjacent. Two (2) or more lots or parcels of land separated only by an alley, street, highway, recorded easement, excluding freeways, or two or more objects that lie near or close to each other.

Adjoin or Adjoining. Two (2) or more lots or parcels of land sharing a common boundary line, or two (2) or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining. "Abut" or "abutting" and "contiguous" mean the same as adjoining.

Adult Day Care (land use). See "Day Care – Adult."

Air B&B (land use). See "Short-Term Vacation Rental."

Alcoholic Beverage Sales - Off-Sale (land use). See "Liquor Store."

Alcoholic Beverage Sales - Off-Sale, Accessory Only (land use). A retail establishment that has all the following characteristics:

- Alcoholic beverages will be or are sold or served for consumption off the premises where sold or served; and
- The establishment is applying for or has obtained an ABC License Type 20 (off-sale beer and wine—package store) or License Type 21 (off-sale general—package store); and
- The sale of alcoholic beverages is accessory to the primary retail use and the display area for alcoholic beverages does not exceed 15% (fifteen percent) of the gross floor area of the use, including storage. Illustrative examples include drug stores, grocery stores and supermarkets, and florist and gift shops that propose the incidental sale of wine along with gift or floral baskets.

Alcoholic Beverage Sales - On-Sale (land use). An establishment that sells, serves, or gives away alcoholic beverages for consumption on the premises and that is applying for or has obtained any ABC Licenses for on-site consumption. The establishment shall include any immediately adjacent area that is owned, leased, or rented, or otherwise controlled by the licensee. May include uses such as "Bars, lounges, and nightclubs," "Eating and drinking establishments," and "Brewpubs."

Alcoholic Beverage Sales - On-Sale, Accessory Only (land use). An establishment that has all the following characteristics:

- Alcoholic beverages will be or are sold, served, or given away for consumption on site; and
- The establishment is applying for or has obtained a restricted license, seasonal license, or similar special purpose license (e.g., ABC License Type 51 (Club); ABC License Type 52 (Veterans Club); ABC License Type 57 (Special On-Sale General); ABC License Type 60 (On-Sale Beer—Seasonal), ABC License Type 70 (On-Sale General—Restrictive Service); ABC License Type 80 (Bed and Breakfast Inn—General); etc.); and
- The sale of alcoholic beverages is only accessory to the primary use.

Alley. A public or private right-of-way less than forty (40) feet wide which affords a means of vehicular access to the side or rear of properties abutting a primary, major, collector, residential collector, and local residential roadway as provided in the Circulation Element of the City's General Plan.

Alternative Transportation. The use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

Angle-Plane Limit. A limit to building bulk for single-family residences as provided for in Subsection 11.3.03.005(C)(1).

Animal, Ordinary Household. Any animal, no larger than the largest breed of dogs, which is normally domesticated and readily purchased from a bona fide pet store. This term includes domesticated dogs, cats, fish, birds, small mammals, reptiles, and other similar animals customarily kept for personal use as domestic pets within a dwelling unit. Not included in this definition are livestock, farm fowl, wild animals, and those animals whose ownership is prohibited by the State of California, the United States government, or other portions of this Zoning Code.

Animal Boarding (land use). An establishment where more than three (3) dogs over the age of four (4) months, three (3) cats over the age of four (4) months, or three (3) other small animals are treated, conditioned, boarded, raised, or offered for sale for any form of compensation, including donations by a person or entity.

Animal Grooming (land use). An establishment that bathes, clips, or combs ordinary household animals on a commercial basis.

Animal Sales (land use). The retail sales of ordinary household animals within an entirely enclosed building. These uses may include grooming and veterinary services, if incidental to the retail use.

Antenna. That part of a personal wireless service facility designed to radiate or receive radio frequency signals.

Antenna Height. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if the highest point is an antenna. Measurement of antenna height shall include the antenna, base pad and other facilities, equipment and appurtenances and shall be measured from the finished grade.

Apartment House (land use). A building, or a portion of a building designed or used for occupancy by three (3) or more households, living independently of each other and containing three (3) or more dwelling units.

Architectural Appurtenance. A tower, spire, cupola, dome, chimney, mechanical equipment, elevator tower, stairwell, pool equipment, fire equipment, ventilating fans, water tanks, cooling towers, solar panels or the structure to support solar equipment in compliance with state law, guard rails required by the building code for rooftop decks or terraces, permanent trellises and shade structures on rooftop decks or terraces, or other features determined by the Director to be similar.

Applicable Development. Any development project that is determined to meet or exceed the project size threshold criteria contained in Section 11.5.11.003.

Arbor. A rustic work or latticework bower designed to be intertwined with climbing vines or flowers.

Attic. An unfinished enclosed area that is: located between the ceiling of the uppermost story of a building and the building's roof; less than six (6) feet in height; not habitable, although it may be used for storage or mechanical equipment; and not accessible by any means other than a stepladder or a pull-down ladder. See also Figure 11.7.01-1.

Automated Teller Machine (ATM) (land use). Computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machine may be located at or within banks, or in other locations inside another facility.

Automobile Sales, New Vehicles Only (land use). Retail establishment selling and/or leasing automobiles, trucks, and vans. May also include on-site inventory, display, storage, maintenance, and repair of automobiles and incidental sales of parts and accessories.

Awning. A structure which is designed to provide shelter and/or serve as a decorative/architectural feature, and is attached to the underlying permanent structure.

§11.7.01.002 "B" Definitions.

Balloons. Any inflated or inflatable object, with or without copy.

Banners. See "Flags, pennants, banners, bunting or streamers."

Banks and Financial Services (land use). Financial institutions, including: banks and trust companies; credit unions; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies. See also, "automated teller machines" (ATMs).

Base of Antenna Support Structure. The lowest point of the base or base pad, whichever is lower.

Basement. That portion of the structure where perimeter walls and floor are completely below adjacent grade except for six (6) inches of wall as measured from the bottom of the sole or bottom plate. See also Figure 11.7.01-11.

Batting Cage (land use). An outdoor area that is generally enclosed by fencing, netting, or some other barrier, and which is used for practicing baseball or softball hitting. A batting cage does not include equipment used in baseball or softball that is not generally enclosed, used for a temporary period and which can be disassembled, or compressed and moved after use (i.e., backstop, hitting nets, etc.).

Batting Cage, Temporary (land use). A batting cage that is not permanent in nature, and shall be disassembled, or compressed and stored after each use. If the temporary batting cage is not disassembled, or compressed and moved, after each use, then it shall be considered a batting cage and shall be subject to all the applicable regulations for that use.

Bay Window. A projecting bay from an exterior wall of a structure that contains window glazing over at least 50% (fifty percent) of any surface of the bay, does not lie perpendicular to the exterior wall, does not provide floor area, and is not supported by a foundation but instead is cantilevered out from an exterior wall.

Bed & Breakfast (B&B) (land use). A residential structure with up to four (4) guest rooms rented for transient lodging, where meals may be provided subject to applicable Health Department regulations. A B&B with more than four (4) guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include "Rooming and Boarding Houses" or "Short-Term Vacation Rental."

Berm. A mound separating two lower land areas.

Billboard. An off-premises sign designed for changeable advertising copy and which is normally used for the advertisement of goods, products or services.

Boarding House (land use). See "Rooming and Boarding House."

Bonus Open Space Area. Encouraged open space that is counted as more than its actual area.

Box (size). The size of a tree's container when sold, if boxed.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Enclosed. A building enclosed on all sides.

Building Height. The vertical distance as measured from the lowest finish grade adjacent to the building wall to the highest portion of the building perpendicular to the building wall from the measured grade point, unless otherwise specified in this Zoning Code.

Building Materials and Supplies (land use). An establishment that sells the elements of which a building or structure can be made and that are physically incorporated into the structure, the tools necessary to construct the building or structure, and other typical products that are used to construct a building or structure.

Building Projection. A horizontal element projecting from an exterior wall of the building.

Bunting. See "Flags, pennants, banners, bunting or streamers."

Business Support Services (land use). An establishment primarily within a building, providing other businesses with services, including maintenance, repair and service, testing, rental, etc. Illustrative businesses include:

- Blueprinting;
- Book binding;
- Business equipment repair services (except vehicle repair, see "Vehicle Services");
- Commercial and graphics art and design studios (including production);
- Computer and data processing services:
- Computer-related rental and repair services;

- Photocopying, printing, and duplicating services;
- Equipment rental businesses within buildings (rental yards are under "Outdoor Display and Retail Sales, Permanent");
- Film processing and photofinishing;
- Heavy equipment repair services where repair occurs on the client site;
- Janitorial services including window cleaning;
- Mail/advertising services (reproduction and shipping);
- Photoengravers and lithographers;
- Secretarial and stenographic services; and
- Other similar business support services as determined by the Director.

§11.7.01.003 "C" Definitions.

Canopy Index. A tree's height multiplied by its canopy width.

Carpool. Vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

California Environmental Quality Act (CEQA). A statute that requires all jurisdictions in the State of California to evaluate the extent of environmental impact posed by proposed development.

Caretaker Residence (land use). A dwelling unit limited to use by a caretaker or supervisor and his/her immediate family as an accessory use to the primary use, where continuous supervision is required for the primary use.

Car Wash (land use). Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. See Subsection 11.6.12.005(B)(6) (Temporary Use Permits) for temporary car washes for fund-raising activities.

Catering Service (land use). An establishment that prepares and delivers food and beverages for serving on the premises of a client, without facilities for on-site pick-up or consumption.

Center Line. Where reference is made to the "center line" of any primary, major, collector, residential collector, and local residential roadway, such center line is deemed to be the center line established by the City Engineer for any proposed or dedicated public way which, in whole or in part, is included in any such roadway. Said established center lines are those shown on a series of maps on file in the office of the City Engineer.

Cell on Wheels (COW). A personal wireless service facility temporarily rolled in or temporarily installed.

Chapter. A chapter of this Zoning Code unless some other ordinance or statute is mentioned.

Child Day Care (land use). See "Day Care Facility, Child."

Church (land use). See "Religious Facility."

City. "City" with an uppercase "C" shall mean the city government of the city of La Cañada Flintridge; "city" with a lowercase "c" shall mean the geographical limit of the city of La Cañada Flintridge.

Clubs, Lodges, and Meeting Halls. An organization and its premises catering primarily to its members for social, recreational, educational, or athletic purposes. Does not include "Adult Oriented Business."

Clustered Landscaping Areas. Areas in which the major elements of landscaping are clustered together.

Comfort Station. A building providing lavatory facilities for public use.

Commercial (land use). Land and/or a structure used for the purpose of commerce. This may include retail trade, offices, services, and other similar uses unless otherwise specified.

Commercial Zone. As used in this Zoning Code, means CG, CN, and CO zones.

Common Area at a Shopping Center. Any indoor or outdoor common area of a shopping center accessible to and usable by the occupants or customers of more than one (1) retail establishment including, but not limited to, a hall, lobby, outdoor eating area, play area, gathering area with either seats or benches provided, or gathering areas having a water feature such as a fountain, and parking lots.

Community Center (land use). Multi-purpose meeting and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, and kitchen and/or outdoor barbecue facilities, that are available for use by various groups for activities including meetings, parties, receptions, dances, etc.

Community Garden (land use). Land used for cultivation of fruits, vegetables, plants, flowers, and/or herbs, which is shared and maintained by multiple users, including those who may not own or rent the property on which the community garden is located, and which may be divided into smaller plots for use by individual users.

Contiguous. See "Adjoin or Adjoining."

Convalescent Care/Skilled Nursing Facility (land use). A facility providing skilled nursing and health-related care on a twenty-four (24) hour basis for persons requiring regular medical attention as a primary use with in-patient beds. May include board and care homes; rest homes; extended care facilities; nursing homes; hospice; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes." Does not include facilities providing emergency medical or surgical services.

Condominium Development (land use). As defined by Civil Code Section 1315, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Condominium Unit. The particular area of land or airspace that is designed, intended, or used for exclusive possession or control by individual owners or occupiers.

Convenience Store (land use). A retail establishment that is primarily engaged in the retail sale of a limited inventory of commonly consumed prepackaged food and drink products not intended for home preparation and consumption, such as snack foods, toiletries, soft drinks, tobacco, magazines, and newspapers, where the gross floor area is less than five thousand (5,000) square feet of retail floor area and intended to provide quick service. The sale of prepared foods for on-site or off-site consumption is limited to 10% (ten percent) of total floor area. A convenience store shall be located on the same parcel with a service station and may not be a stand-alone use.

Convent/Monastery (land use). Group dwellings for members of religious orders.

Cottage Food Operations (land use). An enterprise wherein an individual prepares and packages not potentially hazardous foods in a primary residential dwelling unit, which serves as his or her private residence, said foods being for the direct and/or indirect sale to consumers, and that does not have more than one full-time equivalent employee, and generates not more than: (1) thirty-five thousand dollars in gross annual sales in 2013; (2) forty-five thousand dollars in gross annual sales in 2014; (3) fifty thousand dollars in gross annual sales in 2015 and beyond as identified in California Health and Safety Code Section 113758.

County. The county of Los Angeles.

Court. An open area enclosed on at least three (3) sides by building walls.

Covered. Less than 50% (fifty percent) open to the sky. A covering that can be moved to be open, partially open, or closed shall be defined as "Covered."

Craft Brewery, Winery, or Distillery (land use). A small-scale facility where beer, malt beverages, wine, hard cider, or spirits are made on-premises and then sold or distributed, and which produces fifteen thousand (15,000) barrels (or equivalent gallons) per year or less. Its products are primarily intended for local and/or regional consumption. The brewer may sell to a retailer or directly to a customer.

Crematory (land use). A building or structure, within which the remains of deceased persons are or are intended to be cremated. See "Mortuary."

§11.7.01.004 "D" Definitions.

Day Care. Nonmedical care and supervision of persons in need of personal services, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual on a less than twenty-four (24) hour basis. Includes adult and child daycare facilities as defined below.

Day Care Facility, Adult (land use). Adult Day Care Facilities include the following:

- **Small Adult Day Care Home (six (6) or fewer adults).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for six (6) or fewer adults.
- **Large Adult Day Care Home (seven to fourteen (14) adults).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for seven (7) to fourteen (14) adults.

- **Adult Day Care Center.** A commercial or non-profit day care facility other than an adult day care home, designed and approved to accommodate fifteen (15) or more adults.

Day Care Facility, Child (land use). These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

- **Family Day Care Home.** A home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a "large family day care home" or a "small family day care home." (California Health and Safety Code § 1596.78(a), as may be amended.)
- **Large Family Day Care Home - (seven to fourteen (7-14) children).** A home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.465 and as defined in regulations, as may be amended. (California Health and Safety Code § 1596.78(b), as may be amended.)
- **Small Family Day Care Home - (eight (8) or fewer children).** A home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.44 and as defined in regulations, as may be amended (California Health and Safety Code § 1596.78(c), as may be amended).
- **Child Day Care Center.** A commercial or non-profit child day care facility other than a family day care home, designed and approved to accommodate fifteen (15) or more children. Includes infant centers, preschools, extended day care facilities, and school-age day care facilities. These may be operated in conjunction with a school or religious facility, or as an independent land use. (California Health and Safety Code § 1596.76, as may be amended.)
- **Employer-Sponsored Child Care Center.** Any child daycare facility at the employer's site of business operated directly or through a provider contract by any person or entity having one (1) or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer. (California Health and Safety Code § 1596.771, as may be amended.)

Day/Health Spa (land use). Any premises, place of business, or membership club providing facilities devoted primarily to health, beauty, and relaxation that deals with cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments. A medical spa shall be classified as a "Medical Services" land use.

Deck. An outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

Decorative Block. Masonry units having significant texture, scoring, and/or clay faces.

Density: As used in this Zoning Code, "density" refers to the development capacity of residential land and is expressed as the number of dwelling units per acre (du/ac).

Density Bonus. A density increase over the otherwise allowable maximum residential density, in accordance with Government Code Sections 65915, et seq.).

Director of Community Development (Director). The person with the title of Director of Community Development of the city of La Cañada Flintridge, or his or her designee.

Discretionary. A decision which requires the exercise of judgment or deliberation when the decision-making authority decides to approve or disapprove a particular activity, as distinguished from situations where the decision-making authority merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Domestic Animal. An ordinary household animal which is commonly maintained in residence with humans. See "Animal, Ordinary Household."

Donation Collection Bin (land use). Any attended or unattended bin, box, canister, container, receptacle, trailer, accessory structure, or similar facility located anywhere outside of an enclosed building on private or public property, provided by a person, organization, or collection center, which is used for the primary purpose of receiving or storing donated items of salvageable personal property, including household goods and clothing. The definition of this land use does not include any such bin located inside of a building, or bins, containers, or other receptacles or recycling facilities used exclusively for the collection of refuse, recyclable material, or California Redemption Value (CRV) beverage containers in conformance with applicable State or local law.

Dormer. A structure projecting from and contained within a sloping roof usually housing a vertical window that is placed in a small gable, or containing a ventilating louver.

Downtown District. The district of Foothill Boulevard extending from Verdugo Boulevard east to Hampton Road, which is one of five (5) portions of Foothill Boulevard designated on Figure LUE-3 (Foothill Districts) in the Land Use Element of the City's General Plan.

Drive-Through Facility (land use). A retail or service facility that provides products or services to persons who remain in their motor vehicles (for example, restaurant, pharmacy, bank, dry cleaning pick-up store, etc.). May be be a primary or accessory use. Drive-through facilities shall be required to meet all standards and regulations provided in Chapter 11.4.14, including queuing, stacking, and parking and access requirements. Excludes "Service Stations."

Dwelling Unit. One or more rooms in a building or portion thereof designed, intended to be used, or used for occupancy by a single housekeeping unit for living and sleeping purposes, with all rooms (except an attached garage or carport) accessible from the interior of the dwelling unit.

Dwelling Unit, Accessory. See Chapter 11.4.02 (Accessory Dwelling Units).

Dwelling Unit, Primary. "Primary Dwelling Unit" means the main residence on the property that is not otherwise classified as an Accessory Dwelling Unit or Junior Accessory Dwelling Unit pursuant to Chapter 11.4.02 (Accessory Dwelling Units) or California Government Code Sections 65852.2 and 65852.22.

§11.7.01.005 "E" Definitions.

Easement. An interest in the real property that entitles the owner of the easement to a limited use or enjoyment of the other's land, usually in a specified manner or for a specified purpose.

Eating and Drinking Establishments (land use). See also "Alcohol sales, on-sale," and "Drive-through facilities."

- **Bar, Lounge, and Nightclub.** An establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premises license from the California State Department of Alcoholic Beverage Control (ABC) (i.e., ABC License Type 42 (On-Sale Beer and Wine—Public Premises), ABC License Type 48 (On-Sale General—Public Premises), and ABC License Type 61 (On-Sale Beer—Public Premises)). Persons under twenty-one (21) years of age are not allowed to enter and remain on the premises. The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.
- **Brewpub.** A restaurant with a craft brewery as an accessory use where the beer it produces is sold in draft form exclusively at its own premises. This operation may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises. The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control. Off-sale of alcoholic beverages shall be limited to beers brewed on-site.
- **Outdoor Dining - Accessory.** An outdoor dining area contiguous and accessory to an eating and drinking establishment.
- **Restaurant - Full Service.** An establishment that sells food and beverages, prepared for primarily on-site consumption, and that has all the following characteristics:
    - Customers order food and beverages from individual menus;
    - Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table);
    - Customers pay for food and beverages after service and/or consumption; and
    - Alcoholic beverages may or may not be sold (see "Alcoholic beverage sales, on-sale").
- **Restaurant - Fast Food.** An establishment whose design or principal method of operation includes four (4) or more of the following characteristics:
    - A permanent menu board is provided from which to select and order food;
    - A "formula retail" restaurant;
    - Customers pay for food before consuming it;
    - A self-service condiment bar and/or drink service is/are provided;
    - Trash receptacles are provided for self-service bussing; and
    - Furnishing plan indicates stationary seating arrangements.
- **Restaurant - Take-Out Service.** An establishment that sells food or beverages and that has all the following characteristics:
    - Sales are primarily for off-site consumption;
    - Customers order and pay for food at either a counter or service window;

- Incidental seating up to six (6) seats may be provided for on-site consumption of food or beverages; and
- Alcoholic beverages are not sold, served, or given away on the premises.
- Typical uses include bakeries, coffee, ice cream and frozen dessert stores, juice bars, small delicatessens, and similar establishments.

Electric Distribution Substation. An assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use.

Electric Transmission Substation. An assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to large individual consumers, interchange connection with other power producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users.

Electronic Cigarette, Electronic Cigarette Paraphernalia. The terms "Electronic Cigarette Product" and "Electronic Cigarette Paraphernalia" as used in this Zoning Code are as defined in LCFMC §6.07.010 or its successor, and subject to LCFMC Chapter 6.07 (Tobacco Retail Licensing) or its successor.

Elevation, Geographical. Vertical distance above mean sea level (AMSL) or above (MSL).

Elevation, Architectural. Architectural drawings of a building's exterior, generally labeled to show the direction each side of the building faces.

Emergency Shelter (land use). A temporary residential facility that provides overnight accommodations and residential services for homeless persons and/or families on a short-term basis.

Encroach. To extend beyond the allowed limits.

Equestrian Facility (land use). A facility where horses may be kept for purposes of boarding, personal use, rentals, and for training, riding lessons, horse clubs, and shows, whether or not the horses are boarded on-site.

Exterior View. The view from outside the enclosed space of a building, of a sign placed outside a building or within three (3) feet of a window.

Externally Illuminated. Illuminated in a manner other than described under "Internally illuminated."

§11.7.01.006 "F" Definitions.

Farm Fowl. Chickens, ducks, and geese.

Fence. Any structure or barrier forming a physical separation or boundary.

Field. That portion of the sign area consisting of background, usually consisting of the sign area other than the lettering and other graphics.

Fixed Wireless. A wireless operation providing services such as local and long-distance telephone and high-speed internet to residential and business customers by means of a small, fiat, equipment installation approximately twelve inches by twelve inches (12" by 12") (the "fixed wireless remote unit") on the exterior of each home or business that elects to use this service.

Flags, Pennants, Banners, Bunting or Streamers. Devices made of flexible materials, with or without copy.

Flat Roof. A roof having a pitch of less than 2:12.

Floor Area; Floor Area/Solid Roofed Area. The total area of all stories within the outside faces of exterior walls, including in the case of single-family residences: all solid roofed areas whether enclosed or not; attics that qualify as volume space; mezzanines/lofts; accessory dwelling units; guest houses; garages; barns; covered patios, porches, balconies, entries, and parking facilities enclosed on more than two (2) sides; the square footage under balconies and cantilevered floors that exceed thirty (30) inches in depth; and other solid roofed accessory structures; except as otherwise provided for in this Zoning Code (including, but not limited to, exemptions). See also Figure 11.7.01-11. Structured parking in non-single-family residential zones is not considered floor area.

Floor Area Ratio (FAR). The square footage of floor area/roofed area divided by the net lot area of the subject property.

Foot-Candle. The unit of measure expressing the quantity of light received on a surface. A measure of illuminance in lumens per square foot.

Formula Retail Business (land use). Establishment required by contractual or other arrangement to maintain any of the following: standardized ('formula') array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, layout, uniform, or similar standardized feature. Also commonly referred to as "chain" or "franchise" business.

Fortunetelling (land use). The telling of fortunes, forecasting of futures, or furnishing any information not otherwise obtainable by the ordinary process of knowledge by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirit, tea leaves or other such readings, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, card, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, oriental mystery or magic of any kind or nature.

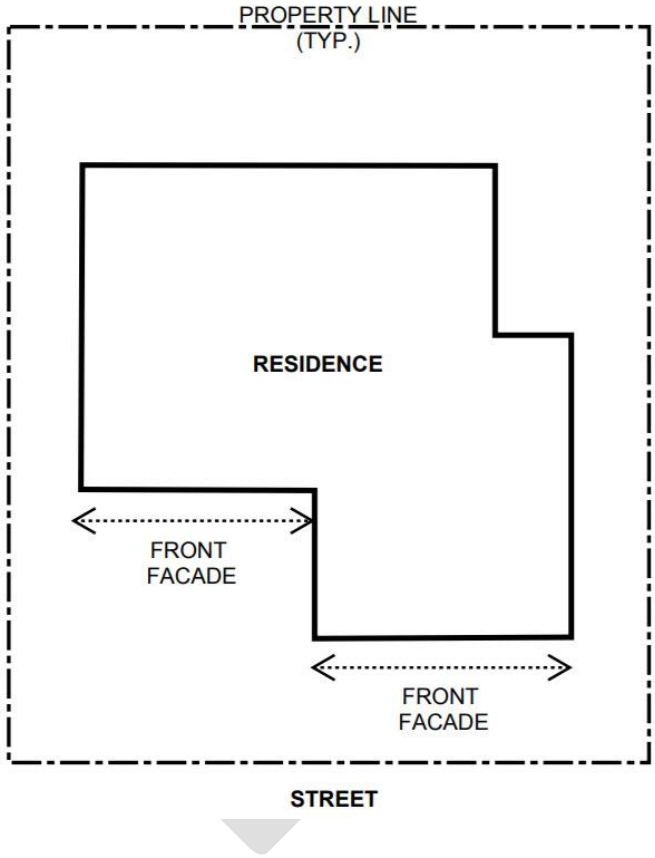
Freestanding. A structure that stands alone or on its own foundation free of support or attachments, such as a wall, sign, or other similar structure.

Freeway. A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be such in compliance with the Streets and Highways Code of the State of California; including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other highways, but not including frontage roadways.

Frontage. A lot line along a street. For the purposes of this definition, a corner radius between lot lines on two (2) intersecting streets shall have one-half (½) its length included in each abutting lot line.

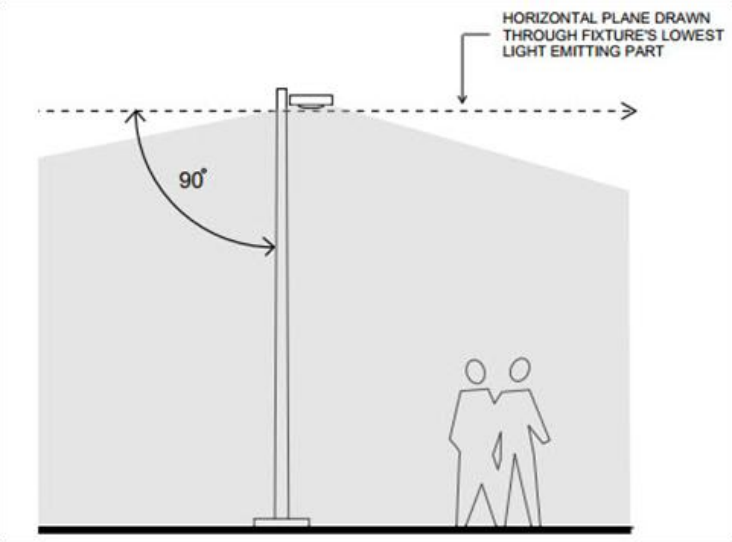
Front Façade, Residential. One or more exterior sides of a primary structure that face the front property line.

Figure 11.7.01-1: Front Façade



Fully Shielded. A light fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane drawn through the fixture's lowest light-emitting part. See Figure 11.7.01-2.

Figure 11.7.01-2: Horizontal Plane of Light Fixture



§11.7.01.007 "G" Definitions.

Gazebo. A freestanding, open-sided, roofed structure.

Geometric. Characterized by straight lines, triangles, circles or similar substantially regular forms.

General Retail Business (land use). Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public. Examples of these establishments and lines of merchandise include, but are not limited to, the following.

- Antiques and collectibles (genuine antiques only);
- Appliances;
- Art galleries;
- Artists' supplies;
- Automotive parts and accessories;
- Bakeries (all production in support of on-site sales);
- Bicycle sales and rentals;
- Books (new and used);
- Cameras and photographic supplies;
- Carpeting and floor covering;
- Clothing and accessories;

- Department stores;
- Electronic equipment;
- Fabrics and sewing supplies;
- Florist;
- Gift shops;
- Grocery stores and supermarkets;
- Handcraft businesses;
- Hardware;
- Hobby supplies;
- Home furnishings and accessories;
- Houseplant stores or other nursery products (indoor sales only—outdoor sales are "Plant Nurseries and Garden Supply Stores")
- Jewelry;
- Kitchen/cooking utensils;
- Luggage and leather goods;
- Musical instruments, parts, and accessories;
- Newsstands;
- Office supplies;
- Paint and wallpaper;
- Pet supplies;
- Pharmacies/drug stores (not including medical marijuana dispensaries);
- Religious goods;
- Secondhand clothing stores;
- Small wares;
- Specialty food and beverage;
- Specialty shops;
- Sporting goods and equipment;
- Stationery;
- Tobacco retailer;
- Toys and games.

Glare. Light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

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Glazing. Glass used in a building, such as windows or doors.

Golf Course (land use). An area of land laid out for the activity of playing golf, with a series of nine (9) or eighteen (18) holes, each including tee, fairway, and putting green and often one or more natural or artificial hazards, not including any associated club house, pool, tennis court, or other similar ancillary recreational facilities.

Government Poster. Official notice authorized by a court of law, a public body, or a public office, as well as warning or information signs authorized by a government public safety authority.

Governmental Facility (land use). A structure owned, operated, or occupied by the City or other governmental agency to provide a governmental service to the public (e.g., City Hall, community recreation center, post office, library, public safety station (fire and police), etc.).

Grade. Ground level.

Grade, Adjacent Finished. The finished grade of the ground or pavement immediately next to the building or structure.

Grade, Existing/Natural. The ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Grade, Finished. The final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development, as per the approved grading plan.

Grading. For the purposes of this Zoning Code, "grading" is defined as any excavation (cut), fill, or other movement of earth, including removal, re-compaction, or any combination thereof, necessary and incidental to impending building construction or other lawful development of the premises.

Green Wall. A vertical built structure intentionally covered by vegetation. Green walls include a vertically applied growth medium such as soil, substitute substrate, or hydroculture felt; as well as an integrated hydration and fertigation delivery system.

Grocery Store (land use). A retail establishment where the majority of the floor area open to the public is occupied by food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, and/or fish products; frozen foods; processed and prepackaged foods, etc.) packaged for preparation and consumption away from the site of the store. The sale of alcoholic beverages for off-sale consumption is permitted as an accessory use. May include other accessory uses, such as coffee kiosks, ATMs, banks, etc., inside the establishment. Does not include "Convenience Store" or "Liquor Store."

Gross Leasable Area. Total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from inside wall faces.

Ground Floor. See "Story."

Guidelines. Regulatory language which is intended for the guidance of the designer as well as the reviewing body and is not necessarily mandatory. Guidelines are applied on a case-by-case basis as appropriate to the particular circumstances. Guidelines are "should" statements.

§11.7.01.008 "H" Definitions.

Handcraft Business (land use). Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. May include retail sales to the public.

Health/Fitness Facility (land use).

- **Small.** An indoor facility of one thousand five hundred (1,500) square feet or less in size, excluding locker/changing rooms, offices, and other areas that are not used for exercise and other related activities. where passive or active exercises and related activities are performed using minimal or no exercise equipment or apparatus for the purposes of physical fitness, improved circulation or flexibility, and or/weight control. Typically accommodates one group of students at a time, in no more than one instructional space. Examples of uses include gymnastics, martial arts, Pilates, personal training, dance, and yoga studios. Showers, saunas, spas, hot tub facilities, and swimming pools are not provided. All uses must take place inside.

- **Large.** A full-service indoor fitness center, gymnasium, or health/fitness facility that is over one thousand five hundred (1,500) square feet in size. May include the following: aerobic classes and other indoor sports activities; indoor handball, racquetball, or tennis courts; exercise equipment or apparatus; weight rooms; locker rooms and showers; sauna, spa, or hot tub facilities; swimming pools; etc. All uses must take place inside.

Home Occupation (land use). An accessory use or activity of a business nature conducted on residential property by the occupant(s) of the residence, which is clearly incidental and secondary to the primary residential use of the property and does not change the residential character of said property or adversely affect the residential neighborhood within which it is located. A home occupation represents a legal commercial use as conducted by an occupant(s) of the dwelling.

Hotels/Motels (land use). Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging for tenancy of less than thirty (30) days. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic/fitness facilities, and accessory retail uses. Does not include "short-term vacation rental."

Hookah. A pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, non-flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation.

Hookah Lounge (land use). See "Tobacco and/or Electronic Cigarette Shop or Lounge."

§11.7.01.009 "I" Definitions.

Illuminance. The amount of light (luminous flux) incident on a surface area. For the purposes of this Zoning Code, illuminance is measured in foot-candles.

Indirect Neon. A sign in which the neon tubes providing the illumination are concealed from view by an opaque surface, and project their light onto a visible surface.

Indoor Amusement and Entertainment Facilities (land use). Establishments providing indoor amusement and entertainment services for a fee or admission charge, including: bowling alleys; coin-operated amusement arcades; dance halls, clubs and ballrooms; electronic game arcades; ice skating and roller skating; and pool and billiard rooms as primary uses. This use does not include adult entertainment businesses. Four (4) or more electronic games or coin-operated amusements in any establishment, or a premises where 50% (fifty percent) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three (3) or less machines are not considered a land use separate from the primary use of the site.

Installed. Erected, constructed, posted, painted, printed, tacked, glued or otherwise fastened, fixed or made visible in any manner whatsoever.

Internally Illuminated. Illuminated in a manner in which the light permeates the sign surface, as through Plexiglas or neon materials.

Irrigation Field. An intended destination for graywater in the receiving landscape including but not limited to a drip irrigation system, mulch basin, or other approved method of dispersal for irrigation purposes.

§11.7.01.010 "J" Definitions.

No technical terms beginning with the letter "J" are defined at this time.

§11.7.01.011 "K" Definitions.

Kiosk. A small, free-standing, accessory commercial structure with one or more open sides, which may be permanent or temporary, that is used to sell merchandise (such as flowers and newspapers), services (such as making keys), or food and beverages. For the purposes of this Zoning Code, a "kiosk" does not include the terms "outdoor vending or service facility," "reverse vending machine," or "small recycling facility."

Kiosk Use (land use). Any business or commercial activity operating from a kiosk.

Kitchen. Any room or space used, or intended or designed to be used for cooking or the preparation of food.

§11.7.01.012 "L" Definitions.

Laboratory - Medical and Dental (land use). A facility that conducts medical or dental testing and analysis services.

Laboratory - General (land use). A facility that conducts testing and analysis of a process, or product, such as photographic or analytical services, excluding medical and dental.

Lamp. Generic term for a man-made source of light. In the context of this Zoning Code, the "lamp" is the electrically powered light bulb, fluorescent or neon tube, LED light source, or any other similar light source.

Land Use. A description of how land (real estate) is used or occupied.

Landscaping. All areas not occupied by structures, vehicular circulation/access ways and parking areas, pedestrian walkways, and other paved and permeable surfaces or covered recreational facilities.

Late Night Hours. For the purposes of this Zoning Code, "Late Night Hours" shall mean the time between 11:00 p.m. and 7:00 a.m.

Legal Nonconforming Building or Structure. Any building or structure that was lawfully established and in compliance with all applicable ordinances and laws at the time this Zoning Code or any amendment thereto became effective, but which, due to the application of this Zoning Code or any amendment thereto, no longer complies with all the applicable regulations and standards prescribed for the zone in which it is located.

Legal Nonconforming Parcel. Any parcel of land that was lawfully established and in compliance with all applicable ordinances and laws at the time this Zoning Code or Subdivision Code or any amendment thereto became effective, but which, due to the application of this Zoning Code or Subdivision Code or any amendment thereto, no longer complies with all of the applicable regulations and standards (e.g., area, dimensions, access, etc.) of the zone in which it is located.

Legal Nonconforming Use. Any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time this Zoning Code or any amendment thereto became effective, but which, due to the application of this Zoning Code or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which it is located.

Library (land use). Public or quasi-public facility in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale, with no retail sales activities other than an accessory gift/book shop.

Light Fixture. See "Luminaire." The terms "light fixture" and "luminaire" may be used interchangeably in this Zoning Code.

Light Pollution. The material adverse effect of artificial light, including, but not limited to, glare, light trespass, energy waste, compromised safety and security, and impact on the nocturnal environment, including light sources that are left on when they no longer serve a useful function. The determination of what is a material adverse effect may be made based on the exceedance of thresholds determined by the City in this Zoning Code.

Light Trespass. Any artificial light that causes unwanted light on adjacent properties or undesirable or nuisance glare in the normal field of vision. For the purposes of this Zoning Code, light trespass shall mean: lighting intensity exceeding one-half (0.5) foot-candle measured at the property line utilizing a light meter held four (4) feet above ground level directed at the light source onto adjacent property.

Light Well. An excavated space, open to the sky, bounded on all sides by exterior basement walls and/or retaining walls, that may provide light, ventilation, and/or emergency access to a basement.

Link District. The district of Foothill Boulevard from Leata Lane east to Alta Canyada Road, which is one of five (5) portions of Foothill Boulevard designated on Figure LUE-3 (Foothill Districts) in the Land Use Element of the City's General Plan.

Liquor Store (land use). A retail establishment that is primarily engaged in the retail sale of beer, wine, and/or other alcoholic beverages for consumption off the premises and that is applying for or has obtained an ABC License Type 20 (off-sale beer and wine - package store) or License Type 21 (off-sale general - package store), where a minimum of 80% (eighty percent) of the total square footage of the floor area of the establishment is dedicated to selling beer, wine, and other alcoholic beverages. A license for select on-site consumption, such as tastings, shall not alter the liquor store category.

Livestock. Horses, donkeys, mules, cows, steers, sheep, goats, llamas, and alpacas.

Loft. See "Mezzanine."

Lot. A parcel of land under one ownership that constitutes, or is to constitute, a complete and separate functional unit of development, and that does not extend beyond the property lines along streets or alleys. A lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of this Zoning Code.

Lot, Examples of Lot Types Defined.

Figure 11.7.01-3: Example of Lot Types

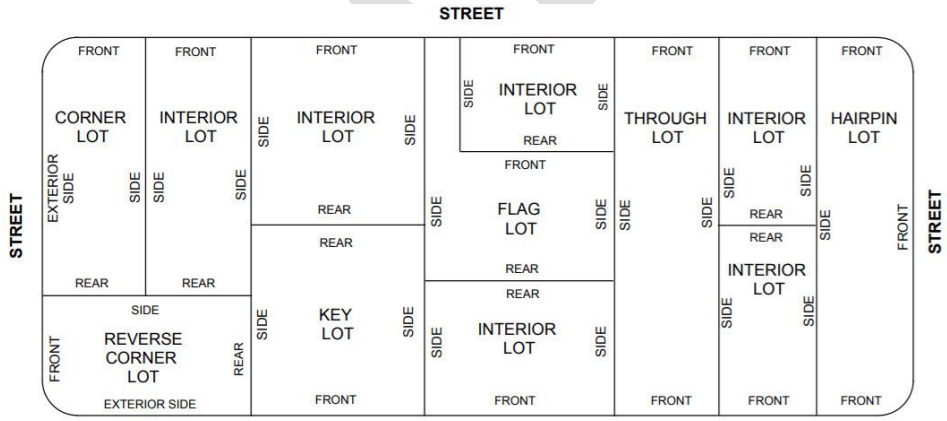
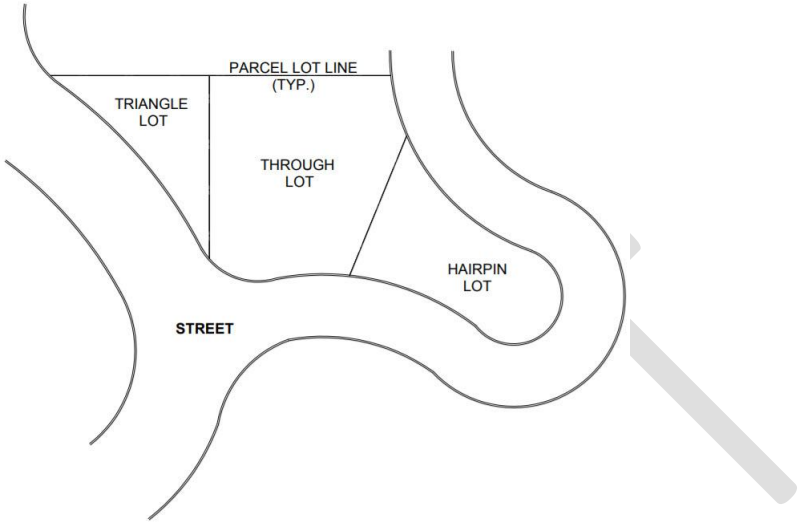
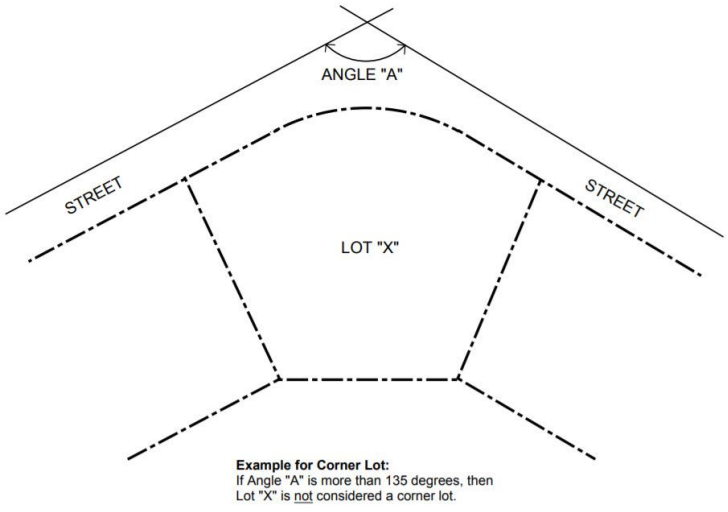


Figure 11.7.01-4: Examples of Lot Types



Lot, Corner. A lot having frontage on two (2) or more streets at their intersection, where the streets or curvature form an angle of intersection of not more than one hundred thirty-five (135) degrees. If the angle of intersection of the streets is more than one hundred thirty-five (135) degrees, the lot shall not be considered a "corner lot." See Figure 11.7.01-3 and Figure 11.7.01-4.

Figure 11.7.01-5: Corner Lot Example



Lot, Flag. "Flag lot" means a lot having access to a public street or highway by a fee simple strip or easement strip, or where the lot is separated from a street by another lot or lots except for a fee simple strip or easement strip. See Figure 11.7.01-3.

Lot, Hairpin. "Hairpin lot" means a lot having frontage on a single street comprising more than 50% (fifty percent) of the total perimeter of the lot. See Figure 11.7.01-3 and Figure 11.7.01-4.

Lot, Interior. "Interior lot" means a lot with frontage on only one street. See Figure 11.7.01-3.

Lot, Key. "Key lot" means the first lot in the rear of a reverse corner lot, whether or not separated by an alley. See Figure 11.7.01-3.

Lot, Landlocked. "Landlocked lot" means a lot which does not front on a street and does not have any access to a public highway or street through any easement strip or fee simple strip of land.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot, the rear of which abuts the side of another lot. See Figure 11.7.01-3.

Lot, Through. "Through-lot" means a lot having frontage on two (2) parallel or approximately parallel streets or highways, or two (2) parallel or approximately parallel portions of the same street or highway. See Figure 11.7.01-3 and Figure 11.7.01-4.

Lot, Triangular or Gore-Shaped. "Triangular or gore-shaped lot" means a lot that is generally triangular in shape with front and side lot lines, and little or no rear lot line. See Figure 11.7.01-5.

Lot Area, Net. The area of the subject parcel under contiguous ownership, excluding any public or private access easement such as an alley, highway, street, parkway, or similar right-of-way; or a private driveway serving another property; or flag strips with a width of twenty (20) feet or less; or dedicated trail or trail easement, and excluding above-ground easements for paved flood control channels not available for development by the property owner.

Lot Coverage. The area of land covered by solid roofed structures, whether habitable or non-habitable, including, but not limited to: building footprints primary structures, detached garages, accessory structures, and other solid roofed accessory structures constructed on a foundation whether above, below, or at grade level. Covered trash and recycling enclosures are excluded.

Lot Line. A boundary line, consisting of one (1) or more line segments and/or arcs, of a lot or of a parcel of land. Used interchangeably with "property line."

Lot Line, Front. "Front lot line" means:

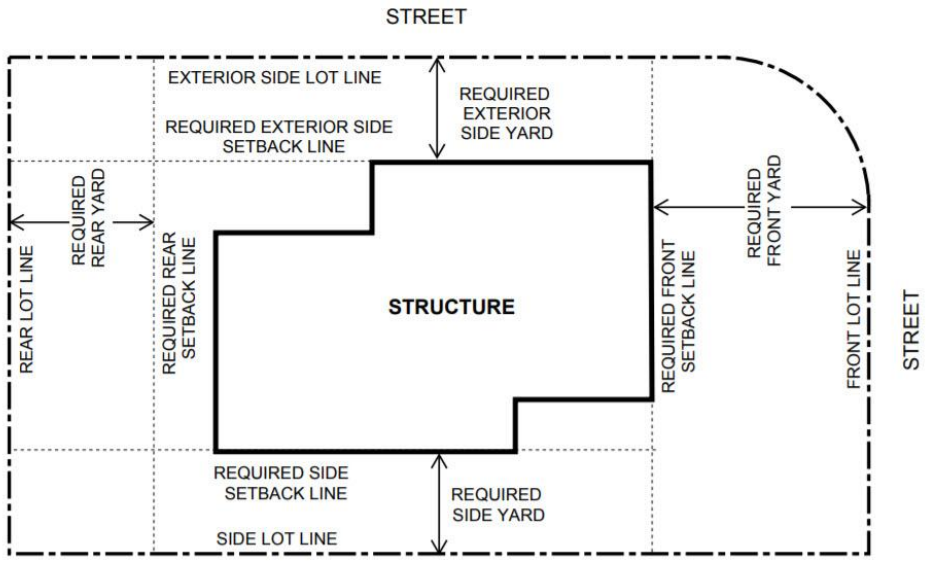
- On an interior lot the "front lot line" means the lot line abutting a street.
- On a corner lot, the "front lot line" means the narrowest street-abutting lot line, except as otherwise determined through development standards for setbacks. For the purposes of this definition, a corner radius between lot lines on two intersecting streets shall have one-half its length included in each abutting lot line.
- On a flag lot, or a through lot, the location of the front lot line shall be determined by the Director. The Director's determination shall be shown on a set of maps on file with the

Community Development Department and shall be used for future reference and available for public inspection.

- On a hairpin lot, the total frontage along the street or streets shall be considered the front lot line.
- See also Figure 11.7.01-6.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For a triangular or gore-shaped lot, the rear lot line shall mean a line ten (10) feet in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line. See Figure 11.7.01-6.

Figure 11.7.01-6: Examples of Yard and Setback Definitions



Lot Line, Side. "Side lot line" means any lot line which is not a front lot line or a rear lot line. See Figure 11.7.01-6.

Lot Width, Average. "Average lot width" shall be the width of the lot as measured from a line drawn perpendicular to a line connecting the mid-points of the front and rear property lines and intersecting the line at a point located one-third the length of the line from the front property line. See Figure 11.7.01-7 for determining average lot width on a regular shaped lot. See Figure 11.7.01-8 for determining average lot width for an irregular shaped lot. See Figure 11.7.01-9 for determining average lot width for a lot with an easement.

Figure 11.7.01-7: Average Lot Width—Regular Shaped Lot

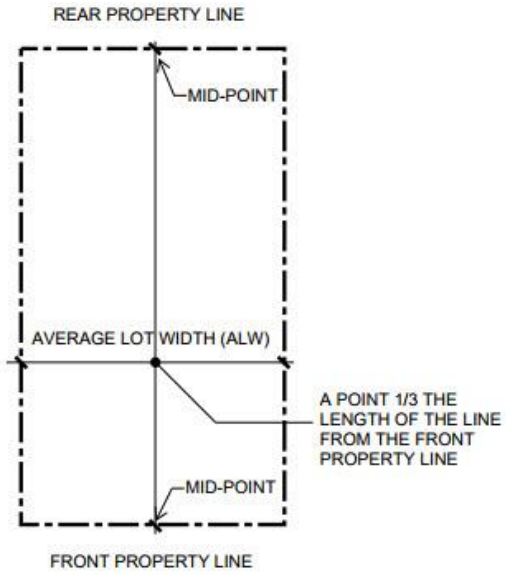


Figure 11.7.01-8: Average Lot Width—Irregular Shaped Lot

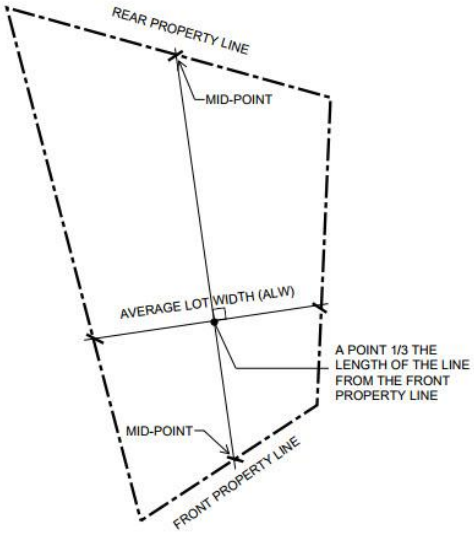
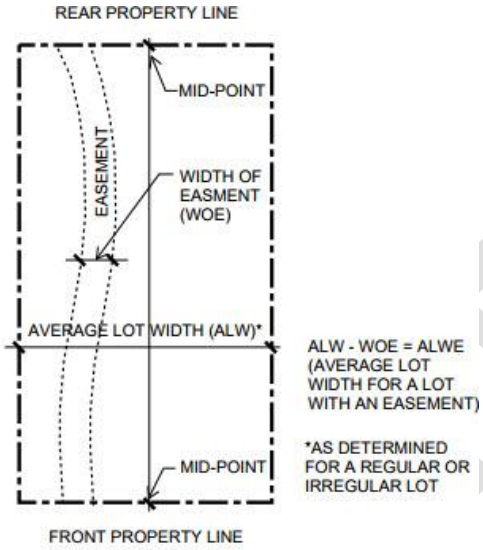


Figure 11.7.01-9: Average Lot Width—Lot with Easement



AVERAGE LOT WIDTH FOR A LOT WITH AN EASEMENT (ALWE)

Low-Barrier Navigation Center. "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, consistent with California Government Code Sec. 65660. "Low barrier" means best practices to reduce barriers to entry, that may include, but are not limited to, the following:

- The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
- Pets;
- The storage of possessions;
- Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Low Impact Development. Technologies and practices that are part of a sustainable stormwater management strategy that controls stormwater runoff on site.

Lumen. A unit of light emitted from a lamp or lamps. Where used in this Zoning Code, "lumen" shall mean the initial manufacturer published amount emitted from the lamp or lamps.

Luminaire. The complete lighting assembly, less the support assembly. For purposes of determining total light output, lighting assemblies that include multiple lamps or light sources in a single housing shall

be considered as a single luminaire. Two (2) or more luminaires installed less than three (3) feet apart shall be considered a single luminaire.

§11.7.01.013 "M" Definitions.

Marijuana. See Section 11.4.36.002.

Massage. Any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purpose. Massage includes, but is not limited to, treatment by means of manual pressure, acupressure, friction, stroking, kneading, rubbing, tapping, pounding, vibrating, with or without the aid of or by means of any mechanical, electronic, or electrical apparatus or appliance, and with or without rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations. Massage includes the application of any of these methods to the scalp, neck, or feet of any individual.

Massage Establishments (land use). Any enterprise or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any of the activities set forth in the definition of Massage. A massage establishment does not include any business that offers massage services that are accessory to the primary business, meaning massage services are provided within an area that totals less than 15% (fifteen percent) of the gross floor area of the business or any establishment that provides massage, but which is specifically exempt pursuant to LCFMC Section 6.40.015.

Mechanical Equipment. Roof-mounted, ground-mounted, and wall-mounted mechanical and utility service equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, back-flow preventers, and similar equipment), but excluding solar collectors and related equipment.

Mechanical Parking Lift. A parking system that utilizes a mechanical system to transport vehicles to and from parking spaces, rather than drivers. May be manual, semi-automated, or fully automated. May be above grade or below grade.

Media Post Production Facilities (land use). Support facilities engaged in completing work on film, video, and sound recording productions. These include facilities for film, video, and sound editing and recording studios, foley stages, etc., optical, computer graphics, and other special effects units, film processing laboratories, etc.

Medical Services (land use). Includes the following:

- **Medical Clinic.** A facility other than a hospital where medical, dental, mental health, surgical, and other personal health care services are provided on an outpatient basis, and that accommodates multiple licensed primary medical practitioners (i.e., doctors) and specialties, or four (4) or more primary practitioners in a single specialty.
- **Hospital.** Facility engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health

care. May include on-site clinics and laboratories, and accessory retail uses and eating establishments for the benefit of staff, visitors, and patients.

- **Medical Office.** See "Office, Medical and Dental."
- **Medical Spa.** A facility that during all hours of business operates under the on-site supervision of a licensed health care professional operating within their scope of practice, with a staff that operates within their scope of practice as defined by their individual licensing board if licensure is required.
- **Skilled Nursing Facility (SNF).** Residential facility housing one or more individuals in a single room with bathroom facilities and providing intensive medical and nursing care, including twenty-four (24) hour availability of licensed nursing personnel. Residents are often convalescing from serious illness or surgery and require continuous observation and medical supervision, or will reside in the facility as a long-term resident. Also known as convalescent hospital, nursing home, and extended care facilities, these are facilities licensed by the California State Department of Health Services. Does not include "Residential care facility." Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facility."

Mezzanine. An intermediate level of a building interior containing floor area without completely enclosing interior walls or partitions, placed in any story or room and not separated from the floor or story below by a wall. A mezzanine shall be considered a story for purposes of this Zoning Code and shall be counted as part of the total floor area for any floor area or FAR limitation.

Michigan Hill District. The district of Foothill Boulevard from the alley east of Daleridge Road east to Oak Grove Drive, which is one of five (5) portions of Foothill Boulevard designated on Figure LUE-3 (Foothill Districts) in the Land Use Element of the City's General Plan.

Microcell. A personal wireless service facility having a total antenna area that is no more than three hundred (300) square inches in visual cross-section from any direction and no one (1) dimension exceeding four (4) feet.

Microwave Station. A structure supporting equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems, along a communications route or system which employs microwave frequencies assigned by the Federal Communications Commission.

Ministerial Action. A ministerial action describes a City decision that does not involve discretion by a decision-making authority. The decision-making authority merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements.

Mixed Use (land use). The combination of nonresidential and residential uses on the same parcel or in the same development, where the residential component is located either above (vertical mixed-use) or behind or next to (horizontal mixed-use) the nonresidential component. Nonresidential uses are typically commercial uses.

Monopole. The type of antenna mount that is with a single shaft (typically of wood, steel or concrete) and has antennas attached to it.

Mortuary. An establishment where human remains are prepared for burial or cremation and where funeral services can be held. Excludes crematories.

Mount. The structure or surface upon which antennas are mounted. There are three types of mounts: (1) Roof mounted—mounted on the roof of a building, (2) Side mounted—Mounted on the side of a building, and (3) Ground mounted—Mounted on the ground, including but not limited to, monopoles.

Multifamily Residential (land use). Two (2) or more dwelling units sharing one parcel, not including a single-family lot with a primary dwelling unit and an accessory dwelling unit or an SB 9 urban dwelling unit. Also includes factory-built housing units, constructed in compliance with the Uniform Building Code (UBC), and manufactured housing on permanent foundations.

Museum (land use). Public or quasi-public facility devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value, with no retail sales activities other than an accessory gift/book shop.

§11.7.01.014 "N" Definitions.

Nail Salon (land use). Establishment where 75% (seventy-five percent) or more of the work stations are used to provide manicure and/or pedicure services.

Nicotine. A toxic colorless or yellowish oily liquid that is the chief active constituent of tobacco.

Not Potentially Hazardous Food. Those foods listed in Health and Safety Code Section 114365.5, and as adopted and posted on the California Department of Public Health's Internet website.

§11.7.01.015 "O" Definitions.

Offices (land use). This Zoning Code distinguishes between the following types of office facilities. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

- **Office - Business.** A facility where common business services are provided directly to the general public, such as auto club, entertainment ticket sales, insurance agencies, investment, tax preparation, travel agencies, utility company offices, etc. Typically, these uses have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment.
- **Office - Corporate.** A facility where internal administration services for large organizations (e.g., the headquarters, regional offices, or administrative offices for a corporation, etc.) are provided.
- **Office - Government.** City, and other local, State, and federal government agency or service facilities. Includes post offices.
- **Office - Medical and Dental.** A facility other than a hospital or medical clinic where medical, dental, mental health, surgical, and other personal health care services are provided on an outpatient basis, and that accommodates no more than three licensed primary practitioners (for example, chiropractors, medical doctors, acupuncturists, other similarly licensed practitioners, etc.). Includes "medical spas."

- **Office - Production, Research, and Development.** Office-type facilities occupied by businesses engaged in the production of intellectual property, including: advertising agencies; architectural, engineering, planning and surveying services; computer software production and programming services; educational, scientific, and research organizations; media postproduction services; photography and commercial art studios; writers and artists offices.
- **Office - Professional.** A facility where professional services are provided to the public and other businesses, such as accounting, architectural, auditing and bookkeeping, detective and similar services; employment, engineering, legal, literary and talent, planning, management and public relations, unlicensed healing arts practitioners, etc.). Typically, these uses serve visitors on an appointment-only basis and walk-in traffic is minimal.
- **Office - Real Estate.** A facility where real estate services are provided to the public.
- **Office - Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a project; or a temporary business office in advance of permanent facility construction.
- **Office - Temporary Real Estate.** The temporary use of a dwelling unit within a residential project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Old Town District. The district of Foothill Boulevard from Alta Canyada Road east to Verdugo Boulevard, which is one of five (5) portions of Foothill Boulevard designated on Figure LUE-3 (Foothill Districts) in the Land Use Element of the City's General Plan.

Open Space Area. The amount of each site required to be devoted to open space other than parking, driveways and internal circulation, sidewalks, and service-related areas, such as trash enclosures, loading areas, and similar areas.

Ordinance. An ordinance of the city of La Cañada Flintridge.

Outdoor Dining Area. An unenclosed area located on private or public property that is made available to, or customarily used by, the general public and that is designed, established, or regularly used exclusively for consuming food and/or beverages or where food and/or beverages are served, whether or not for compensation.

Outdoor Display and Activities, Permanent (land use). Permanent outdoor sales and retail establishments including lumber and other material sales yards, newsstands, merchandise display, seating areas not associated with eating and drinking establishments, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure. See "Eating and Drinking Establishments, Outdoor Dining - Accessory" for outdoor dining.

Outdoor Display and Activities, Temporary (land use). Temporary outdoor retail operations including: Christmas trees, pumpkins or the sale of other seasonal items; farmers' markets; sales of art/handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; retail sales from individual vehicles in temporary locations outside the public right-of-way; swap meets or auctions; and similar temporary outdoor retail sales.

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Outdoor Markets and Swap Meets (land use). The use of any open lot, building, or structure, which has been divided into temporary stalls, booths, or spaces for the purpose of creating a marketplace where buyers and sellers are admitted to display, exchange, barter, sell, or bargain for new or used products; and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Outdoor Storage (land use). The storage of goods, equipment or materials outside of a building for any purpose other than outdoor display.

Outdoor Vending/Service Facility (land use). Any self-contained facility, mechanical device, machine, appliance, or locker located on the outside of a building that is used to provide or dispense a service or retail product to the public without the owner's or agent's immediate presence, including, but not limited to: canned or bottled beverage dispensers, food or snack dispensers, filtered water dispensers, video rental machines, coolers for the retail sale of bagged ice, and self-service parcel delivery service facilities. For the purposes of this Zoning Code, an "outdoor vending/service facility" does not include newspaper racks/boxes, automated teller machines, pay phones, and youth amusement rides (such as coin-operated horse ride machines).

§11.7.01.016 "P" Definitions.

Parapet. The extension of an exterior building wall above the roof structure.

Parking Facility. The total area designated for off-street parking in mulifamily, mixed use, and non-residential zones for vehicles, bicycles, and motorcycles, including driveway access, drive aisles, and other vehicle circulation features; loading facilities; pedestrian circulation facilities; and other associated features. A parking facility may be uncovered surface parking (i.e., a parking lot), structured parking, or some combination thereof.

Parking Space. A readily accessible area maintained exclusively for the parking of one vehicle, exclusive of aisles, driveways, ramps and columns.

Parking Space, Tandem. A parking space that is only accessed by passing through another parking space from a street, alley, or driveway/drive aisle.

Parking, Structured. For the purposes of this Zoning Code, structured parking (a parking structure) is a parking area that is located within a structure or portion of a structure that may be totally below grade (fully subterranean), partially above grade (semi-subterranean), or totally above grade. Parking on top of a structure—where there is gross building area below the parking, but nothing above (e.g., roof-top parking)—is structured parking. Does not include garage or carport.

Parks and Recreation Facility, Public (land use). A noncommercial park, playground, or other recreation facility, and/or open space, officially designated as a public park or recreation facility. Includes all appurtenant facilities customarily found in conjunction therewith.

Pedestrian Plaza. Open space area separate from vehicular access and of sufficient width to be perceived as a gathering place rather than merely a circulation path. Also referred to as "Paseo."

Pennant. See "Flags, pennants, banners, bunting or streamers."

Permeable Surface. A surface that allows water to infiltrate the underlying soils. Permeable surfaces shall include, but not be limited to, porous asphalt, porous concrete, single-sized aggregate, and open-jointed blocks, stone, pavers, or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface material discharges off the site.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, limited liability company, estate, trust, business trust, receiver, assignee for the benefit of creditors, trustee, trustee in bankruptcy, syndicate, the United States, the State of California, any county, city and county, municipality, district or other political subdivision, or any other group combination acting as a unit, unless otherwise defined within the applicable chapter.

Personal Service (land use). Establishment providing non-medical, recurrently needed services of a personal nature to individuals as a primary use. Illustrative examples of these uses include:

- Barber and hair/beauty shops;
- Clothing rental;
- Dry cleaning pick-up stores with limited or small-scale equipment;
- Home electronics and small appliance repair;
- Laundromats (self-service laundries);
- Locksmiths;
- Pet grooming with no boarding;
- Nail salons;
- Shoe/luggage repair shops;
- Tailors and seamstresses;
- Tanning salons

Personal Wireless Service(s). Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

Personal Indoor Cultivation of Marijuana (Land use). The indoor personal cultivation of six (6) or fewer marijuana plants inside a private residence, or inside a fully enclosed accessory structure to such a private residence, occurring cumulatively in an area of no more than fifty (50) square feet, for personal use or for a qualified patient, as authorized under Health and Safety Code Sections 11362.1(a)(3) and 11362.2, and as may be amended, and as provided for in Chapter 11.4.36 (Personal Indoor Cultivation of Marijuana) of this Zoning Code.

Personal Wireless Service Facility (land use). A facility for the provision of personal wireless services (PWSF).

- **Major Facilities Addition.** Any addition to a PWSF which is not a minor facilities addition.
- **Minor Facilities Addition.** An addition to a PWSF which does not increase (1) the base of the mounting surface area by more than ten percent, or (2) increase the total antenna surface area by more than ten percent with no single antenna being larger than the largest antenna before the addition, where all percentage increases are measured against the original PWSF approved plans.

Place of Employment. Every place that trade or business is carried on, or where any process or operation, directly or indirectly to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit.

Planter. An area devoted to vegetation and closely bounded by paving, building walls, garden walls or other edge features.

Plant Nurseries and Garden Supply Stores (land use). Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is included under "General Retail Stores." Home greenhouses are included under "Accessory Residential Uses and Structures."

Postal Service (land use). A commercial establishment that provides postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Preferential Parking. Parking spaces designated or assigned through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

Primary Use. The predominant use of a lot, building, or structure.

Commented [CH1]: This was deleted by Patricia in 2024, added back in 2026

Principal Use. See "primary use."

Projection. See "Building projection."

Property Line. Legal boundary that defines where property begins and ends. Also referred to as a lot line.

Property Owner. The record owner of real property based on the county assessor's records. A property owner also serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a tenant and/or agent.

Pro Shop (land use). An incidental commercial use operated in conjunction with, and on the same premises as a principal recreational use, which offers for retail sale sporting equipment and supplies customarily utilized in participating in such recreational activity. Pro shop does not include a general sporting goods store.

§11.7.01.017 "Q" Definitions.

No technical terms beginning with the letter "Q" are defined at this time.

§11.7.01.018 "R" Definitions.

Reader Board. A permanent structure on which is displayed copy of a temporary or changeable nature.

Receiving Landscape. Includes features such as soil, basins, swales, mulch, and plants.

Recreational Vehicle. A motorized or non-motorized vehicle primarily designed for recreational, camping, animal transportation, human habitation, or similar uses. Examples of recreational vehicles include, but are not limited to, any of the following: motor homes, trailers, boats, all-terrain vehicles, or similar vehicles as determined by the director of community development. Pickup trucks with attached utility camper shells not designed for animal transportation, camping, or human habitation, and used primarily for transportation and/or commercial use are excluded from this definition.

Recreation Facility, Commercial (land use). Commercial enterprise offering the use of outdoor recreational facilities to the public, including tennis, swimming pools; polo, and other similar recreational facilities, but not including shooting ranges. Such facilities may include a clubhouse, changing rooms, and similar subordinate facilities in conjunction with the recreation activity but do not include a restaurant, bar, or pro shop.

Recreational Facility, Private (land use). An association of persons who are bona fide members, paying regular dues, and organized to provide recreational facilities for members and their guests, but not including an association organized primarily to render a service customarily carried on as a commercial enterprise.

Recreation—Outdoor, Passive (land use). Includes passive recreation that is compatible with open space, which contributes to the preservation of natural resources, habitat protection, protection and management of natural resources, protection from and management of natural hazards, and hillside protection, as identified in the General Plan.

Recycling Facilities (land use). A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic, not including refuse or hazardous materials. The definition of this land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

- **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. A bulk reverse vending machine is a reverse vending machine that is larger than fifty 50 square

feet, is designed to accept more than one (1) container at a time, and issues a cash refund based on total weight instead of by container.

- **Recycling Facility, Small.** A facility that occupies an area of three hundred fifty (350) square feet or less where the public may donate, redeem, or sell recyclable materials.
- **Recycling Facility, Large.** A facility that occupies an area of more than three hundred fifty (350) square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Refuse and/or Recycling Storage Area. An enclosed area for the storage of refuse and/or recycling containers.

Religious Facility (land use). Facility operated or used by a religious organization for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, including living quarters for ministers and staff, child day care facilities, and religious schools where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals, and other potentially related operations (for example, a recreational camp), are classified according to their respective activities.

Residence. See "Dwelling Unit."

Research and Development (land use). Facilities for scientific research, and the design, development, and testing of robotics, electrical, electronic, magnetic, optical, and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Does not include soils and other materials testing laboratories (see "Laboratory, General"), or medical laboratories (see "Laboratory, Medical and Dental").

Residential Care Facility (land use). A place, site or building, or groups of places, sites or buildings, which provides 24-hour non-medical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes the following licensed residential care facilities:

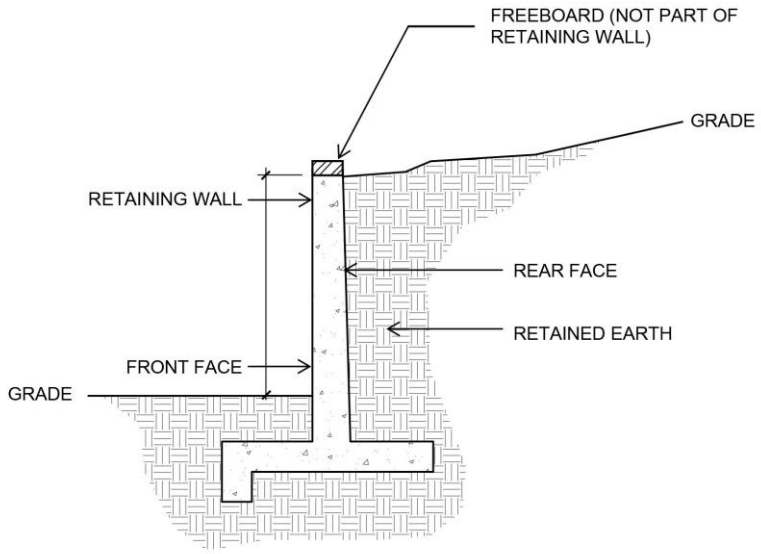
- **Small—Six (6) or Fewer Persons.** State-licensed facility that provides care, services, or treatment in a community residential setting for six (6) or fewer adults, children, or adults and children, and which is required by state law to be treated as a single housekeeping unit for zoning purposes, subject to all land use and property development regulations applicable to single housekeeping units (see "Single housekeeping unit").
- **Large—Seven (7) or More Persons.** A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven (7) or more individuals with a disability reside who are not living together as a single housekeeping unit (see "Single housekeeping unit") and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability.

- **Residential Care Facility for the Elderly (RCFE).** A housing arrangement, including a place, site, or building, or groups of places, sites or buildings, which is licensed by the State, chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person, where seventy-five (75) percent of the residents are sixty (60) years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. Does not include "Convalescent Care/Skilled Nursing Facility," or "Senior Citizen Multifamily Residential." Another term commonly used to refer to this level of care is "assisted living facility."

Residential Zones. As used in this Zoning Code, means single-family (R-1), multifamily (R-3), and residential planned development (RPD) zones.

Retaining Wall. For the purposes of this Zoning Code, a wall or manmade soil-retention system designed and constructed to resist lateral soil pressure of the material it is holding, or "retaining." See Figure 11.7.01-10.

Figure 11.7.01-10: Retaining Wall—Section



Also see figure 11.0.03-2 Light Well - Section View

Retaining Wall, Inward-Facing. A retaining wall whose front face (the side of the retaining wall that is in the opposite direction of the soil being retained) faces inward toward the subject property. See Figure 11.7.01-10.

Retaining Wall, Outward-Facing. A retaining wall whose front face (the side of the retaining wall that is in the opposite direction of the soil being retained) faces outward from the subject property, and toward the property line(s) of the subject property. See Figure 11.7.10-10.

Returns. On an architectural feature, the visible sides of an object, distinct from the object's face.

Reveals. On an architectural feature, the recesses in a surface, giving texture, definition and interest to it.

Right-of-Way. Any property of which the City has an easement or ownership for public travel use or as a buffer between road use and private property.

Right-of-Way, Ultimate. The maximum width to which an existing or proposed right-of-way may be widened in accordance with the Circulation Element.

Roof, Flat. A roof having a pitch of less than 2:12.

Roofed Area, Open. A roof constructed in such a way so that more than 50% (fifty percent) of the surface area is open to light and air.

Roofed Area, Solid. A roof constructed in such a way so that no more than 50% (fifty percent) of the surface area is open to light and air. A roof constructed with louvers that can be closed shall be considered a solid roofed area for the purposes of the Zoning Code.

Room. An un-subdivided portion of the interior of a dwelling excluding bathrooms, kitchens, closets, hallways and service porches.

Rooming and Boarding house (land use). A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under three (3) or more separate written or oral rental agreements, leases or subleases, or combination thereof, for a period of thirty (30) or more consecutive days, whether or not the owner, agent or rental manager resides within the residence, where sleeping or rooming accommodations are furnished to the whole, or any part of the public whether with or without meals. Does not include "Bed and Breakfast" or "Short-Term Vacation Rental."

§11.7.01.019 "S" Definitions.

School – Kindergarten through Grade 12, Public & Private (land use). Public and private accredited educational institutions, including appurtenant instructional and recreational facilities, without boarding, which offer instruction required by the State Education Code. Does not include pre-schools and child day care facilities (see "Child Day Care Facilities").

School - Other (land use). Public or private accredited educational institutions that may include boarding, such as: academies, conservatories, colleges and universities; community colleges, and military academies.

School - Private Specialized Education, Tutoring, or Training (land use). Public or private institutions providing specialized education/tutoring/training. Illustrative examples of these uses include the following:

- Art, computer-generated graphics, photography, and other design-related courses;

- Ballet and other dance;
- Business, secretarial, and vocational schools;
- Computers and electronics;
- Culinary arts; drama;
- Driver education;
- Language;
- Music;
- Personal growth and development, such as fitness and diet, environmental awareness, arts, communications, and management;
- Professional schools (law, medicine, etc.);
- Seminaries/religious ministry training facilities;
- Tutoring centers;
- Other uses determined by the Director to be similar.

See also the definition of "Special Needs Educational and Training Facilities" for facilities offering specialized education to students with disabilities. Does not include part-time religious instruction at places of worship or preschools and day care facilities.

Screening. Blocking of a potentially disruptive object from sensitive surroundings, or blocking of disruptive surroundings from a potentially sensitive object.

Script. Cursive style lettering.

Section. A section of this Zoning Code unless some other ordinance or statute is mentioned.

Senior Citizen. A person sixty-two (62) years of age or older, or fifty-five (55) years of age or older in a senior citizen housing development as defined in California Civil Code Section 51.3.

Senior Citizen Multifamily Residential (land use). An age-restricted multifamily residential development or the residential portion of a mixed-use development, which is developed, designed, or substantially rehabilitated or renovated for and intended to be principally occupied by senior citizens (i.e., a person sixty-two (62) years of age or older, or fifty-five (55) years of age or older living independently in a senior citizen housing development), where care is not provided, and each dwelling unit has individual living, sleeping, bathing, and kitchen facilities. The development may include common facilities (for example, recreation areas) and a congregate meals program in a common dining area. Does not include "Convalescent Care/Skilled Nursing Facility" or "Residential Care Facility for the Elderly."

Service Station (land use). Establishment engaged in the retail sale of gasoline, diesel, alternative fuel, electrical charging infrastructure, lubricants, parts, and accessories, which may also provide services that are accessory to fuel services, including incidental minor maintenance and repair of automobiles and light trucks, vans, or similar size vehicles. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback. The portion of a lot adjacent to any property line, required to remain free of construction.

Setback, Required Exterior Side. A line which is the minimum required horizontal distance between the side street lot line or ultimate right-of-way of a corner lot and a line parallel thereto on the lot.

Setback, Required Front. A line which is the minimum required horizontal distance between the front lot line or ultimate right-of-way and a line parallel thereto on the lot. See also Figure 11.7.01-6.

Setback, Required Rear. A line which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot. See Figure 11.7.01-6.

Setback, Required Side. A line which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot. See Figure 11.7.01-6.

Shield. A component of an outdoor light fixture that blocks the transmission or emission of light as a means of controlling or directing the light emitted from the fixture. A permanently attached shield may be part of the fixture that contributes to the full cutoff lighting performance of the fixture.

Shielded. An outdoor light fixture having one or more shields permanently installed to provide full cutoff photometric performance.

Shopping Center (land use). A commercial building or development that consists of a minimum of 10,000 square feet of gross leasable floor area for two (2) or more tenant spaces.

Short-Term Vacation Rental (land use). A dwelling unit or portion of a dwelling unit as defined by the City' s Zoning Code that is rented for dwelling, lodging, or sleeping purposes by the owner to another party for a period of less than thirty (30) consecutive days in exchange for any form of monetary or non–monetary consideration, such as, but not limited to, trade, fee, swap, or any other in-lieu of cash payments. Does not include "Rooming and Boarding Houses" or "Bed and Breakfast."

Sign. Any physical form of visual communication, including its structure and component parts, which is exposed to exterior view to attract attention to or provide information about the subject matter, through use of any combination of words, letters, figures and/or symbols.

Sign Area. The surface space containing words, letters, figures or symbols, together with any frame or material forming an integral part of the display but excluding support structures, the face of the building, and incidental parts not drawing attention to the subject matter. Where freestanding or projecting signs have two sides or faces, but only one face is visible from any point, the surface area of only one side shall be applied to the total sign area permitted.

Sign, Awning. Any sign attached to, painted on, or integral to an awning.

Sign, Civic Event. A sign posted to advertise, identify or provide direction to, a civic event sponsored by the city or another nonprofit agency or organization.

Sign, Construction and Trades. A sign stating the name and address of those individuals or firms directly connected with a construction project and/or the name of the owner or ultimate user.

Sign, Directional Onsite. A sign, within the subject property, which directs or controls the movement of pedestrians or vehicles.

Sign, Directory Monument. A sign which is permanent and used to identify the name of a multi-user center and its tenants.

Sign, Election. Means a sign advertising any candidate for public office, proposition, or other issue to be voted on by the electorate. See also "Political sign."

Sign, Flashing Illumination. Any sign for which illumination is not maintained constant in intensity, color and/or pattern.

Sign, Illuminated. A sign with which an artificial source of light is used. This definition shall include internally and externally lighted signs and reflectorized, or glowing signs.

Sign, Incidental Identification. A sign which is used to identify the occupants or the activity at the building, lot, or premises where the sign is located.

Sign, Moving. Any sign in or on which any visible portion rotates or moves in any way or appears to be doing the foregoing.

Sign, Neon. A sign comprised partially or entirely of exposed small diameter tubing, illuminated by neon, argon or other means.

Sign, Noncommercial. Election, political, public service, public safety, civic event, and directional on-site signs, and government posters.

Sign, Off-Premises. A sign identifying a business, product or service not available at the property where the sign is displayed.

Sign, On-Premises. A sign used to identify the business, occupant, product or service available at the premises on which the sign is displayed.

Sign, Political. A sign advocating any political idea or message which is not to be voted on by the electorate. See also "Election sign."

Sign, Portable. A sign which is capable of being carried or moved from one spot to another and is not permanently attached to the ground or a structure.

Sign, Projecting. A sign attached to a building, with the orientation of the sign face(s) at more than twenty (20) degrees angle to the adjacent face of the building.

Sign, Property Regulation. Sign which bears a message solely for the purpose of regulating activity relative to the use of the property, of which common examples include "No Solicitors," "No Parking" and "Beware of Dog."

Sign, Public Safety. A sign determined by the director of community development or the director of public works, city or other public agency, to be necessary for the public safety or convenience.

Sign, Public Service. A temporary sign devoted to a religious, charitable, cultural, governmental, or educational purpose.

Sign, Realty. A sign which pertains to the sale, lease, rental or display of real property. See also "Construction and trades sign."

Sign, Security. A sign indicating the provision of security protection service for the property.

Sign, Subdivision Identification. A sign which is permanent and used to identify a residential subdivision.

Sign, Subdivision. A non-illuminated sign for the purpose of advertising and/or directing people to a newly constructed subdivision or apartment complex.

Sign, Suspended Projecting. A projecting sign which is affixed to its support along only the top edge of the sign.

Sign, Temporary. A sign constructed of paper, cloth, canvas, or other similar lightweight materials, with or without frames.

Sign, Wall. Any sign affixed to the building with the alignment of the sign copy within twenty (20) degrees of parallel to the adjacent wall of the building.

Sign, Window. Any sign placed within three (3) feet of the face of a display window, except for signs having their primary orientation to the interior of the building.

Single-Family Residential (land use). A building designed for and/or occupied exclusively by a single housekeeping unit. Also includes factory-built housing units, constructed in compliance with the Uniform Building Code (UBC), and manufactured housing on permanent foundations.

Single Housekeeping Unit. The functional equivalent of a family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.); and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager; and membership in the single housekeeping unit is fairly stable as opposed to transient.

Single-Room Occupancy (SRO) Facility (land use). A residential facility for homeless persons, other than a residential care facility, operated by a provider that offers housing consisting of single-room dwelling units, and that is the primary residence of its occupant or occupants for a period not less than one (1) month and to exceed six (6) months per calendar year. For purposes of this definition, a "provider" shall mean a government agency or private non-profit organization that provides or contracts with recognized community organizations to provide SRO housing. SRO residential units must lack either food preparation or sanitary facilities or may lack both.

Site Users. Those individuals who live at, work at, or regularly visit a site, or who are members of an organization operating on the site; all of whom are readily identifiable from the records of owners or tenants of the site. For illustrative purposes only, primary users of a site based on membership include the members of a church located on the site, the parents of children who attend a school located on the

site, those holding membership in a YMCA operating on the site and members of a fraternal organization operating on the site.

Skyglow. A phenomenon caused by artificial light shining into the atmosphere, resulting in a brightening of the night sky.

Slope. An inclined ground surface of a lot, or portion of a lot, the inclination of which is expressed as a ratio of horizontal distance (run) to vertical distance or change in elevation (rise) (e.g., 2:1 or 1:1) or as a percentage (e.g., 50% or 100%). The percentage of any given slope is determined by dividing the rise by the run multiplied by one hundred (100).

Slope Factor. Whenever this Zoning Code refers to a Slope Factor, it shall be determined based on the following Table 11.7.01-1: Slope Factor as Related to Average Slope:

Table 11.7.01-1: Slope Factor as Related to Average Slope

Slope Factor as Related to Average Slope			
Slope—Percent (%)	**Slope—Factor**	**Slope—Percent (%)**	**Slope—Factor**
20 or less	1.00	36	0.78
21	0.99	37	0.76
22	0.98	38	0.73
23	0.98	39	0.70
24	0.96	40	0.67
25	0.95	41	0.64
26	0.94	42	0.60
27	0.93	43	0.57
28	0.92	44	0.54
29	0.91	45	0.50
30	0.90	46	0.45
31	0.88	47	0.40
32	0.86	48	0.35
33	0.84	49	0.30
34	0.82	50 or more	0.20
35	0.80		

Special Needs Education and Training Facility (land use). Private educational institution offering specialized education, rehabilitation, training, and similar services exclusively for persons who have a physical and/or mental impairment(s) that, among other limitations, prevents them from obtaining driver's licenses.

Sports Courts – Private (land use). A generally square or rectangular space that has a playing surface, paved or unpaved, designed to be used for playing or practicing tennis, badminton, paddle-

tennis, volleyball, basketball, squash, or similar outdoor games. Temporary playing surfaces on grass or dirt are not regulated by this Zoning Code.

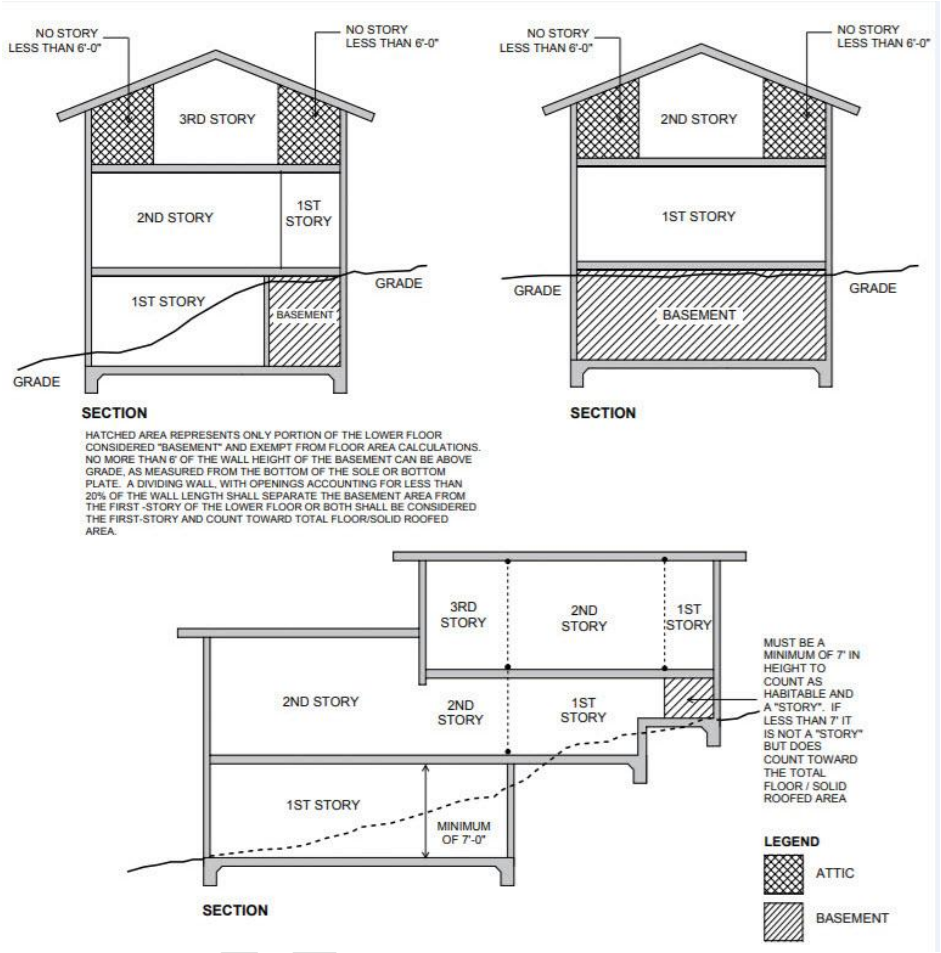
Standards. Regulations which are mandatory. Regulations are mandatory "shall" statements.

Stealth. "Stealth" means: (1) not easily identifiable as a personal wireless service facility by a casual observer that is located on property other than the cell site, (2) is aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, textures, screening, painting or architectural integration with the surroundings (e.g., church steeple or bell tower within a church, unobtrusive penthouse on a roof, false rock, false structure or a tree amongst other trees).

Story. That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. For the purposes of this Zoning Code, the first story of a building shall also mean the same thing as the "ground floor." See Figure 11.7.01-11. For the purposes of this Zoning Code, an attic as defined in this Chapter shall not be considered a story. For the purposes of this Zoning Code, a mezzanine as defined in this Chapter shall be considered a story. See also "Attic" and "Mezzanine."

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Figure 11.7.01-11: Story



Story Pole. On-site, full-size temporary frame structures used to visualize the outline of a proposed permanent structure.

Streamers. See "Flags, pennants, banners, bunting or streamers."

Street. A public or private right-of-way, other than a parkway, freeway, or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property. May include a primary, major, collector, residential collector, or local residential roadway as provided in the Circulation Element of the City's General Plan.

Structure. Anything built, constructed, fabricated, formed, or placed which requires a fixed location on the ground, or is attached to something having a fixed location on the ground regardless of method or location of its creation. This definition excludes paved area.

Structure, Accessory. A detached subordinate structure or building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone on the same lot or parcel of land with the primary building or use. This definition does not apply to Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs).

Structure, New. A structure is considered "new" under any of the following circumstances:

1. A structure built where no structure previously exists.
2. A structure involving demolition of more than 50% (fifty percent) of the existing floor area.
3. A structure involving demolition of more than 50% (fifty percent) of the existing exterior walls, inclusive of doors and windows.
4. Expansion of an existing structure, where the square footage of the addition is more than 50% (fifty percent) of the square footage of the floor area, not including the square footage of a basement.
5. A structure involving an alteration or removal of more than 50% (fifty percent) of solid roofed area. An alteration of solid roofed area includes changing the roof type (e.g., gable, hip, shed, flat, intersecting, etc.), changing roof pitch, and construction involving framing one roof on top of another already-existing roof (also known as a "California roof"). An alteration or removal of solid roofed area does not include replacing roofing materials (e.g., shingles and associated covering material), reroofing the existing structure without changing type or pitch for maintenance purposes, or reinforcing the roof structure to install solar panels.
6. Cumulative expansion, alteration, and removal, as provided in sections 2. through 5. of this definition, of the floor area of the existing structure within any five (5) year period.

Structure, Primary. The structure that contains the primary use on a parcel.

Subdued Lighting. Lighting in which the source is not viewed directly, except for neon.

Substantial Conformance. Any proposed project, activity, construction, and development that was approved through a ministerial or discretionary permit pursuant to this Zoning Code or tentative map is consistent with and in conformance with that previously approved permit or tentative map, including the approved exhibits, permit conditions, environmental documentation, applicable land use policies, and the public record for the previously approved permit.

Supermarket. See "Grocery store."

Supportive Housing (land use). As used in this Zoning Code, "supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. As used in this definition, "target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV, AIDS, substance abuse, or other chronic health condition, or

individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, 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.

§11.7.01.020 "T" Definitions.

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV, AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, 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.

Tattooing and Body Piercing and Body Art Establishment (land use). Establishment that engages in any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring and/or establishments that create an opening in the body of a person for the purpose of inserting jewelry or other decoration. Does not include licensed physicians, nurses, electrologists, and cosmetologists and does not include jewelry stores that offer ear piercing.

Temporary Portable Storage Unit. A portable self-storage container that is delivered to and retrieved from a home, business, or other allowed use for short-term on-site or short-term or long-term off-site storage. "Portable on Demand Storage" (PODS) is a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

Tenant. The lessee of facility space at an applicable development project.

Theaters and Auditoriums (land use). Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters and facilities for "live" theater and concerts; exhibition and convention halls, motion picture theaters, public and semi-public auditoriums, and similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events.

Tobacco and/or Electronic Cigarette Lounge (land use). An establishment, in whole or in part, where customers can smoke or inhale tobacco or electronic cigarette products or other similar substances on the premises, including but not limited to establishments known as cigar lounges, hookah lounges, vape lounges, tobacco clubs, or tobacco bars. Does not include a "Tobacco and/or Electronic Cigarette Shop," which sells tobacco products and/or tobacco paraphernalia, and/or electronic cigarette products and/or electronic cigarette paraphernalia, but does not provide for on-premises use of such products.

Tobacco Product, Tobacco Paraphernalia, and Smoking. The terms "Smoking," "Tobacco Paraphernalia," and "Tobacco Product" as used in this Zoning Code are as defined in LCFMC §6.07.010 or its successor, and subject to LCFMC Chapter 6.07 ("Tobacco Retail Licensing") or its successor.

Tobacco and/or Electronic Cigarette Shop (land use). Any store, stand, booth, concession, or other place that either devotes a substantial portion of its display area 15% (fifteen percent) or more of gross floor area of the use) to tobacco products and/or tobacco paraphernalia, and/or electronic cigarette products and/or electronic cigarette paraphernalia, or similar products, or devotes more than sixteen (16) cubic feet of shelf space, for the display or sale of tobacco products and/or tobacco paraphernalia and/or electronic cigarette products and/or electronic cigarette paraphernalia or similar products to purchasers for consumption or use.

Trail. Any trail identified in the City's Trails Master Plan, as adopted by the City Council and which may be amended from time to time.

Trails-Affected. A project or project-related property that is part of, on or adjacent to a trail, staging area, trailhead, entryway, proposed trail, or dedicated but unused trail as specified in the City's Trails Master Plan, as adopted by the City Council and which may be amended from time to time.

Trailer. A vehicle, other than a motor vehicle, designed for human habitation or human occupancy for recreational, industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.

Transitional Housing (land use). Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Transportation Demand Management (TDM). The alteration of travel behavior—usually on the part of commuters—through programs of incentives, services and policies. TDM addresses alternatives to single-occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

Trip Reduction. Reduction in the number of work-related trips made by single-occupant vehicles.

§11.7.01.021 "U" Definitions.

Uncovered. Open to the sky or a minimum of 50% (fifty percent) open to the sky. See also "Covered."

Unlicensed Wireless Service. The offering of telecommunications services using duly authorized devices, which do not require individual license, but does not mean the provision of direct-to-home satellite services as defined in section 303(v) of Title 47 of the United States Code. (Ord. 323 Exh. A, 2001)

Unshielded. Any outdoor light fixture that is not a full cutoff light fixture.

Upper Floor. A floor level that is above the ground or main level floor.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

Use, Accessory, General (land use). A use customarily incidental to, related, and clearly subordinate to a primary use established on the same lot or parcel of land (or, in the case of a commercial use, in the space occupied by a particular land use), which accessory use is otherwise a permitted use in the zone; does not alter said principal use, does not exceed 20% (twenty percent) of the gross floor area of the use, unless otherwise specified in this Zoning Code, including storage (unless otherwise specified); nor serve any property other than the parcel where the principal use is located. An accessory use may be located either in the primary structure or an accessory detached structure.

Use, Accessory, Non-Residential (land use). A use meeting the definition of "accessory use, general," and unless otherwise specified in this Zoning Code, including the following:

- Light manufacture or assembly of small products (such as apparel, jewelry, sculpture, and art) in support of the on-site retail business that is the primary use of the site;
- Pharmacies within medical office buildings and hospitals;
- Other non-residential accessory uses and activities that serve the needs of employees, guests, patrons, and customers of the primary use, as determined by the Director to be of the same general character as those listed above, and not objectionable or detrimental to surrounding properties and the neighborhood.

Use, Accessory, Residential Developments of More than Two (2) Dwelling Units (land use). A use meeting the definition of "accessory use, general," and including the following: accessory uses for residential projects of more than two (2) dwelling units include places of assembly, such as common recreation and community rooms or similar facilities appurtenant to a project, and recreational facilities such as playground equipment, unlighted tennis courts, pools, or similar facilities appurtenant to a project.

Use, Primary. The predominant use of a lot, building, or structure.

Utility Facility (land use).

- **Major utility facility.**
  - Generating plants, electrical distribution and transmission substations, above-ground electrical transmission lines, lone switching structures, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, dams, gauging stations, pumping stations, tanks, wells, any other use normal and appurtenant to the storage and distribution of water, battery infrastructure, and similar facilities of public agencies or public utilities, including any building used for the administration of the subject facility.
  - Any buildings or premises used for the administration of public utility repair, maintenance, and installation crews, including parking for vehicles, but not including warehouses or storage yards.
  - Any buildings or premises used for the office, warehouse, storage yard or maintenance garage of a public utility including microwave repeater stations when incorporated as a part of the service yard use.

- Any use allowed in "Minor Utility Facility."
- Does not include "Telecommunications Facilities."

- **Minor utility facility.**
  - Utility facilities that are necessary to support legally established uses and involve only minor structures (e.g., electrical distribution lines, underground water lines, underground sewer lines, battery infrastructure, etc.), including any building used for the administration of the subject facility.
  - Includes any buildings or premises used for the administration of public utility repair, maintenance, and installation crews, including parking for vehicles, but not including warehouses or storage yards.
  - Does not include "Telecommunications Facilities."

§11.7.01.022 "V" Definitions.

Valance. The vertical bottom portion of an awning.

Vanpool. A vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen (15) adult passengers and on a prepaid subscription basis.

Valet Parking. The service in which patrons' vehicles are parked and retrieved by an attendant, whether or not a charge is levied, and whether or not the valet parking operation is done under contract to the business or organization for which the vehicles are being parked, or done independently.

Vehicle. Any motorized form of transportation, including, but not limited to, automobiles, vans, buses, and motorcycles.

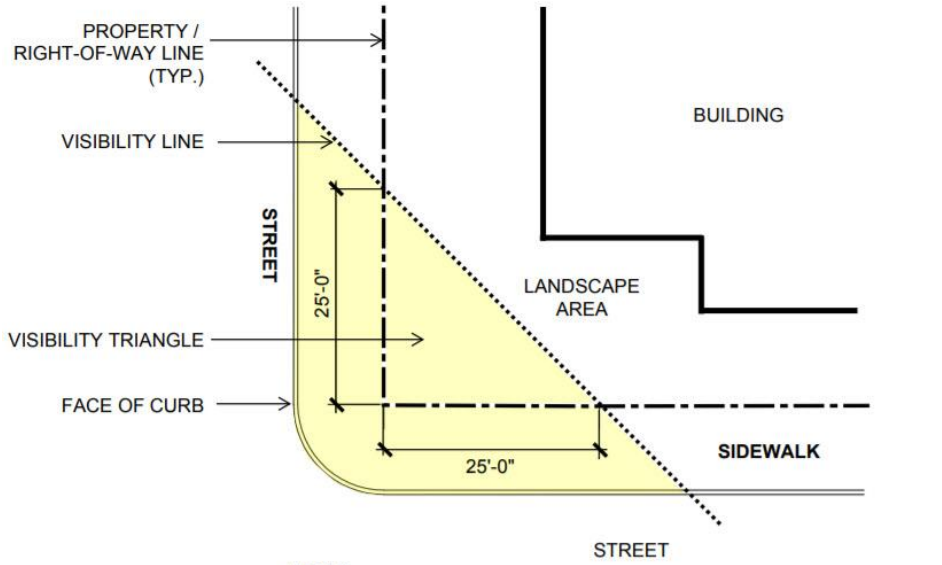
Vehicle Repair (land use).

- **General.** Major repair of automobiles, motorcycles, recreational vehicles, or trucks. Examples of uses include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; tire sales and installation shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.
- **Limited.** Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; wheel alignment and balancing.

Veterinary Clinic (land use). Any facility providing medical or surgical treatment to dogs, cats, and other household animals but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

Visibility Triangle. An area located near a street or driveway intersection in which no structure or landscaping may be installed which will obstruct views or create a traffic or pedestrian hazard. See Figure 11.7.01-12.

Figure 11.7.01-12: Visibility Triangle



NOTES:
1 - All objects, except for trees and utility poles, installed or planted within the VISIBILITY TRIANGLE in the "yellow zone" shall not exceed 30 inches in height from top of curb or 36-inches from the top edge of the road pavement if no curb exists.

2 - All objects, except for trees and utility poles, installed or planted within the VISIBILITY TRIANGLE in the "yellow zone" shall be not less than 18inches set back from the front face of the curb or edge of the road pavement if no curb exists.

Note: Tree branches under 9 feet measured from the ground should be trimmed up.

Volume Space. Any space with a ceiling or top plate height exceeding the following maximum height of the space is considered as constituting two (2) stories for the purposes of calculating maximum allowable floor/solid roofed area and setbacks:

- Parcels twenty thousand (20,000) sf. or greater with an average lot width of one hundred (100) feet or greater: fourteen (14) feet
- Other properties: twelve (12) feet

§11.7.01.023 "W" Definitions.

West Gateway District. The district of Foothill Boulevard from the western city boundary of the city to Leata Lane, which is one of five (5) portions of Foothill Boulevard designated on Figure LUE-3 (Foothill Districts) in the Land Use Element of the City's General Plan.

Wild Animal. Any wild, exotic, and/or dangerous animal which is not normally domesticated in the United States, including mammals, fowl, fish, or reptiles, and including, but not limited to: any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wildcat, skunk, raccoon, venomous reptile, ratites including ostriches, emus and rheas, rodents attaining an adult weight of over 10 (10) pounds, or any crocodilian (order Crocodilia), irrespective of its actual or asserted state of docility, tameness, or domesticity.

§11.7.01.024 "X" Definitions.

No technical terms beginning with the letter "X" are defined at this time.

§11.7.01.025 "Y" Definitions.

Yard. An open space other than a court, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in Chapter this Zoning Code.

Yard, Required Front. The yard which is located between the front lot line and the required front setback line. See also Figure 11.7.01-6.

Yard, Required Rear. The yard which is located between the rear lot line and the required rear setback line. See also Figure 11.7.01-6.

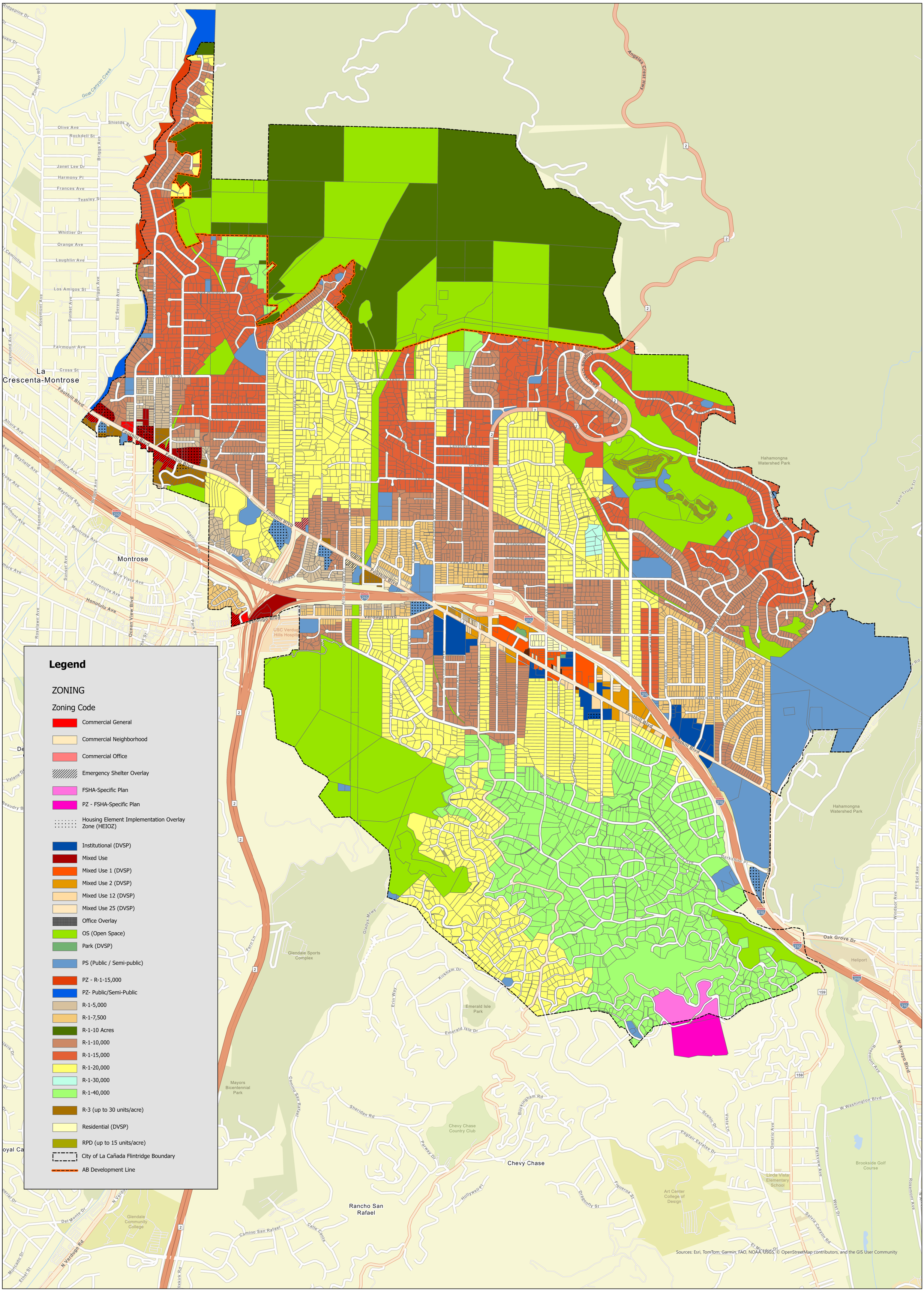
Yard, Required Side. The yard which is located between the side lot line and the required side setback line. See also Figure 11.7.01-6.

Yard Equipment. Anything constructed, assembled, or erected and located outdoors, which does not require a fixed location on the ground and which is not attached to something having a fixed location on the ground. Examples of yard equipment include, but are not limited to, any of the following items, provided such items are not "structures": play equipment, dog houses, storage sheds, greenhouses, and automobile shades. Yard equipment does not include ordinary yard furniture and umbrellas, seasonal decorations in the appropriate season, single freestanding portable or roof-mounted basketball backstops (incidental to driveway use), or signs and flags which are separately regulated in this Zoning Code.

Youth Hostel (land Use). A shelter for the use of pedestrian or bicycle travelers, not serving meals, under the auspices of a nonprofit organization.

§11.7.01.026 "Z" Definitions.

No technical terms beginning with the letter "Z" are defined at this time.



City of La Cañada Flintridge Zoning Map

Updated June 2026 by Psomas

CITY OF LA CAÑADA FLINTRIDGE

Planning Commission Agenda Report

Meeting Date: June 25, 2026

Subject: **Conditional Use Permit (USE-2025-0664) / Second-Floor Review (DEV-2025-0090) at 4254 Chevy Chase Drive:** A request to allow demolition of an existing two-story residence and guest house and construction of a new two-story residence and attached garage comprising approximately 13,000 square feet on a 56,758 square-foot lot.

Presenter: Harriet Harris, Assistant Planner

Proposed Action:

1. Adopt Planning Commission Resolution No. 26-xx finding the project exempt from the California Quality Act and approving Conditional Use Permit (USE-2025-0664) for construction of a new two-story residence that exceeds 10,000 square feet at 4254 Chevy Chase Drive; and
2. Adopt Planning Commission Resolution No. 26-xx approving Second-Floor Review (DEV-2025-0090) for construction of a new two-story residence at 4254 Chevy Chase Drive.

Environmental Impact: The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (Existing Facilities) for the demolition of the existing structures and Section 15303 (New Construction or Conversion of Small Structures) for the construction of the new house.

Background:

The project involves the construction of a 13,031 square-foot, two-story house on a 56,758 square-foot lot. Since total project floor area would exceed 10,000 square feet, a Conditional Use Permit (CUP) is required. The existing residence and guest house would be demolished to allow for construction of the new residence.

Discussion/Analysis:

Context

The project site is located on the east side of a curving portion of Chevy Chase Drive, just south of its intersection with Descanso Drive. The site comprises 56,758 square feet and is currently developed with an existing two-story house and a guest house. The irregularly shaped parcel has more than 88-feet of frontage and widens to the east. The site slopes down from the street approximately 17 feet to the existing house pad and flattens to the north and east. The parcel is

associated with 13 percent average slope, just under the 15 percent average required to qualify as a hillside lot. The home across the street is sited higher than the subject lot.

On the north side and adjacent to the lot is the Hay Canyon Channel. Further east, the channel is covered and runs under a portion of the subject lot. The parcel is dotted with numerous mature shrubs and trees, including oak trees of various sizes.

The existing main house was constructed in 1969, and the original house was converted to a guest house. The guest house was remodeled in 2018. These structures will be demolished to allow the construction of the new two-story house.

General Project Description

Floor Area

The project involves the demolition of the existing structures and construction of a new, 13,031 square foot two-story house. The first-floor area comprises 7,123 square feet, inclusive of the garage and gym along the northwest side of the residence. The second floor comprises 5,452 square feet plus 1,006 square feet of volume space, of which 642 square feet (5 percent) is exempted per La Cañada Zoning Code Section 11.11.050. The basement, which is 7,114 square feet, is also exempted because it is completely below grade.

Setbacks & Height

The new structure would be set back 106'-8" from the front property line, compliant with the 103'-9" front-yard setback requirement. The proposed setbacks to the west (side) property line are 30'-9" and 61'-1" to the first and second floor, respectively. The proposed setbacks to the north (side) property line are 22'-4" and 27'-7" to the first and second floor, respectively. To the south, the side-yard setback is 49'-7" to both the first and second floors. All side-yard setbacks are compliant with the 20-foot requirement for the 224-foot-wide lot. To the rear, a 106'-11" setback is provided, well above the 15-foot rear-yard setback requirement. Overall building height would be 32 feet as measure to existing natural grade; however, because the application proposes to raise existing grade over portions of the lot, overall building height from finished grade would be 30'-6". The main development standards for the project are shown below in Table 1:

Table 1 - Development Standards

	STANDARD	PROPOSED
Floor Area:	13,102 SF	13,031 SF
Front Setback:	103'-9"	106'-8"
Side Setback (north)		
1st Floor:	20'-0"	22'-4"
2nd Floor:	20'-0"	27'-7"
Side Setback (south)		
1st Floor:	20'-0"	49'-7"
2nd Floor:	20'-0"	49'-7"
Rear Setback:	15'-0"	106'-11"
Height:	32'-0"	32'-0"

Grading

The amount of grading cut proposed for the project would be 3,816 cubic yards and the amount of grading fill proposed is 211 cubic yards. This would result in 3,605 cubic yards of export from the site. The submitted soils report indicates that a traditional foundation is appropriate for the project even though the northern half of the parcel is within a liquefaction zone. Given the large amount of soil export, a condition of approval has been included to regulate the timing and queuing of truck traffic.

Protected Trees

The parcel is dotted with numerous trees, including seventeen oak trees. One tree was mislabeled and directly affected by the project. Tree #1 is a 30-inch oak which was not identified on the survey and is in direct conflict with the new gym attached to the garage. This tree is proposed for relocation as recommended in the arborist report. The City's ordinance allows for the transplanting of protected trees but specifies that it must be done through the tree removal process. The arborist has also recommended the removal of tree #12 and #13. Tree #12 has a significant lean, and the soil is lifting around the base of the tree causing a significant risk for failure. Tree #13 has extensive decay, multiple large wounds and is structurally compromised. A condition of approval has been added requiring the approval of Tree Removal Permit to address the tree relocation and the other trees recommended for removal since the condition of the trees on the parcel were not evaluated prior to public notification.

Conditional Use Permit:

The Conditional Use Permit requirement for floor area exceeding 10,000 square feet provides a review process to ensure that the home's larger size does not physically overpower the site, the single-family residential surroundings, or accommodate use of the property for other than typical single-family residential use.

A 'too big' house tends to overfill the view from the street or adjacent properties. The elevation of the building is not balanced by an adequate amount of surrounding open space on the ground or view of the sky. The building can be too near the street or property lines for its height, causing it to loom over the sidewalk or over a neighbor's house and yard. Building bulk can be controlled through zoning standards, including setbacks, height, and floor area ratios. Discretionary site plan review can also influence building bulk by allowing public scrutiny of development plans.

A survey of the immediate area shows that all but four of the immediate surrounding properties are more than an acre in size. Accordingly, the houses also vary in size, ranging in floor area ratio (FAR) from 0.06 to 0.17. The subject parcel will have a 0.20 FAR when only habitable area is counted. Habitable area was used since the neighboring FAR numbers are from the Los Angeles County Assessor, which only reports habitable areas. As proposed, the project site will have a total floor area of 13,031 square feet, inclusive of the habitable area, garage, volume space (above 5 percent of the total floor area) and 92-square feet of cantilevered area. This is less than the maximum allowed 13,102 square feet of floor area for the site. A FAR of 0.23 is proposed for the subject parcel when all solid-roofed area is counted – both habitable and non-habitable.

The project site is larger in size than the average lot size for the area and comprises 56,758 square feet, as compared to the 48,825 square-foot neighborhood average. This includes four lots that are less than an acre and range in size 19,390 square feet to 31,080 square feet. While the average floor area in the neighborhood is 4,654 square feet, house sizes range from 3,010 square feet to 5,830 square feet. Since the project site is larger than the average lot size in the surrounding area, it is understandable that the proposed house is larger than the average house size. The parcel immediately to the north at 4276 Chevy Chase Drive has a comparable FAR of 0.17. The proposed

house is not excessive for the site because of landscaping at the front property line which provides screening from off-site views, the downward sloping parcel, and the overall wooded character of the lot.

Second Floor Review:

Since the proposal involves construction of a new two-story residence, an application for Second-Floor Review is also part of the project. The purpose of Second-Floor Review is to ensure that two-story homes are appropriately sited and designed, and not significantly discordant with the general character of a residential neighborhood. Said review was not implemented to mandate specific architectural styles, curb two-story development, or to specifically evaluate project floor area. Given the eclectic and sporadic development pattern apparent along Chevy Chase Drive, the traditional design, with its well-proportioned massing and contemporary materials, is compatible within the area. The walls would have a mix of stone veneer and stucco with a standing-seam metal roof.

Several considerations which can mitigate a project's scale indicate that the proposal is appropriate, despite the neighborhood's lower average FAR. The size of the lot, the provision of compliant or generous setbacks, and the topography of the site and surrounding lots result in a project that fits well in this neighborhood. Also important are the qualities of architectural composition and articulation, which are an asset to this proposal. Despite the house size, the proposal would blend well within the area. The new residence would be built in proportion to the lot's size and strategically sited to respect the lot's constraints and downward sloping topography. It would not unduly impose on the street setting given existing landscape screening and the down sloping topography of the lot. The project is somewhat isolated and views from most adjacent properties are not sweeping longer-range views that would be adversely impacted.

The new house would be sited north of the existing residence, and the entry would be primarily oriented to the west to take advantage of the flat portion of the lot for the rear yard. The home's two-story profile would not be excessive. Total project area would be within the standard for the lot and would be dispersed among the main structure, garage, and volume space throughout the new home. The project also benefits from the Hay Canyon channel that is open to sky along the north property line before becoming underground at the rear of the lot.

The new two-story house would provide compliant side and rear-yard setbacks at both the first and second-floor levels and would provide a 106'-8" front-yard setback (also compliant). Screening along the north, south, east and west property lines limits visibility of the new two-story structure on those sides. The north side elevation also benefits from the width of the Hay Canyon Channel easement which affords an additional 50-feet of separation from neighboring properties on that side.

Second-floor balconies/decks are a sensitive issue with neighbors. The house design includes a balcony off the primary bedroom that is oriented to the rear and provides a 106'-11" rear-yard setback and a 25'-9" side-yard setback plus another 25 feet of flood control easement. Existing landscaping will also limit direct view opportunities to adjacent properties, preserving privacy.

A patio deck is also proposed at the first-floor level that is oriented inward to the lot and is raised approximately four feet above adjacent grade. Privacy impacts are not anticipated due to the siting of the second-floor balcony or the raised patio. Views to and from the balcony and deck decks would be screened by existing landscaping. Thus, the balcony and decks are viewed as appropriate.

Within the immediate area, house and lot sizes are varied. The project's design does not warrant scrutiny in the context of the immediate area's development pattern given the existing landscape screening along the front, side and rear property lines, as well as the site's topography and limited relationship of the subject parcel to the neighboring parcels along Chevy Chase Drive. The

immediate area contains homes of varied architectural styles that are mostly two-story with a few one-story homes in the immediate vicinity.

The City's Residential Design Guidelines address four primary considerations, which are italicized in bold font. Staff's favorable analysis of each consideration follows:

- ***Neighborhood Compatibility***: The general neighborhood includes multiple two-story homes of varying sizes and architectural styles. The proposed new two-story house would be at the maximum height requirement and would provide compliant setbacks throughout its perimeter. The project's size, design and placement are consistent with the neighborhood's eclectic character. The downslope from the street and existing landscape screening along the perimeter of the lot would partially buffer the new home from street and neighboring views. The size of the home is proportionate to the site and pad, while the overall visual scale of the home, would not result in discordance within the immediate area.
- ***Site Development:*** The siting of the new residence allows for compliant front, side, and rear-yard setbacks. The project complies with the underlying floor area limitation, height, and angle-plane requirements. The overall dimensions, scale, bulk, and placement of the residence will be appropriate for the site and is consistent with the varied development pattern along Chevy Chase Drive even though the parcel has limited visibility from the street.
- ***Physical Design Components*** The massing of the home provides considerable articulation and interest along all four sides and visual distinction between floor levels. The home's design provides modern materials along all façades and details that add visual interest and minimize scale. The modulation along all façades present an aesthetically pleasant and non-symmetric design. Direct view opportunities toward neighboring lots such as second-floor balconies would be further mitigated by landscaping, topography and distance, therefore preserving the privacy of the neighboring properties.
- ***Landscaping*** A majority of the oak trees sited throughout the property would be retained as part of the project while two oak trees (one protected) would be removed. The tree that is slated for relocation is within the footprint of the new house and would also be replaced as required by code. The existing semi-wooded character of the site would aid in screening the project from off-site views and minimizing any off-site impacts.

In summary, staff has no concerns with the scale, design and siting of the new two-story house, which respects the size and constraints of the lot and integrates well with the eclectic character of the immediate area.

Recommendation:

Based on the above discussion and related findings and as conditioned, the proposed project is appropriate for the site and immediate area. Therefore, staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act and adopt the Planning Commission resolutions approving Conditional Use Permit (USE-2025-0664) and Second-Floor Review (DEV-2025-0090) at 4254 Chevy Chase Drive.

Attachments:

1. Resolution No. 26-XX for USE-2025-0664
2. Resolution No. 26-XX for DEV-2025-0090
3. Project Plans
4. Arborist Report dated June 1, 2026



ATTACHMENT 1

RESOLUTION NO. 26-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING CONDITIONAL USE PERMIT (USE-2025-0664) FOR THE CONSTRUCTION OF A NEW TWO-STORY RESIDENCE THAT EXCEEDS 10,000 SQUARE FEET AT 4254 CHEVY CHASE DRIVE

WHEREAS, an application for a Conditional Use Permit (USE-2025-0664) was filed by Craig Stoddard of C. A. Stoddard and Associates (hereinafter the "Applicant") with the City of La Cañada Flintridge to allow construction of a new two-story residence that exceeds 10,000 square feet at 4254 Chevy Chase Drive (AIN: 5814-012-012) (hereinafter referred to as "Application"), said request incorporated herein by reference; and

WHEREAS, the project also includes a request for a Second-Floor Review (DEV-2025-0090) for the new two-story house; and

WHEREAS, the subject site has a General Plan Land Use designation of Estate Density Residential (max. 1 dwelling units per acre) and is located within the R-1-40,000 Zone designation; and

WHEREAS, the subject site is a 56,758 square-foot parcel that contains an existing two-story residence and guest house that will be demolished as part of the current project; and

WHEREAS, it has been determined that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) for the demolition of the existing structures and 15303 (New Construction or Conversion of Small Structures) for the new two-story house; and

WHEREAS, on June 25, 2026, a duly noticed public hearing on the Application was held before the City of La Cañada Flintridge Planning Commission; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated June 25, 2026, regarding the Application and heard and considered the testimony of the Applicant and the public; including any written correspondence received, with all testimony received being made a part of the public record; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of La Cañada Flintridge does resolve as follows:

SECTION 1. The above recitals are true and correct, and incorporated herein by reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the foregoing facts and based upon substantial evidence, the Planning Commission hereby finds as follows:

A. The project is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures). All aspects of the project were reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Based on the extent of the project, it has been determined that the project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures). The project is not located in a particularly sensitive environment. The proposed project is not a successive project, does not result in significant cumulative impacts, and will not have a significant effect on the environment due to unusual circumstances. The site is not located along a scenic resource, is not listed as a hazardous waste site (Cortese List), and is not listed on the City's Official Register of Historic Places. The Planning Commission hereby finds the project exempt from CEQA and directs a Notice of Exemption be filed for the project.

B. The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Community Development of the City of La Cañada Flintridge. Those documents are available for public review in the Planning Division of the City of La Cañada Flintridge located at One Civic Center Drive, La Cañada Flintridge, California, 91011, telephone (818) 790-8881.

SECTION 3. *Findings for a Conditional Use Permit.* The Planning Commission hereby finds as follows:

1. The proposed use and development are each consistent with the General Plan and the applicable land use zone because the General Plan Designates the area as Estate Residential, with a maximum of one dwelling unit per acre, and the Zoning classification of R-1-40,000 corresponds to that General Plan designation. Thus, the development of the parcel with a large single-family unit is consistent with the General Plan. Also, the nature of the project is consistent with the goals and policies of the Land Use Element. The project is compatible with the residential character of the site and the greater neighborhood setting, and more specifically to the size, shape and topography of the subject lot.

2. The requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working the surrounding area or be materially detrimental to the use, enjoyment or valuation of property of persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public, health, safety or

general welfare because the site and area are zoned for single-family residential uses and the introduction of a new two-story home is consistent with this designation. The size and topography of the lot, provision of compliant setbacks and existing landscape screening that would be retained would accommodate the proposed floor area without significant view or use detriment while the project's scale is reasonably consistent with the estate character of the site and wider area. As such, no impacts attributable to the proposed use would unduly impact public, health, safety, or general welfare.

3. The site for the proposed use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the proposed use and development in a manner compatible with the existing and proposed surrounding land uses because the spacious site exceeds the underlying zone requisite and is of adequate size to allow for sizable development such as is proposed without adverse offsite impacts as evidenced by compliant setbacks and floor area in relation to lot size. The overall presentation from the street would not be visually disruptive considering the topography of the lot and existing mature landscape screening along the perimeter of the lot. Other large two-story homes are evident in the wider area.

4. The proposed site is adequately served by highways or streets of sufficient width and by public and private service facilities as necessary because the property will take access from Chevy Chase Drive, a local residential street of adequate width with traffic volumes typical of a residential neighborhood. Valley Water Company has confirmed the adequacy of water availability to the site while a private septic system, approved by Los Angeles County Department of Public Health, will be required as part of the project.

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood because estate-sized parcels with large two-story homes are commonplace, while the floor area proposed would not be visually excessive or out of character with the wider neighborhood and would be accommodated by the sloping, well-screened site. The spacious site can accommodate the floor area proposed as evidenced by compliance with building size requirements, and setbacks commensurate to the scope of the project that meet or exceed code standards.

SECTION 4. Based on the above findings, the Planning Commission hereby approves Conditional Use Permit (USE-2025-0664) for the construction of a new two-story residence that exceeds 10,000 square feet at 4254 Chevy Chase Drive (AIN: 5814-012-012) subject to the conditions listed in Exhibit "A", attached to this Resolution.

PASSED, APPROVED AND ADOPTED this 25th day of June, 2026.

_____
Henry Oh
Chair of the Planning Commission

ATTEST:

_____
Susan Koleda, AICP
Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
Conditional Use Permit (USE-2025-0664)
4254 Chevy Chase Drive (AIN: 5814-012-012)

Standard Conditions:

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Conditional Use Permit (USE-2025-0664).

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plans labeled Conditional Use Permit (USE-2025-0664) except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12-months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

<u>Planning Conditions:</u>

11. All construction/contractor parking shall be on-site only. If it is deemed by the Director of Community Development that sufficient on-site parking may not be available, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public’s use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

12. Any subsequent substantive change to these approved plans by the Fire Department or any other agency having subsequent approval authority shall cause these plans to be returned to the Planning Commission for additional review and approval prior to permit issuance.

13. The applicant shall prepare a Haul Route Management Plan. The plan will describe the route, queuing and destination the trucks for removal of dirt from the site, as well as the frequency of operation. Frequency of operation shall include days of operation, time of operation and the time spacing of vehicles between pickups. The Haul Route Management Plan shall be reviewed by the Director of Public Works and the Director of Community Development. In particular, the plan shall prohibit hauling operations on Saturdays and Sundays, and on days when other large trucks are scheduled to be in the area (trash on Thursdays). Deliveries shall also be scheduled to not interfere with trash days. Times of operation shall also address local school operations and any other similar activities that would be affected by the movement of large trucks. If necessary, the applicant shall fund a temporary city employee to act as the Haul Route Manager for the city. This person shall be responsible for managing the plan and shall report directly to the City Engineer or the Director of Public Works. No permits of any kind shall be issued until the Haul Route Management Plan is approved by both Directors and the Plan Manager hired.

14. New construction projects with an aggregate landscape area equal to or greater than five hundred (500) square feet shall comply with City's Water Efficient Landscaping Ordinance, Chapter 4.23 as well as the Los Angeles County Fire Department Fuel Modification Guidelines. Prior to building permit issuance, a Landscape Plan in compliance with City of La Cañada Flintridge Municipal Code Section 4.23 shall be approved by the City. Prior to final inspection, a Certificate of Completion for Water Efficient Landscaping shall be submitted and approved.

15. Protection shall be provided for the protected trees during construction in accordance with City requirements. This protection plan shall be reviewed and approved by the Director of Community Development prior to the issuance of building permits. Prior to plan check submittal, the project arborist shall provide alternative construction methods to mitigate root intrusion within the protection zone for any protected trees and shall be present during any grading or digging for foundations. Any identified impacts to protected trees shall be mitigated to the satisfaction of the project arborist.

16. The applicant shall receive approval for a Tree Removal Permit prior to issuance of any permits.

Public Works Conditions:

17. Provide drainage plan and method of discharging onsite runoff to public right of way.

18. Project shall comply with City's Low Impact Development Standards.

19. Record covenant with the Los Angeles County Registrar/Recorder's office for the maintenance of the Best Management Practices (BMPs) per the City's Low Impact Development (LID) prior to the issuance of any permits.

20. This project disturbs one acre or more of land and the Applicant must obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). In accordance with the General Permit, the applicant shall file with the State a Notice of Intent (NOI) for the proposed project. Prior to issuance of grading permit by the City, the applicant shall have approved by Building & Safety a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall include a copy of the NOI and shall reference the corresponding Waste Discharge Identification (WDID) number issued by the State upon receipt of the NOI.

21. Prior to any construction (including, but not limited to, drive approaches, sidewalks, curb and gutter, etc.), trenching or grading within public or private street right-of-way, the Applicant shall submit a street improvement plan consistent with the approved Site Plan and Conditions of approval and obtain encroachment permit(s) from the Public Works Department.

22. Proposed mailbox shall be a break-away structure. Mailbox structure shall be approved and permitted by the Public Works Department.

23. No above-ground structures are to be constructed within the public ROW.

24. The trees within the public ROW shall be protected with a chain-link fence.

CONSTRUCTION & DEMOLITION (C&D) DEBRIS

25. Project shall comply with City's Construction and Demolition (C&D) Ordinance 494, per Chapter 9.14 of the City Municipal Code to satisfy the City's Debris Management requirement.

26. Prior to Demolition and/or Building Permit issuance, the Applicant shall submit a Performance Security, calculated as the lesser of three percent (3%) of the total project valuation or $10,000. The Performance Security is refunded upon Applicant's submittal and approval of a Building Debris Management Report indicating that at least 65% of the total debris generated by the project was reused or recycled.

27. Prior to Final Building Inspection, Applicant shall submit a Building Debris Management Report and obtain Public Works approval. The Building & Safety Department will not complete Final Building Inspection until the Public Works Department makes a determination regarding refund or forfeiture of the Performance Security.

28. Applicant must use a City authorized and permitted waste hauler for all debris, including soil import/export, resulting from construction and demolition activities on the project. A list of authorized waste haulers will be provided to the Applicant.

29. Self-hauling of C&D debris must be authorized by the Department of Public Works prior to Building & Safety issuance of Demolition or Building permit(s). Applicant must submit a Debris Management Plan and a Haul Route Plan, execute a self-haul agreement, as well as fund a Haul Route Manager for monitoring of all self-hauling activities. Self-hauling approval must be acquired from the Public Works Department prior to issuance of any permit(s).

# # # # #

ATTACHMENT 2

RESOLUTION NO. 26-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING SECOND-FLOOR REVIEW (DEV-2025-0090) FOR THE CONSTRUCTION OF A NEW TWO-STORY RESIDENCE AT 4254 CHEVY CHASE DRIVE

WHEREAS, an application for Second-Floor Review (DEV-2025-0090) was filed by Craig Stoddard of C. A. Stoddard and Associates (hereinafter the "Applicant") with the City of La Cañada Flintridge allow construction of a new 13,031 square-foot, two-story house at 4254 Chevy Chase Drive (AIN: 5814-012-012) (hereinafter referred to as the "Application"), said request incorporated herein by reference; and

WHEREAS, the project also includes a request for a Conditional Use Permit (USE-2025-0664) because the new two-story house exceeds 10,000 square feet; and

WHEREAS, the subject site has a General Plan Land Use designation of Estate Residential (max of one dwelling unit per acre) and is located within the R-1-40,000 zone designation; and

WHEREAS, the subject site is a 56,758 square-foot parcel that contains an existing two-story residence and guest house that will be demolished as part of the current project; and

WHEREAS, on June 25, 2026, a duly noticed public hearing on the Application was held before the City of La Cañada Flintridge Planning Commission; and

WHEREAS, the Planning Commission reviewed the facts contained in the staff report dated June 25, 2026 regarding the Application and heard and considered the testimony of the Applicant and the public; including any written correspondence received, with all testimony received being made a part of the public record; and

WHEREAS, it has been determined that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) for the demolition of the existing structures and 15303 (New Construction or Conversion of Small Structures) for the new two-story house; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of La Cañada Flintridge does resolve as follows:

SECTION 1. The above recitals are true and correct, and incorporated herein by reference.

SECTION 2. *Findings for Second-Floor Review.* The Planning Commission hereby finds as follows:

A. *The two-story design includes adequate setbacks, screening and modulation.* The project provides compliant front, side and rear setbacks. Articulation is utilized through the use of varying materials, recesses, and overhangs that provide a clear separation of first and second floor along all façades. Existing mature screening is evident along the perimeter of the lot.

B. *The two-story design preserves the existing scale and character of the surrounding neighborhood.* The neighborhood contains mostly two-story homes of varying sizes with some single-story homes. The prominent façades and two-story profile will not present excessive bulk, visibility, or massing from Chevy Chase Drive due to the topography of the parcel and the visual isolation of the lot from neighboring parcels. The lot's geography and landscape screening isolate it from the overall neighborhood on Chevy Chase Drive, mitigating potential impacts of the proposed two-story profile.

C. *The two-story design protects public views, aesthetics, privacy and property values of the neighbors.* With regard to the design of the residence, the proposed two-story house provides setbacks that exceed code requirements. The neighboring residences across the street are at a higher elevation while the houses to the north and south are at the same elevation as the front of the subject lot. Second-floor windows and the proposed balcony are screened by existing mature perimeter landscaping help to mitigate any potential privacy impacts and limit offsite visibility.

D. The two-story design is consistent with the residential design guidelines as adopted by resolution of the city council. The proposed residence is a traditional architectural style with contemporary materials. The proposed residence is reflective of the diverse architectural pattern of the surrounding neighborhood, and the new house presents adequate articulation and detail. The articulation presented by the proposed project integrates vertical and horizontal breaks and varied materials across all four façades. The project's size and visual scale are not excessive for the site as the proposed two-story house complies with the applicable development standards. The existing landscape screening and topography of the subject parcel also limits off-site impacts. The proposed project fits well into the eclectic neighborhood.

SECTION 3. Based on the above findings, the Planning Commission hereby approves Conditional Use Permit (USE-2025-0664) for the construction of a new 13,031 square-foot, two-story residence at 4254 Chevy Chase Drive (AIN: 5814-012-012) subject to the conditions listed in Exhibit "A", attached to this Resolution.

PASSED, APPROVED AND ADOPTED this 25th day of June, 2026.

_____
Henry Oh
Chair of the Planning Commission

ATTEST:

_____
Susan Koleda, AICP
Secretary to the Planning Commission

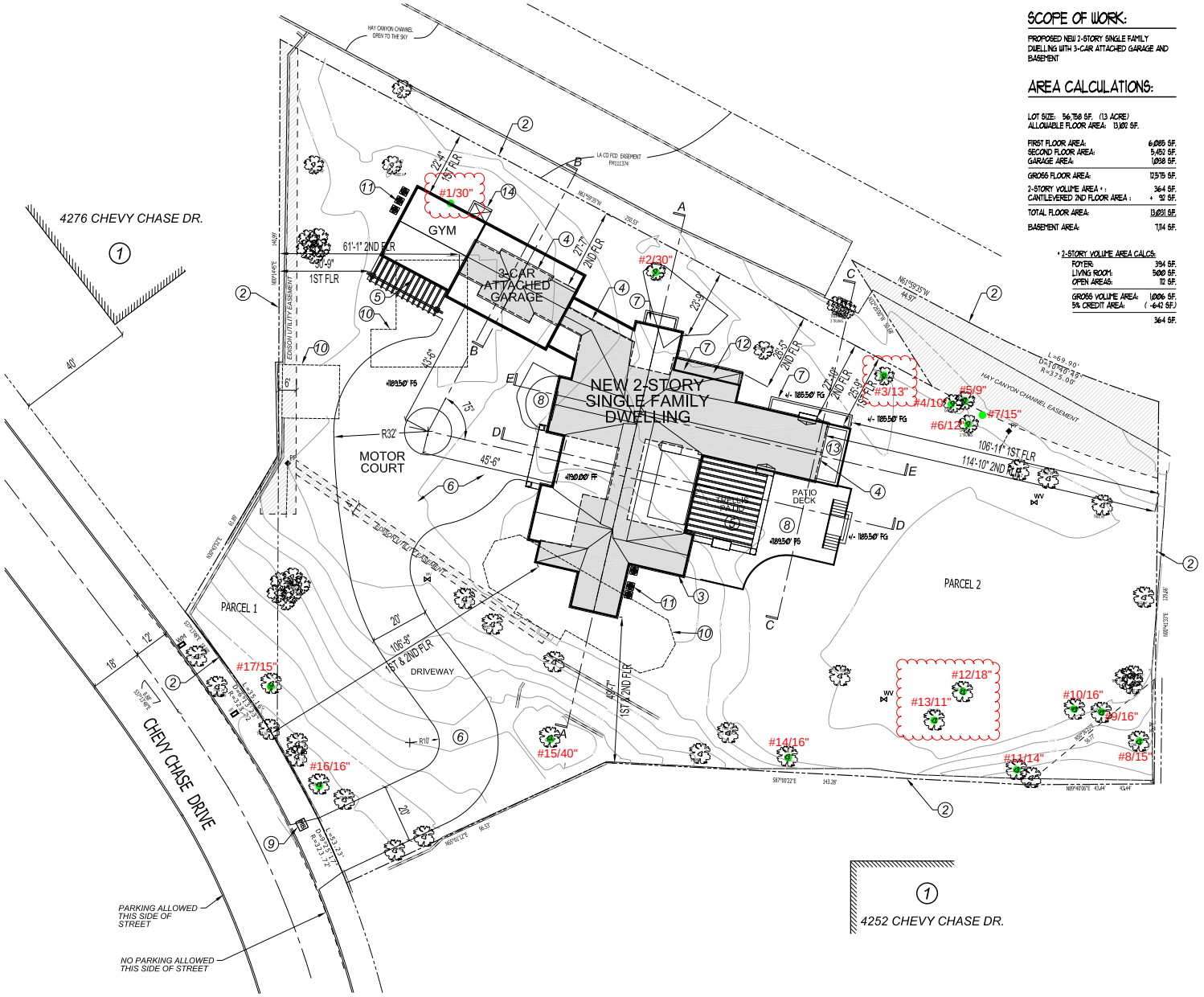
EXHIBIT "A"
CONDITIONS OF APPROVAL
SECOND-FLOOR REVIEW (DEV-2025-0090)
4254 Chevy Chase Drive (AIN: 5814-012-012)

1. All Conditions of Approval adopted as part of Conditional Use Permit (USE-2025-0664) shall apply to this Second Floor Review (DEV-2025-0090).

# # # # #



ATTACHMENT 3



SITE PLAN

SCALE: 1/16"=1'-0"

SCOPE OF WORK:

PROPOSED NEW 2-STORY SINGLE FAMILY DWELLING WITH 3-CAR ATTACHED GARAGE AND BASEMENT

AREA CALCULATIONS:

LOT SIZE: 56,758 S.F. (1.3 ACRE)
ALLOWABLE FLOOR AREA: 13,102 S.F.

FIRST FLOOR AREA:	6,085 S.F.
SECOND FLOOR AREA:	5,452 S.F.
GARAGE AREA:	1,098 S.F.
GROSS FLOOR AREA:	12,575 S.F.
2-STORY VOLUME AREA * :	364 S.F.
CANTILEVERED 2ND FLOOR AREA :	+ 92 S.F.
TOTAL FLOOR AREA:	13,031 S.F.
BASEMENT AREA:	7,114 S.F.

* 2-STORY VOLUME AREA CALCS:

FOYER:	394 S.F.
LIVING ROOM:	500 S.F.
OPEN AREAS:	112 S.F.
GROSS VOLUME AREA:	1,006 S.F.
5% CREDIT AREA:	(-642 S.F.)
	364 S.F.

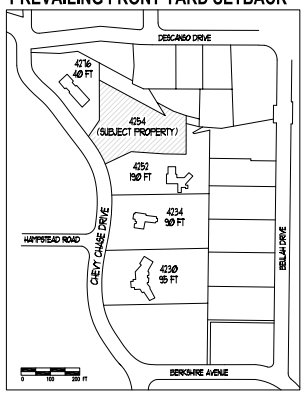
SITE PLAN LEGEND

- EXIST'G / PREVIOUS BUILDING FOOTPRINT
- MAIN HOUSE 1ST FLOOR
- MAIN HOUSE 2ND FLOOR
- EASEMENT AREA

SITE PLAN KEYED NOTES

1. EXISTING NEIGHBORING RESIDENCE
2. PROPERTY LINE
3. OUTLINE OF NEW RESIDENCE (1ST FLOOR)
4. OUTLINE OF NEW RESIDENCE (2ND FLOOR)
5. NEW TRELLISED PATIO
6. ENLARGED DRIVEWAY / MOTOR COURT
7. NEW LIGHT WELL
8. NEW CONCRETE DECK/ LANDING / STEPS
9. EXISTING MAILBOX TO BE RELOCATED
10. EXISTING BLDG / HARDSCAPE TO BE REMOVED
11. AIR CONDITIONING CONDENSER UNITS
12. CANTILEVERED 2ND FLOOR AREA
13. 2ND STORY DECK AREA
14. OUTDOOR SHOWER WITH 6'-0" HT BLOCK WALLS

PREVAILING FRONT YARD SETBACK



VICINITY MAP

AVERAGE FRONT YARD CALCULATION:

ADDRESS	FRONT YARD
4230 CHEVY CHASE DR	95 FT
4276 CHEVY CHASE DR	90 FT
4276 CHEVY CHASE DR	190 FT
4276 CHEVY CHASE DR	40 FT
TOTAL:	415 FT
AVERAGE:	/ 4 = 103.75 FT

REVISIONS:

ARCHITECTURE & PLANNING
C.A. STODDARD A.I.A. & ASSOC. INC.
4452 OCEAN VIEW BLVD, SUITE 200, MONTROSE, CA. 91020 • (818) 249-8386
FAX: (818) 248-5236 • EMAIL: CSTODDARD@SBCGLOBAL.NET

SITE PLAN

PRIVATE RESIDENCE
4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

DATE: 03-2026
DRAWN BY: HW
JOB NO. 25005

SHEET NO.
A1.1

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SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF CALIFORNIA, THIS SURVEY MAP, CONSISTING OF ONE SHEET REPRESENTED A SURVEY MADE UNDER MY SUPERVISION, THE BOUNDARY LINES SHOWN HEREON WERE FOR INFORMATION ONLY, A BOUNDARY SURVEY WILL BE REQUIRED TO ESTABLISH THE ACTUAL LOCATION OF THE LAND BOUNDARIES OR PROPERTY LINES.

THIS SURVEY DOES NOT INCLUDE EASEMENTS OF RECORD OR OTHERWISE, UNDERGROUND PUBLIC UTILITIES, OR OTHER SUBSTRUCTURES, OR ZONE RESTRICTIONS, SETBACK OR STREET WIDENING DATA IF APPLICABLE.

BENCH MARK

L&T IN E CB CHEVY CHASE DR ON OR NR C/L PROD DESCANSO DRIVE

ELEVATION= 1201.297

ASSESSOR PARCEL NUMBER

5814-012-012

LEGEND:

F.L.	FLOWLINE
F.F.	FINISHED FLOOR
T.C.B.	TOP OF CATCH BASIN
T.C.	TOP OF CURB
P.A.	PLANTING AREA
T.G.	TOP OF GRADE
E.G.	EDGE OF GUTTER
W.M.	WATER METER
BLDG	BUILDING CORNER
EL=SPOT	SPOT ELEVATION
B.W.	BACK OF SIDEWALK
INV.	INVERSE ELEVATION
I.V.	IRRIGATION CONTROL VALVE
W.M.	WATER METER
W.V.	WATER VALVE
A.C.	EDGE OF ASPHALT
EDISON	EDISON ELECTRICAL UTILITY
ELEC. B.	ELECTRIC BOX
ELEC. M.	ELECTRIC METER

760.00 T.C. / 759.50 F.L. — TOP OF CURB ELEVATION / FLOWLINE ELEVATION

760.0 T.C. — SPOT ELEVATION / ELEVATION DESCRIPTION

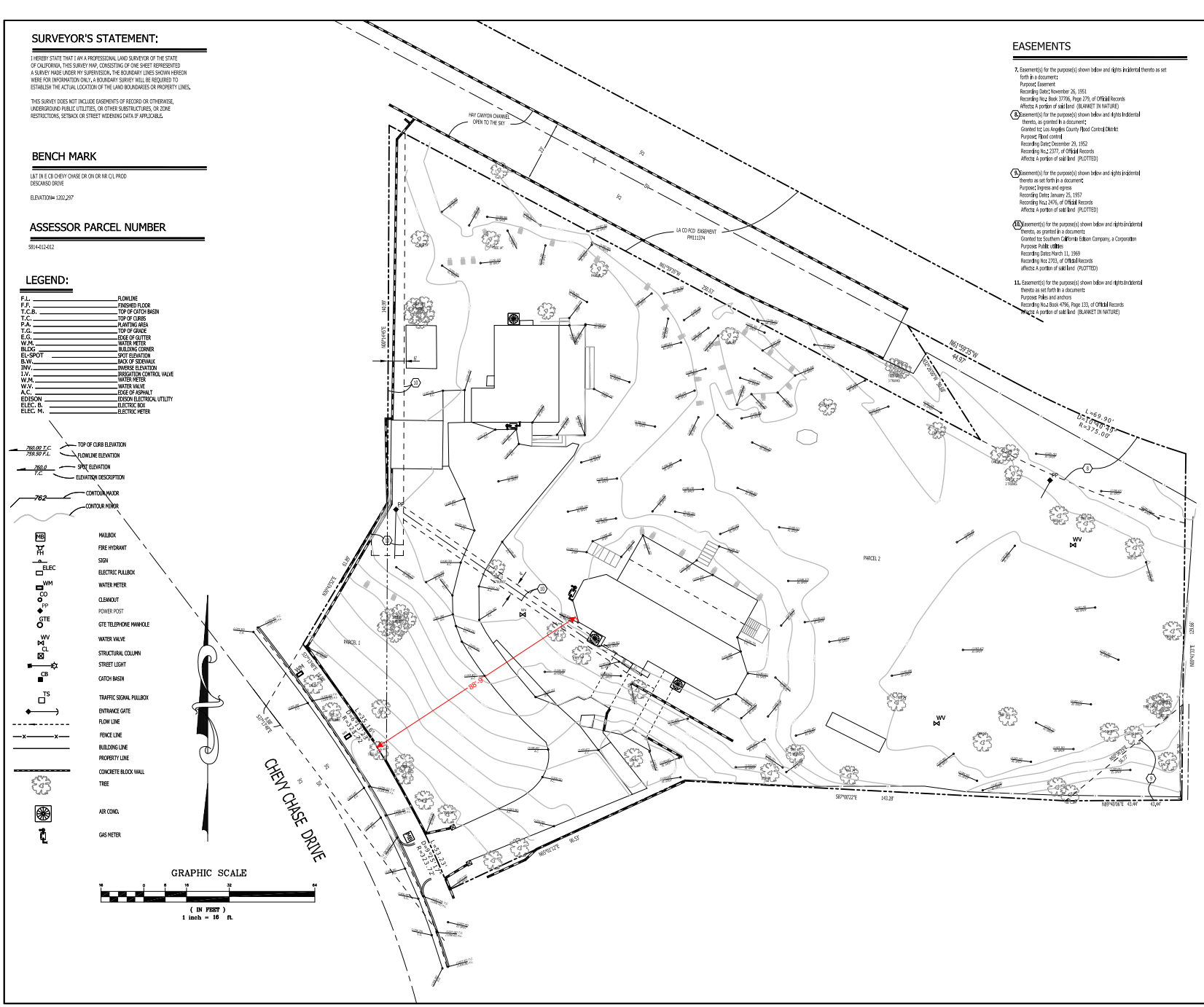
762 — CONTOUR MAJOR / CONTOUR MINOR

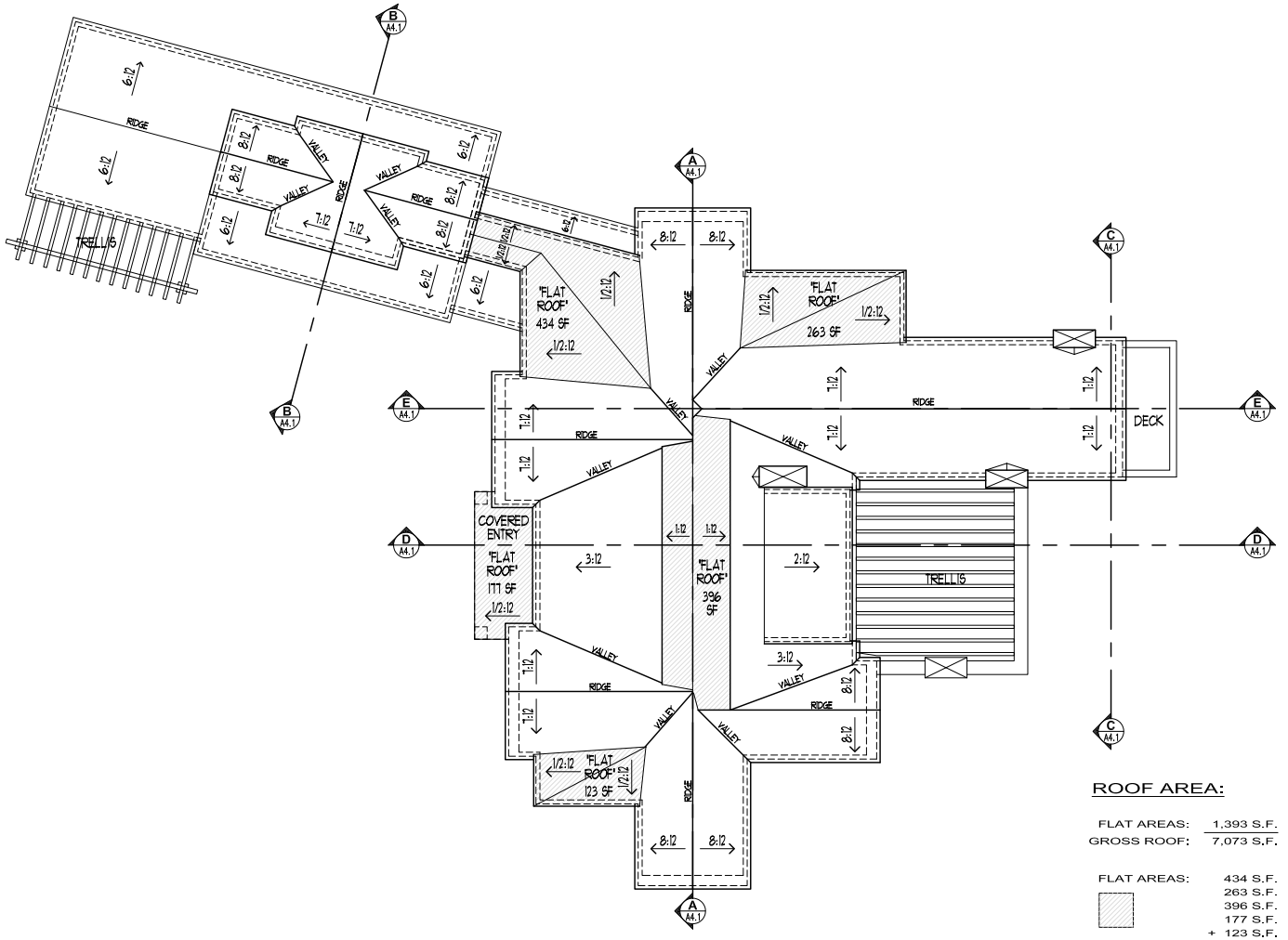
MB — MAILBOX
FH — FIRE HYDRANT
S — SIGN
ELEC — ELECTRIC PULLBOX
WM — WATER METER
CO — CLEANOUT
PP — POWER POST
GTE — GTE TELEPHONE MANHOLE
WV — WATER VALVE
CL — STRUCTURAL COLUMN
STREET LIGHT
CB — CATCH BASIN
TS — TRAFFIC SIGNAL PULLBOX
ENTRANCE GATE
FLOW LINE
FENCE LINE
BUILDING LINE
PROPERTY LINE
CONCRETE BLOCK WALL
TREE
AIR COND.
GAS METER

GRAPHIC SCALE

16 0 8 16 32 64

(IN FEET)
1 inch = 16 ft.


HAY CANYON CHANNEL OPEN TO THE SKY
LA CO FCD EASEMENT FM111374
CHEVY CHASE DRIVE
PARCEL 1
PARCEL 2
N61°59'25"W 44.97'
L=69.98'
D=10°40'48"
R=375.00'
S87°00'22"E 143.28'
N89°40'06"E 43.44'
N89°40'06"E 96.57'
S89°40'06"W 96.57'
N89°40'06"E 96.57'
R=1217.77'
D=3°57'37"
L=84.23'
R=1217.77'
D=3°57'37"
L=84.23'
N89°40'06"E 96.57'
S89°40'06"W 96.57'
N89°40'06"E 96.57'
S89°40'06"W 96.57'
N89°40'06"E 96.57'
S89°40'06"W 96.57



ROOF AREA:

FLAT AREAS:	1,393 S.F.	= 19.7 %
GROSS ROOF:	7,073 S.F.	

FLAT AREAS:

	434 S.F.
	263 S.F.
	396 S.F.
	177 S.F.
+	123 S.F.
	1,393 S.F.

PRELIMINARY ROOF PLAN

SCALE: 1/8"=1'-0"

REVISIONS:

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ROOF PLAN

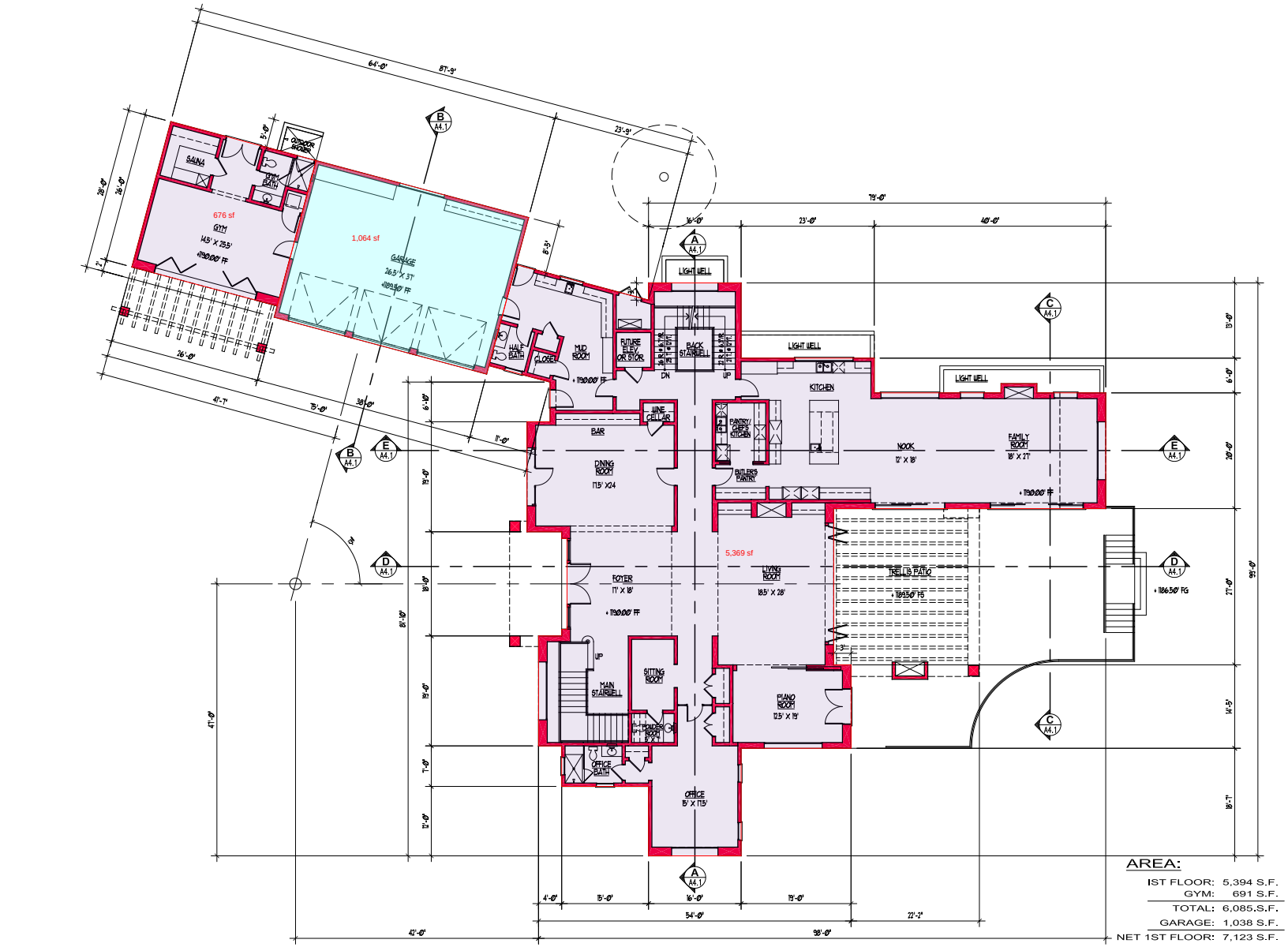
PRIVATE RESIDENCE
4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

DATE: 03-2026
DRAWN BY: HW
JOB NO. 25005

SHEET NO.
A1.2

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AREA:

1ST FLOOR:	5,394 S.F.
GYM:	691 S.F.
TOTAL:	6,085.S.F.
GARAGE:	1,038 S.F.
NET 1ST FLOOR:	7,123 S.F.

PRELIMINARY FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

REVISIONS:

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FIRST FLOOR PLAN

PRIVATE RESIDENCE

4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

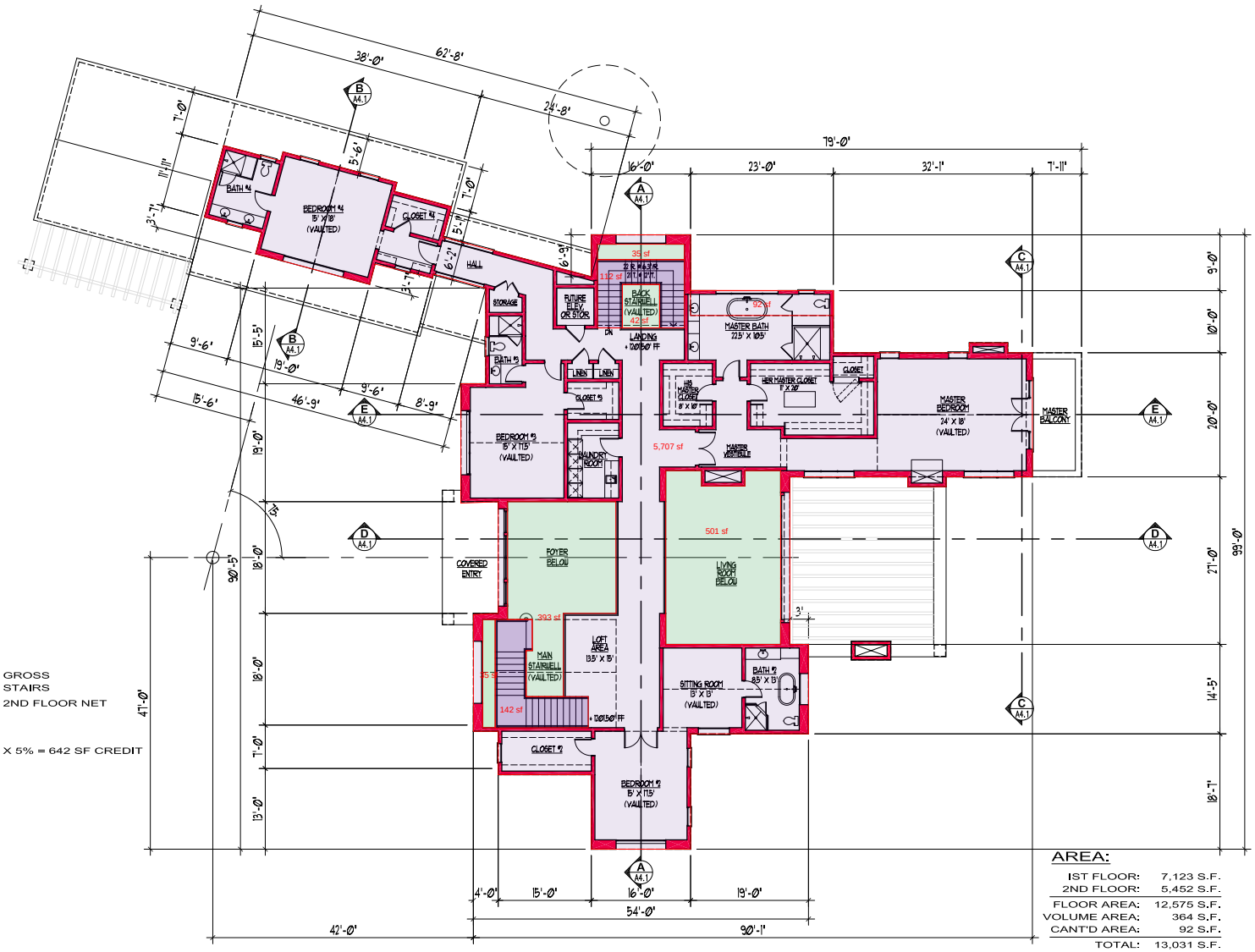
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FLOOR AREA:

2ND FLOOR:	5,706 S.F.	GROSS
	- 254 S.F.	STAIRS
	5,452 S.F.	2ND FLOOR NET
2ND FLOOR:	5,706 S.F.	
IST FLOOR:	+ 7,123 S.F.	
FLOOR AREA:	12,829 S.F.	X 5% = 642 SF CREDIT

VOLUME AREA:

FOYER:	394 S.F.
LIVING RM:	500 S.F.
OPEN AREAS:	+ 112 S.F.
TOTAL:	1,006.S.F.
5% CREDIT:	(-642 S.F.)
NET VOLUME AREA:	364 S.F.

AREA:

IST FLOOR:	7,123 S.F.
2ND FLOOR:	5,452 S.F.
FLOOR AREA:	12,575 S.F.
VOLUME AREA:	364 S.F.
CANT'D AREA:	92 S.F.
TOTAL:	13,031 S.F.
(ALLOWABLE TOTAL:	13,102 S.F.)

REVISIONS:

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SECOND FLOOR PLAN

PRIVATE RESIDENCE

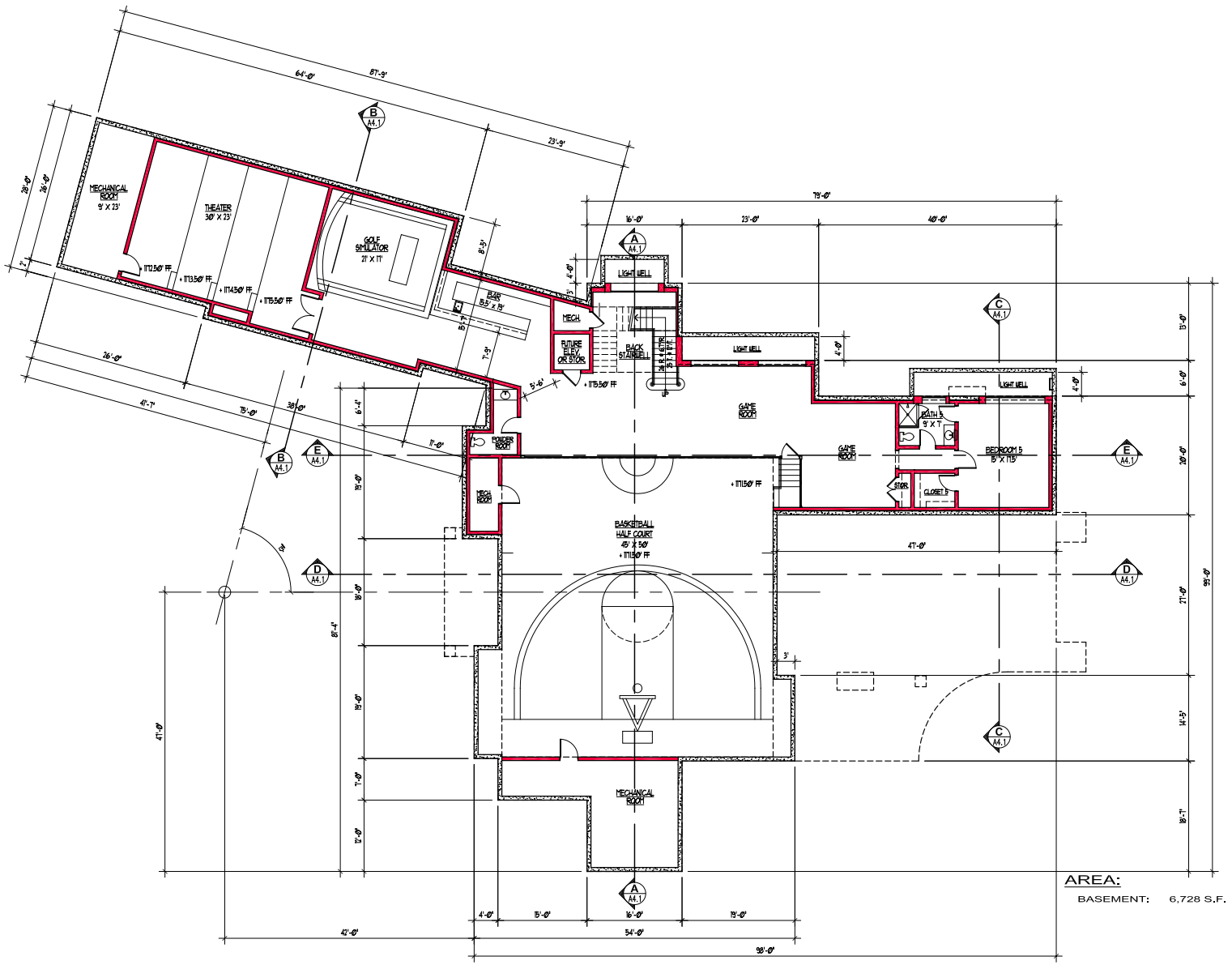
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DATE: 03-2026
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BASEMENT FLOOR PLAN

PRIVATE RESIDENCE

4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

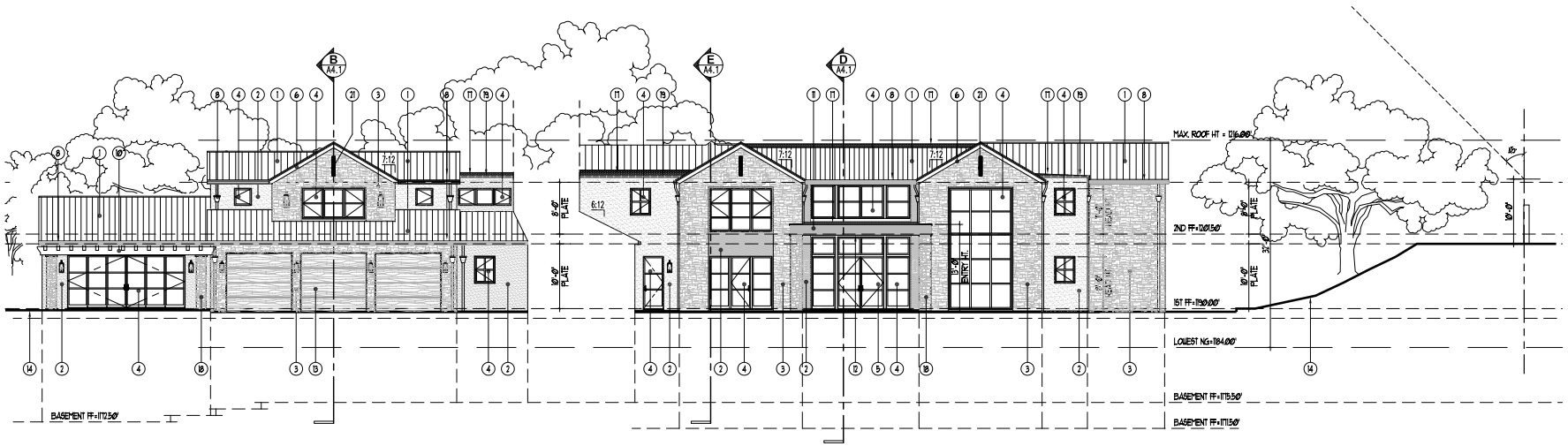
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A2.3

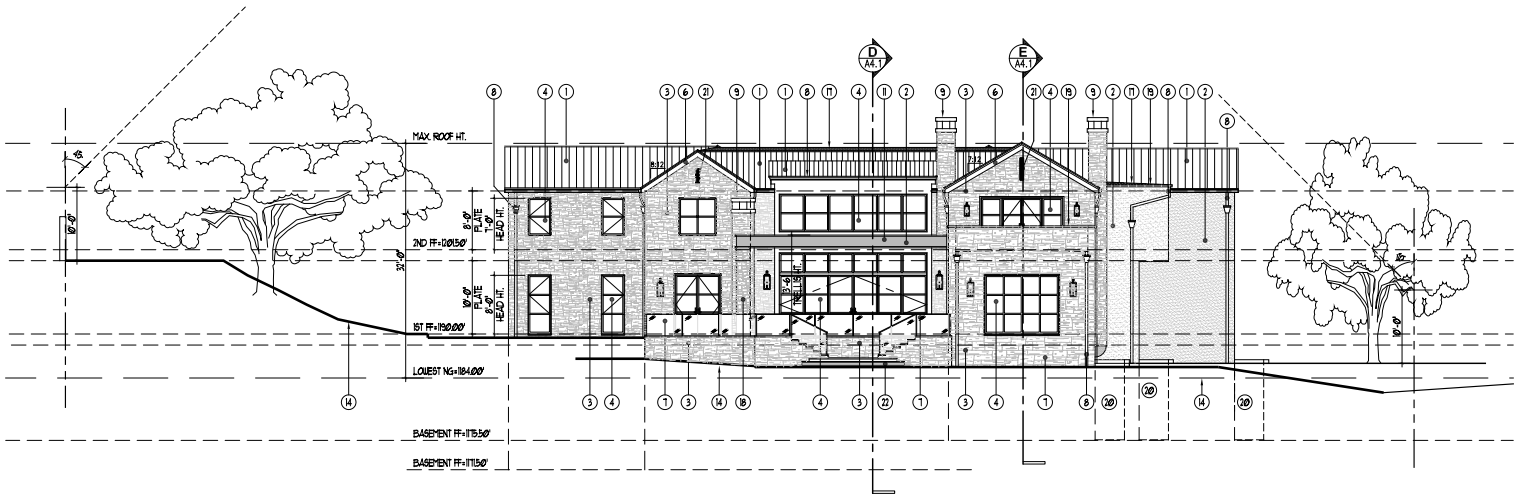
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FRONT (WEST) ELEVATION - UNFOLDED

SCALE : 1/8" = 1'-0"



REAR (EAST) ELEVATION

SCALE : 1/8" = 1'-0"

ELEVATION KEYED NOTES

(S.B.O. = SELECTED BY OWNER)

1. METAL STANDING SEAM, CLASS 'A' ROOF
2. 7/8" STUCCO, SMOOTH HAND-TROWEL FINISH
3. STONE VENEER FINISH, LIMESTONE
4. CLAD WOOD WINDOWS AND DOORS
5. CUSTOM FRONT ENTRY DOOR & SIDELIGHTS
6. BARGE BOARD, PAINTED FINISH
7. 42" HT. GLASS GUARDRAIL
8. COPPER RAIN GUTTER, LEADERHEAD AND DOWNSPOUT
9. COPPER FIREPLACE TERMINATION CAP / CHIMNEY CAP W/APPROVED SPARK ARRESTER
10. TRELLIS
11. STEEL CLADDING, PAINTED FINISH
12. EXTERIOR CEILING/OVERHANG: CLEAR CEDAR
13. GARAGE DOOR, NATURAL WHITE OAK
14. NATURAL GRADE
15. OUTDOOR SHOWER W/ 6'-0" HT WALLS
16. EXTERIOR WOOD DOOR, PAINTED FINISH
17. "FLAT" CLASS 'A' ROOF
18. STONE PILASTER
19. PRECAST CONCRETE WALL CAP MLDG
20. LIGHT WELL
21. ATTIC VENT, PAINTED FINISH
22. STONE TREAD AND RISER

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REVISIONS:

EXTERIOR ELEVATIONS

PRIVATE RESIDENCE
4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

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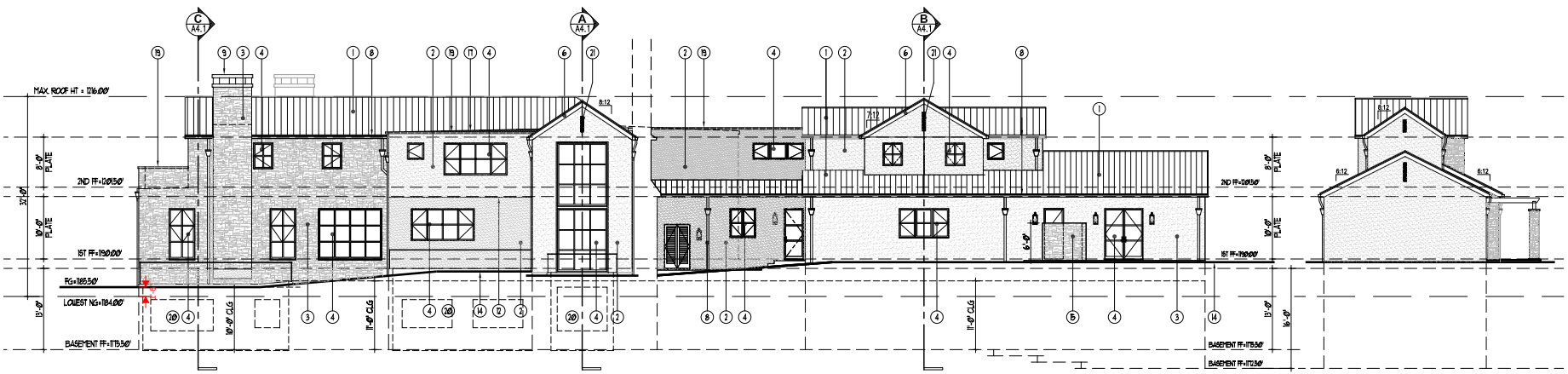
SIDE (SOUTH) ELEVATION

SCALE : 1/8" = 1'-0"

ELEVATION KEYED NOTES

(S.B.O. = SELECTED BY OWNER)

1. METAL STANDING SEAM, CLASS 'A' ROOF
2. 7/8" STUCCO, SMOOTH HAND-TROWEL FINISH
3. STONE VENEER FINISH, LIMESTONE
4. CLAD/WOOD WINDOWS AND DOORS
5. CUSTOM FRONT ENTRY DOOR & SIDELIGHTS
6. BARGE BOARD, PAINTED FINISH
7. 42" HT. GLASS GUARDRAIL
8. COPPER RAIN GUTTER, LEADER-HEAD AND DOWNSPOUT
9. COPPER FIREPLACE TERMINATION CAP / CHIMNEY CAP W/APPROVED SPARK ARRESTER
10. TRELLIS
11. STEEL CLADDING, PAINTED FINISH
12. EXTERIOR CEILING/OVERHANG: CLEAR CEDAR
13. GARAGE DOOR, NATURAL WHITE OAK
14. NATURAL GRADE
15. OUTDOOR SHOWER W/ 6'-0" HT WALLS
16. EXTERIOR WOOD DOOR, PAINTED FINISH
17. "FLAT" CLASS "A" ROOF
18. STONE PILASTER
19. PRECAST CONCRETE WALL CAP MLDG
20. LIGHT WELL
21. ATTIC VENT, PAINTED FINISH
22. STONE TREAD AND RISER



SIDE (NORTH) ELEVATION - UNFOLDED

SCALE : 1/8" = 1'-0"

GYM (WEST) ELEVATION

SCALE : 1/8" = 1'-0"

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REVISIONS:

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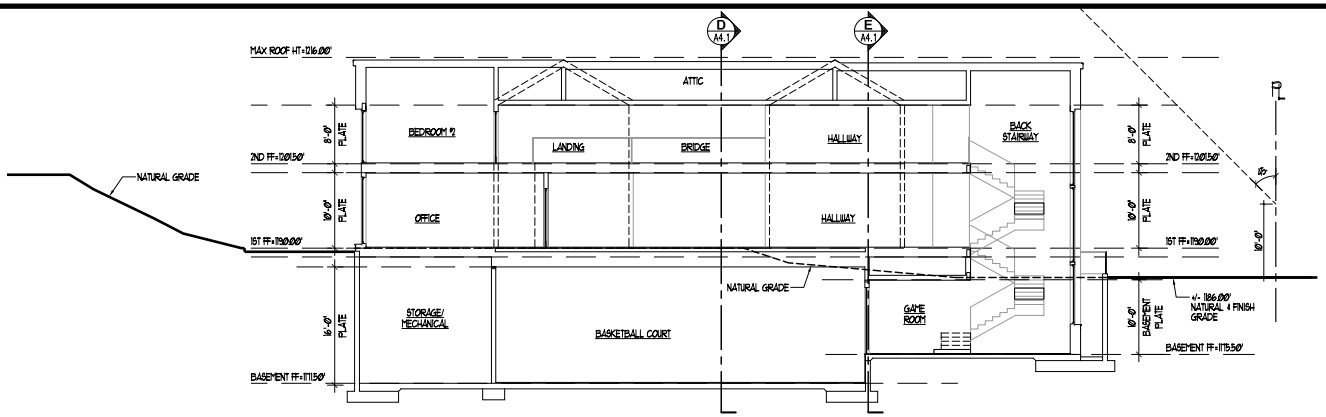
EXTERIOR ELEVATIONS

PRIVATE RESIDENCE
4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

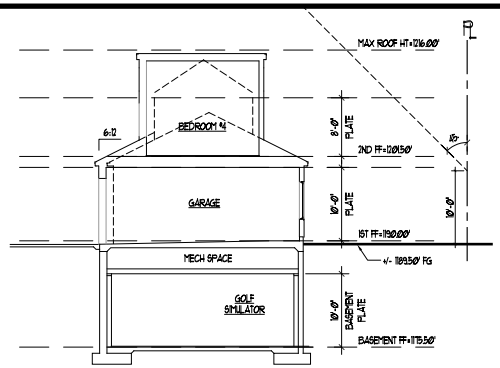
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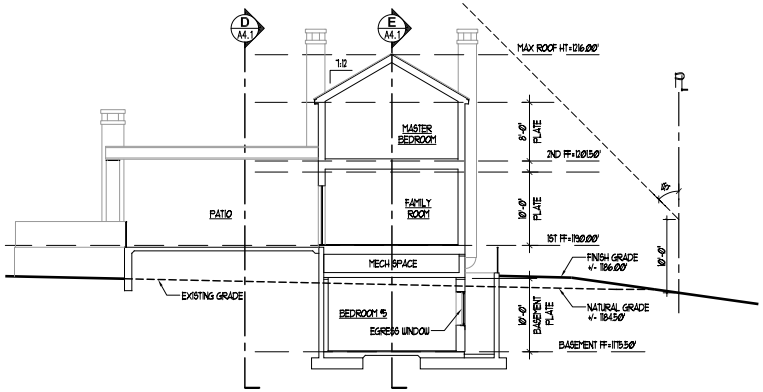
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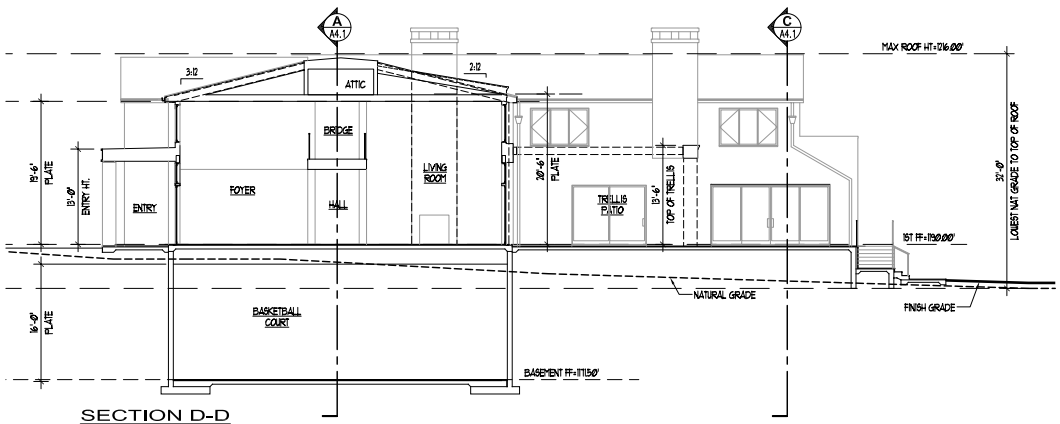
SECTION A-A
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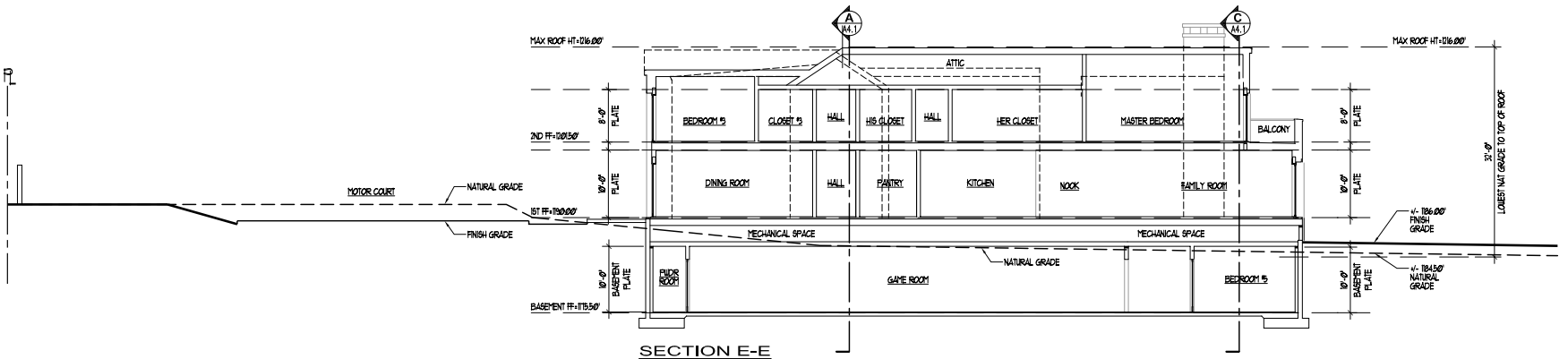
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SCALE: 1/8"=1'-0"



SECTION C-C
SCALE: 1/8"=1'-0"



SECTION D-D
SCALE: 1/8"=1'-0"



SECTION E-E
SCALE: 1/8"=1'-0"

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REVISIONS:

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FAX: (818) 248-5236 • EMAIL: CSTODDARD@SBCGLOBAL.NET

PRELIMINARY SITE / BUILDING SECTIONS

PRIVATE RESIDENCE
4254 CHEVY CHASE DRIVE, LA CANADA, CA 91011

DATE: 03-2026
DRAWN BY: HW
JOB NO. 25005

SHEET NO.
A4.1

3/5/2026 4:58:37 PM

GENERAL NOTES:

1. All grading and construction shall conform to the 2023 County of Los Angeles Building Codes and the State Model Water Efficiency Landscape Ordinance unless specifically noted on these plans.
2. Any modifications of or changes to approved grading plans must be approved by the Building Official.
3. No grading shall be started without first notifying the Building Official. A Pre-grading meeting at the site is required before the start of the grading with the following people present: Owner, grading contractor, design civil engineer, soils engineer, geologist, County grading inspector(s) or their representatives, and when required the archeologist or other jurisdictional agencies. Permittee or his agent are responsible for arranging Pre-grade meeting and must notify the Building Official at least two business days prior to proposed pre-grade meeting.
4. Approval of these plans reflect solely the review of plans in accordance with the County of Los Angeles Building Codes and does not reflect any position by the County of Los Angeles or the Department of Public Works regarding the status of any title issues relating to the land on which the improvements may be constructed. Any disputes relating to title are solely a private matter not involving the County of Los Angeles or the Department of Public Works.
5. All grading and construction activities shall comply with County of Los Angeles Code, Title 12, Section 12.12.030 that controls and restricts noise from the use of construction and grading equipment from the hours of 8:00 PM to 6:30 AM, and on Sundays and Holidays. (More restrictive construction activity times may govern, as required by the Department of Regional Planning and should be shown on the grading plans when applicable.)
6. California Public Resources Code (Section 5097.98) and Health and Safety Code (Section 7050.5) address the discovery and disposition of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the law requires that grading involving excavation or disturbance of the site, or any nearby area where human remains may be located, occur until the following has been measures have been taken: a. The County Coroner has been informed and has determined that no investigation of the cause of death is required, and
   b. If the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation for the means of treating or disposing, with appropriate dignity, of the human remains and any associated grave goods.
7. The location and protection of all utilities is the responsibility of the Permittee.
8. All export of material from the site must go to a permitted site approved by the Building Official or a legal dumpsite. Receipts for acceptance of excess material by a dumpsite are required and must be provided to the Building Official upon request.
9. A copy of the grading permit and approved grading plans must be in the possession of a responsible person and available at the site at all times.
10. Site boundaries, easements, drainage devices, restricted use areas shall be located per construction staking by Field Engineer or licensed surveyor. Prior to grading, as requested by the Building Official, all property lines, easements, and restricted use areas shall be staked.
12. The standard retaining wall details shown on the grading plans are for reference only. Standard retaining walls are not checked, permitted, or inspected per the Grading Permit. A separate retaining wall permit is required for all standard retaining walls.
    Note: This note only applies to standard retaining walls. Geogrid fabric and segmental retaining walls do not require a separate retaining wall permit. Details and construction notes for all Geogrid walls must be on the grading plan.
13. A preventive program to protect the slopes from potential damage from burrowing rodents is required per Section J101.8 of the County of Los Angeles Building Code. Owner is to inspect slopes periodically for evidence of burrowing rodents and a first evidence of their existence shall employ an exterminator for their removal.
14. Where a grading permit is issued and the Building Official determines that the grading will not be completed prior to November 1, the owner of the site on which the grading is being performed shall, on or before October 1, file or cause to be filed with the Building Official an ESCP per Section J110.8.3 of the County of Los Angeles Building Code.
15. Transfer of Responsibility: If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

INSPECTION NOTES

16. The permittee or his agent shall notify the Building Official at least one working day in advance of required inspections at following stages of the work. (Section J105.7 of the Building Code.)
    (a) Pre-grading- Before the start of any earth disturbing activity or construction.
    (b) Initial – When the site has been cleared of vegetation and unapproved fill has been scarified, benched or otherwise prepared for fill. Fill shall not be placed prior to this inspection. Note: Prior to any construction activities, including grading, all storm water pollution prevention measures including erosion control devices which contain sediments must be installed.
    (c) Rough?– When approximate final elevations have been established; drainage terraces, swales and berms installed at the top of the slope; and the statements required in this Section have been received.
    (d) Final – When grading has been completed; all drainage devices installed; slope planting established, irrigation systems installed and the As-Built plans, required statements, and reports have been submitted and approved.
17. In addition to the inspection required by the Building Official for grading, reports and statements shall be submitted to the Building Official in accordance with Section J105 of the County of Los Angeles Building Code.
18. Unless otherwise directed by the Building Official, the Field Engineer for all engineered grading projects shall prepare routine inspection reports as required under Section J105.11 of the County of Los Angeles Building Code. These reports, known as "Report of Grading Activities", shall be submitted to the Building Official as follows:
    1. Bi-weekly during all times when grading of 400 cubic yards or more per week is occurring on the site;
    2. Monthly, at all other times; and
    3. at any time when requested in writing by the Building Official.
    Such "Report of Grading Activities" shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans and specifications, the building code, all grading permit conditions, and all other applicable ordinances and requirements. This form is available at the following website http://dpw.lacounty.gov/bsd/dg/default.aspx."Report of Grading Activities" may be scanned and uploaded at the website or faxed to (310) 530-5482. Failure to provide required inspection reports will result in a "Stop Work Order."
19. All graded sites must have drainage swales, berms, and other drainage devices installed prior to rough grading approval per Section J105.7 of the County of Los Angeles Building Code.
20. The grading contractor shall submit the statement to the grading inspector as required by Section J105.12 of the County of Los Angeles Building Code at the completion of rough grading.
21. Final grading must be approved before occupancy of buildings will be allowed per Section J105 of the County of Los Angeles Building Code.

21A A property line survey, prepared by a CA licensed land surveyor or a civil engineer with a license number below C33966, may be required by the Building Official based upon site conditions in accordance with LACBC Section 108.1.

22. Prior to issuance of grading or building permits, revised plans shall be required for building approval by the Director of Community Development, said plans shall be verify maximum project height of 32 feet as measured from existing/ natural low grade to the highest point of the structure. Specifically, pre and post -grading contours, which shall be taken into account the fill pad at the northwest corner of the residence and an elevation point for the highest section or the residence, shall be provided on the civil and architectural plan

DRAINAGE NOTES

23. Roof drainage must be diverted from graded slopes.
24. Provisions shall be made for contributory drainage at all times.
25. All construction and grading within a storm drain easement are to be done per Private Drain PD No._____ or miscellaneous Transfer Drain MTD No. _____
26. All storm drain work is to be done under continuous inspection by the Field Engineer. Status reports required under note 18 and Section J105.11 of the County of Los Angeles Building Code shall include inspection information and reports on the storm drain installation.

AGENCY NOTES (Add – Applicable Notes)

27. An encroachment permit from (City of La Canada Flintridge) _____) is required for all work within or affecting road right of way. All work within Road right of way shall conform to (County of Los Angeles Department of Public Works)(CALTRANS) (City of _____) encroachment permit.
28. An encroachment permit /connection permit is required from the County of Los Angeles Flood Control District for all work within the County of Los Angeles Flood Control District Right of Way. All work shall conform to conditions set by the Permit.
29. Permission to operate in Very High Fire Hazard Severity Zone must be obtained from the Fire Prevention Bureau or the local Fire Station prior to commencing work.
30. All work within the streambed and areas outlined on grading plans shall conform to: Army Corp 404 Permit Number: _____ , _____ streambed
    California Fish & Wildlife Permit No.: _____
31. All construction/demolition, grading, and storage of bulk materials must comply with the local AQMD rule 403 for Fugitive Dust. Information on rule 403 is available at AQMD's website http://www.aqmd.com

GENERAL GEOTECHNICAL NOTES

32. All work must be in compliance with the recommendations included in the geotechnical consultant's report(s) and the approved grading plans and specifications. ? 3rd Floor)
33. Grading operations must be conducted under periodic inspections by the geotechnical consultants with monthly inspection reports to be submitted to the Geology and Soils Section. (900 S. Fremont, Alhambra CA 91803
34. The Soil Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the plan and applicable Code requirements.
35. Rough grading must be approved by a final engineering geology and soils engineering report. An As-Built Geologic Map must be included in the final geology report. Provide a final report statement that verifies work was done in accordance with report recommendations and code provisions (Section J105.12 of the County of Los Angeles Building Code). The final report(s) must be submitted to the Geotechnical and Materials Engineering Division for review and approval.
36. Foundation, wall and pool excavations must be inspected and approved by the consulting geologist and soil engineer, prior to the placing of steel or concrete.
37. Building pads located in cut/fill transition areas shall be over-excavated a minimum of three (3) feet below the proposed bottom of footing.

FILL NOTES

38. *All fill shall be compacted to the following minimum relative compaction criteria:*
    a. 90 percent of maximum dry density within 40 feet below finish grade.
    b. 93 percent of maximum dry density deeper than 40 feet below finish grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the geotechnical engineer.
    The relative compaction shall be determined by A.S.T.M. soil compaction test D1557–91 where applicable: Where not applicable, a test acceptable to the Building Official shall be used. (Section J107.5 of the County of Los Angeles Building Code.)
    c. 95 percent of maximum dry density is required for all Fire lanes unless otherwise approved by the Fire Department.
39. *Field density shall be determined by a method acceptable to the Building Official. (Section J107.5 of the County of Los Angeles Building Code.) However, not less than 10% of the required density test, uniformly distributed, shall be obtained by the Sand Cone Method.*
40. *Sufficient tests of the fill soils shall be made to determine the relative compaction of the fill in accordance with the following minimum guidelines:*
    a. One test for each two-foot vertical lift.
    b. One test for each 1,000 cubic yards of material placed.
    c. One test at the location of the final fill slope for each building site (lot) in each four–foot vertical lift or portion thereof.
    d. One test in the vicinity of each building pad for each four–foot vertical lift or portion thereof.
41. *Sufficient tests of fill soils shall be made to verify that the soil properties comply with the design requirements, as determined by the Soil Engineer including unit types, shear strengths parameters and corresponding unit weights in accordance with the following guidelines:*
    a. Prior and subsequent to placement of the fill, shear tests shall be taken on each type of soil or soil mixture to be used for all fill slopes steeper than three (3) horizontal to one vertical.
    b. Shear test results for the proposed fill material must meet or exceed the design values used in the geotechnical report to determine slope stability requirements. Otherwise, the slope must be reevaluated using the actual shear test value of the fill material that is in place.
    c. Fill soils shall be free of deleterious materials.
42. *Fill shall not be placed until stripping of vegetation, removal of unsuitable soils, and installation of subdrain (if any) have been inspected and approved by the Soil Engineer. The Building Official may require a "Standard Test Method for moisture, ash, organic matter, peat or other organic soils" ASTM D–2974–87 or any equpect material. Detrimental amounts of organic material shall not be permitted in fills. Soil containing small amounts of rocks may be allowed provided that the rocks are in a quantity and distributed in a manner that will not be detrimental to the future use of the site and the soils engineer approves the use of such material.*
43. *Rock or similar material greater than 12 inches in diameter shall not be placed in the fill unless recommendations for such placement have been submitted by the Soil Engineer and approved in advance by the Building Official. Location, extent, and elevation of rock disposal areas must be shown on an (As Built) grading plan.*
44. *Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all fill placement and compaction operations where fills have a depth greater than 30 feet or slope surface steeper than 2:1. (Section J107.8 of the County of Los Angeles Building Code)*
45. *Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all subdrain installation. (Section J107.7.2 of the County of Los Angeles Building Code)*
46. *All subdrain outlets are to be surveyed for line and elevation. Subdrain information must be shown on an "As Built "grading plan.*
47. Fill slopes in excess of 2:1 steepness ratio are to be constructed by the placement of soil at sufficient distance beyond the proposed finish slope to allow compaction equipment to be operated at the outer limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. Other construction procedures may be used when it is demonstrated to the satisfaction of the Building Official that the angle of slope, construction method and other factors will have equivalent effect. (Section J107.5 of the County of Los Angeles Building Code.)

PLANTING AND IRRIGATION NOTES:

48. Planting and irrigation on graded slopes must comply with the following minimum guidelines:
    a. The surface of all cut slopes more than 5 feet in height and fill slopes more than 3 feet in height shall be protected against damage by erosion by planting with grass or groundcover plants. Slopes exceeding 15 feet in vertical height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers, or a combination of shrubs and trees at equivalent spacing, in addition to the grass or groundcover plants. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site. Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep–rooted planting material needing limited watering, maintenance, high root to shoot ratio, wind susceptibility and fire–retardant characteristics. All plant material must be approved by the building official. (Section J110.3 of the County of Los Angeles Building Code)

    Note: Planting may be modified for the site if specific recommendations are provided by both the Soils Engineer and a Landscape Architect. Specific recommendations must consider soils and climatic conditions, irrigation requirements, planting methods, fire retardant characteristics, water efficiency, maintenance needs, and other regulatory requirements. Recommendations must include a finding that the alternative planting will provide a permanent and effective method of erosion control. Modifications to planting must be approved by the Building Official prior to installation.

    b. Slopes required to be planted by Section J110.3 shall be provided with an approved system of irrigation that is designed to cover all parts of the slope surface. Irrigation system plans shall be submitted and approved prior to installation. A functional test of the system may be required. For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation. The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that, because of the type of plants selected, the planting methods used and the soil and climatic conditions at the site, irrigation will not be necessary for the maintenance of the slope planting. (Section J110.4 of the County of Los Angeles Building Code)
    c. Other governmental agencies may have additional requirements for landscaping and irrigation. It is the responsibility of the applicant to coordinate with other agencies to meet their requirements while maintaining compliance with the County of Los Angeles Building Code.
49. The planting and irrigation systems shall be installed as soon as practical after rough grading. Prior to final grading approval all required slope planting must be well established. (Section J110.7 of the County of Los Angeles Building Code)
50. Landscape irrigation system shall be designed and maintained to prevent spray on structures. (Title 31, Section 5.407.2.1)
51. Prior to rough grade approval this project requires a landscape permit. Landscape plans in compliance with the "Model Water Efficient Landscape Ordinance" Title 23, Chapter 2.7 of California Code of Regulations (AB 1881) must be submitted to the Department of Public Works, Land Development Division. (900 S. Fremont Ave, Alhambra – 3RD Floor, CA 91803 (626) 458–4921). To obtain Landscape permit approved plans and Water Purveyor acknowledgment form must be submitted to the local Building and Safety office.

"Excavations shall be made in compliance with CAL/OSHA Regulations"

"All foundation excavations must be observed and approved, in writing, by the Project Geotechnical Consultant prior to placement of reinforcing steel"

"Foundation plans and foundation details shall clearly deplict the embedment material and minimum depth of embedment for the foundations."

"Prior to final approval, an as–built report documenting the installation of the pile foundations shall be prepared by the project Geotechnical Consultant and submitted to the City for review. The report shall include the pile diameter, total depths of piles, depth into the recommended bearing material, depth to groundwater (if observed), date of installation, and a map depicting the locations of the observed pile foundations."

"All setbacks shall be in accordance with the California Building Code, Section 1808.7."

ATTACHMENT B NOTES
SEE EROSION CONTROL PLAN

BEST MANAGEMENT PRACTICE NOTES:
see Erosion Control Plan

a. The geotechnical consultant should determine the expansion potential of the finished grade materials at the completion of grading. Grading and Foundation design recommendations should be revised if the expansion potential of finish grade materials substantially differs from the assumed expansion range.
b. An evaluation of soil corrosivity shall be made at the completion of grading by the Project Geotechnical Consultant, who shall provide appropriate recommendations.
c. An as–built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as–built geologic map.
d. Prior to final approval, an as–built report documenting the installation of the pile foundations shall be prepared by the project Geotechnical Consultant and submitted to the City for review. The report shall include the pile diameter, total depths of piles, depth into the recommended bearing material, depth to groundwater (if observed), date of installation, and a map depicting the locations of the observed pile foundations.

(General Information)
- Grading Permit Application No. GR_____ *
- Earthwork Volume: Cut 3,816 Cyd, Fill 211 Cyd * Over Excavation/ Alluvial Removal & Compaction 857 Cyd *
- Export 3,605 Cyd, Export Location: APPROVE LANDFILL *
- Total Disturbed Area 23,464sf /0.54 (Acres) *
- Total Proposed Landscape Area 620 Square Feet *
- Total Turf Area 20 % (Percent of Total Proposed Landscaping) *
- Total Drought Tolerant Landscaping Area 80 % (Percent of Total Proposed Landscaping) *
- Pre-Development Impervious area 8,590 sf/0.20 (Acres) *
- Post-Development Impervious area 21,158 sf/0.48 (Acres) *
- Waste Discharge Identification Number (WDID #)_____ *
- Construction & Demolition Debris Recycling and Reuse Plan (CDDRP ID)_____ *
- Post-construction BMP Item(s) GPS coordinates x 0 , y 0
(Property Information)
- Property Address 4254 CHEVY CHASE (If vacant *)
- Tract / Parcel Map No. TRACT 27208 Lot/Parcel No._____
- Property Owner ROBERT CASE
- Assessors ID Number(s) 5814-012-012 *
(Zoning, Regional Planning, and other Agency Information)
- Property Zoning: _____ *
- Intended Land Use SFR *
(For proposed graded areas - i.e. ... Single Family Residence)
- Certificate of Compliance CC NO._____
- Flot Plan Numbers FP NO. TBD
- Conditional Use Permit- CUP NO. N/A Expiration Date: _____
- Oak Tree Permit Numbers OTP NO. TBD Expiration Date: _____
- Community Standards District N/A

- California Coastal Commission Area: _____ Yes, _____ No Approved volume: _____ Cyd
- Coastal Development Permit CDP _____ APPLICATION Expiration Date: _____
- Path 4 Wildlife, Army Corp of Engineers, Regional Water Control Board, AQMD # Other Agency Permits should be added as applicable. (Permit Number_____ , Expiration Date_____)

Notes items marked * are required on all grading plans.

SCOPE OF WORK:

PROPOSED NEW 2-STORY SINGLE FAMILY DWELLING WITH 3-CAR GARAGE AND BASEMENT

EARTHWORK QUANTITY CALCULATION

4254 CHEVY CHASE DRIVE
LA CANADA, CALIFORNIA

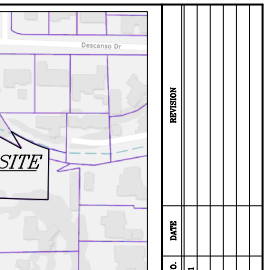
GENERAL CUT
CUT @ CONTOURS
1192= 1,209 sf
1191= 4,425 sf
1190= 7,027 sf
1189= 1,757 sf
1188= 424 sf
14,025 sf x 1' / 27 =519 c.y.

FILL @ BACK PATIO
FILL @ CONTOURS
1185= 626 sf
1186= 1,309 sf
1187= 1,558 sf
1188= 1,671 sf
1189= 1,712 sf
5,707 sf x 1' / 27 =211 c.y.

CUT @ BASEMENT
CUT @ CONTOURS
1192= 400 sf
1191= 2,706 sf
1188= 3,483 sf
1186= 5,009 sf
1184= 7,125 sf
1182= 7,125 sf
1180= 7,125 sf
1178= 7,125 sf
1176= 7,125 sf
1174= 3,018 sf
1172= 3,000 sf
1170= 3,000 sf
51,523 sf x 2' / 27 =3,816 c.y.

TOTAL
CUT = 3,816 C.Y
FILL = 211 C.Y
EXPORT = 3,605 C.Y

DISCLAIMER:
THE QUANTITIES SHOWN HEREON ARE FOR PERMIT AND BONDING PURPOSES ONLY. THE CONTRACTOR SHALL NOT RELY ON THESE QUANTITIES SHOWN HEREON. HE SHOULD DETERMINE THE QUANTITIES BASED ON THE GRADING PLAN, SOILS REPORT AND THE ACTUAL SITE CONDITION.



VICINITY MAP
NO SCALE

BENCH MARK

THE ELEVATION OF THE SPK AT INT. BETWEEN MENDOCINO & OLIVERAS AVE. WAS USED AS BENCH MARK FOR THIS SURVEY. ASSUMED ELEVATION=1,255.93'

LEGEND AND SYMBOLS

A.C. ..... EDGE OF A.C. PAVING
E.C. ..... EDGE OF CONCRETE
EL-SPOT ..... SPOT ELEVATION
F.F. ..... FINISHED FLOOR
F.L. ..... FLOWLINE
F.S. ..... FINISHED SURFACE
P.A. ..... PLANTER AREA
T.C. ..... TOP OF CURB
T.G. ..... TOP OF GRATE
TYP. ..... TYPICAL
T.W. ..... TOP OF WALL
TP-1 ..... TEST PIT LOCATION
B-8 ..... MACHINE DRILL BORING

(98.00) T.C. EXISTING TOP OF CURB ELEVATION
(97.50) F.L. EXISTING FLOW LINE ELEVATION
(98.00) EXISTING SPOT ELEVATION
EL-SPOT DESCRIPTION OF ELEVATION
98.00 PROPOSED ELEVATION
98.00 DESCRIPTION OF ELEVATION
1.0% PROPOSED GRADIENT AND DIRECTION OF FLOW
2 CONSTRUCTION NOTES AND DETAIL NO.
A DEPTH OF REMOVAL AND RECOMPACTION
1000 EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR
PROPOSED MAJOR CONTOUR
PROPOSED MINOR CONTOUR
PROPOSED RETAINING WALL
EXISTING RETAINING WALL

BENCH MARK

L&T IN E CB CHEVY CHASE DR ON OR NR C/L PROD DESCANSO DRIVE

ELEVATION= 1202.297'

OWNER

ARCHITECT

C.A. STODDARD A.I.A. & ASSOC. INC.
4452 OCEAN VIEW BLVD., SUITE 200
MONTROSE, CA 91020
TEL (818) 249-8386

"AS CIVIL ENGINEER OF THIS PROJECT, I HAVE IDENTIFIED THE LOCATION OF ALL EASEMENTS WHICH ARE DEPICTED ON THESE PLANS. I HAVE REVIEWED THE PROPOSED EASEMENT DOCUMENTS AND VERIFIED THE PROPOSED CONSTRUCTION DOES NOT CONFLICT OR INTERFERE WITH THE INTENDED EASEMENT USE."

DATE

ENGINEER'S/SURVEYOR'S STATEMENT REGARDING THE PRESENCE OF MONUMENTS WITHIN PROJECT LIMITS

I HEREBY ATTEST THAT I HAVE LOCATED AND REFERENCE ON THESE PLANS THE MONUMENTS EXISTING PRIOR TO CONSTRUCTION TO ENSURE PERPETUATION OF THEIR LOCATION IN ACCORDANCE WITH SECTION 8771 OF THE BUSINESS AND PROFESSIONS CODE. I FURTHER ATTEST THAT I HAVE PERFORMED A RECORD SEARCH AND FIELD INSPECTION TO IDENTIFY EXISTING MONUMENTS: SHALL SET SUFFICIENT CONTROLLING WITNESS. AND PERMENANT MONUMENTS: AND SHALL FILE THE REQUISITE CORNER RECORD OR RECORD OF SURVEY OF THE REFERENCES WITH THE COUNTY SURVEYOR.

DATE

DIGALERT
Call Toll Free
1-800-422-4133
2 Working Days Before You Dig
Underground Service Alert of Southern California

Approval By Consultants

THIS GRADING PLAN is acceptable in regard to soils (and geologic,-if applicable) conditions and conforms to the recommendations of the supportive reports dated:

SOILS ENGINEERING reports: _____ 2001
ENGINEERING GEOLOGY reports _____ 2001
By _____ R.C.E.
Soils Engineer
Company _____ 2001
By _____ CERT NO.
Engineering Geologist
Company _____ 2001

UNAUTHORIZED CHANGES & USES
CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

CALIFORNIA COUNCIL OF CIVIL ENGINEERS & LAND SURVEYORS

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICE, CONSTRUCTION CONTRACTOR WILL BE SOLELY AND EXCLUSIVELY RESPONSIBLE FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

CALIFORNIA COUNCIL OF CIVIL ENGINEERS & LAND SURVEYORS

NO.	DATE	REVISION
1		

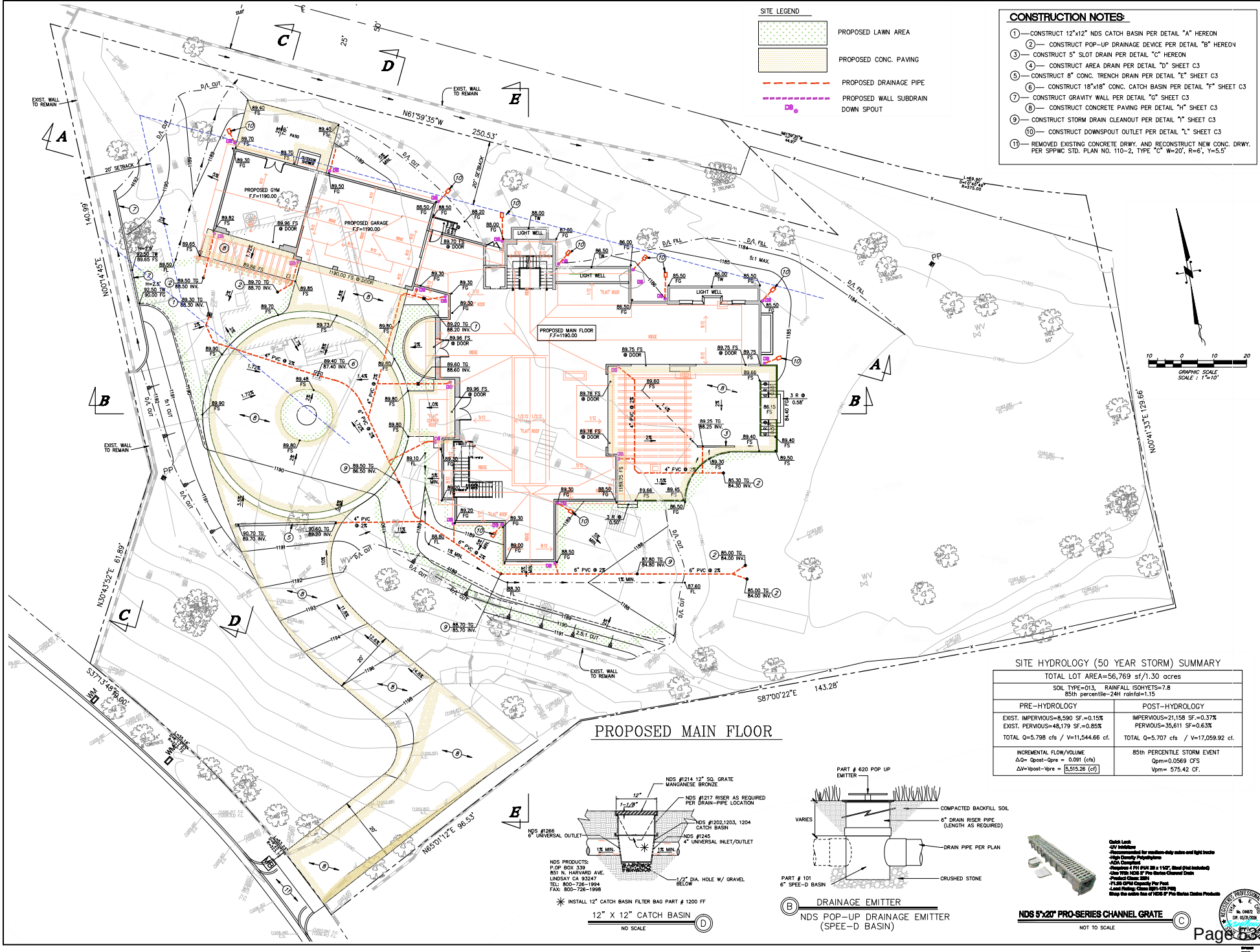
CALCIVIC ENGINEERING GROUP
CONSULTING ENGINEERS & LAND SURVEYORS
CIVIL / STRUCTURAL / LAND SURVEYING
2160 PARNELL WAY, ALTADENA, CALIFORNIA 91001
TEL (626) 798-2828 FAX (626) 798-6644
E-MAIL calcivic@earthlink.net

GENERAL NOTES AND DETAILS

4254 CHEVY CHASE DRIVE
LA CANADA, CALIFORNIA

CHECKED BY I.C.
DRAWN BY K.H.
PLAN SCALE AS SHOWN
DATE 02/19/26
JOB NO. 021926

SHEET NO. C1



SITE HYDROLOGY (50 YEAR STORM) SUMMARY

TOTAL LOT AREA=56,769 sf/1.30 acres	
SOIL TYPE=013, RAINFALL ISOHYETS=7.8 85th percentile-24H rainfal=1.15	
PRE-HYDROLOGY	POST-HYDROLOGY
EXIST. IMPERVIOUS=8,590 SF.=0.15% EXIST. PERVIOUS=48,179 SF.=0.85% TOTAL Q=5.798 cfs / V=11,544.66 cf.	IMPERVIOUS=21,158 SF.=0.37% PERVIOUS= 35,611 SF=0.63% TOTAL Q=5.707 cfs / V=17,059.92 cf.
INCREMENTAL FLOW/VOLUME ΔQ= Qpost-Qpre = 0.091 (cfs) ΔV=Vpost-Vpre = 5,515.26 (cf)	85th PERCENTILE STORM EVENT Qpm=0.0569 CFS Vpm= 575.42 CF.

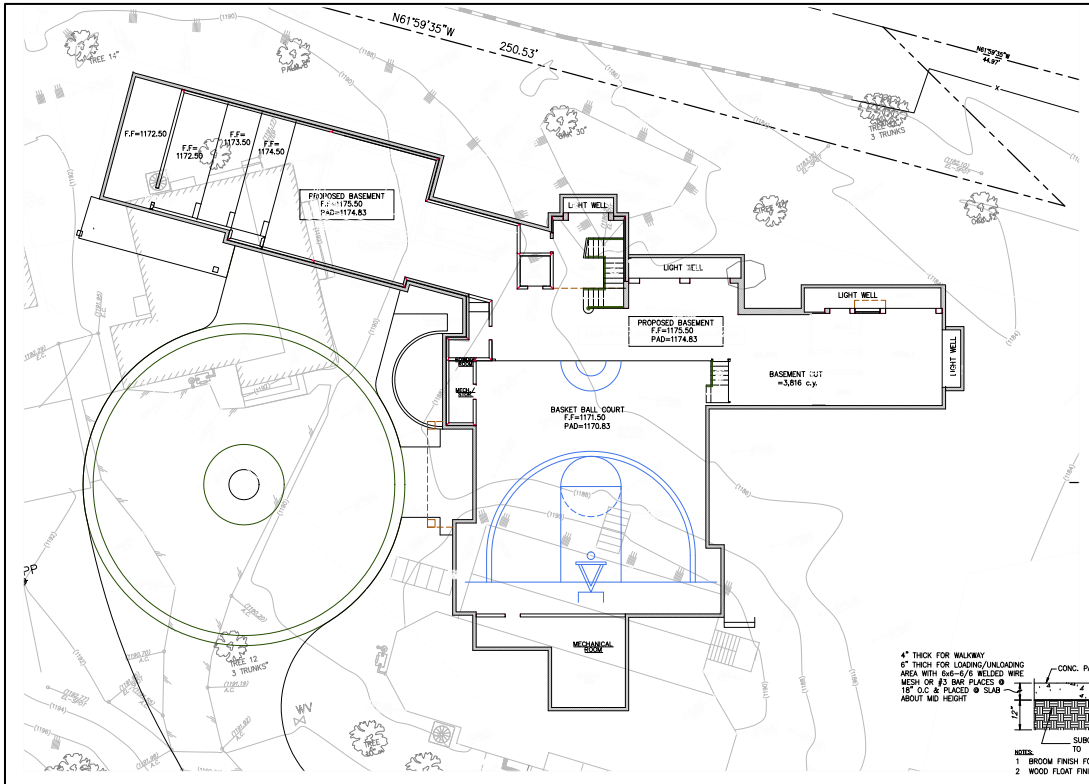
CALCIVIC ENGINEERING GROUP
CONSULTING ENGINEERS & LAND SURVEYORS
CIVIL / STRUCTURAL / LAND SURVEYING
2160 PARNELL WAY, ALTADENA, CALIFORNIA 91001
TEL: (626) 798-2838 FAX:(626) 798-6644
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REVISION | DATE | NO.

GRADING PLAN

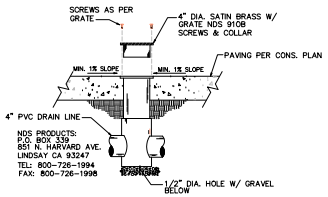
4254 CHEVY CHASE DRIVE
LA CANADA, CALIFORNIA

CHECKED BY I.C.
DRAWN BY K.H.
PLAN SCALE 1" = 10'
DATE 02/18/26
JOB NO. 02/18/26
SHEET NO. C2



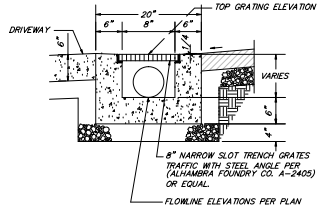
PROPOSED BASEMENT

SCALE: 1"=10'



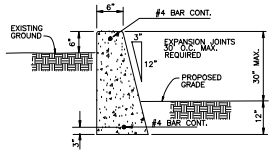
ROUND AREA DRAIN (D)

NOT TO SCALE



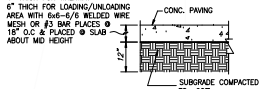
8" CONCRETE TRENCH DRAIN (E)

NO SCALE

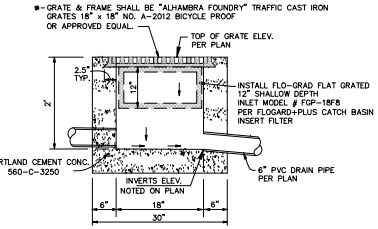


GRAVITY WALL (G)

NO SCALE

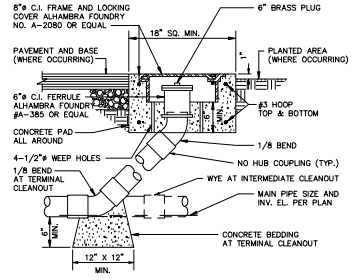


CONC. PAVING DETAIL (H)



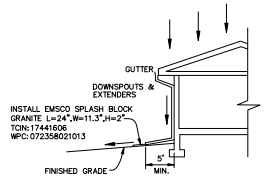
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NO SCALE



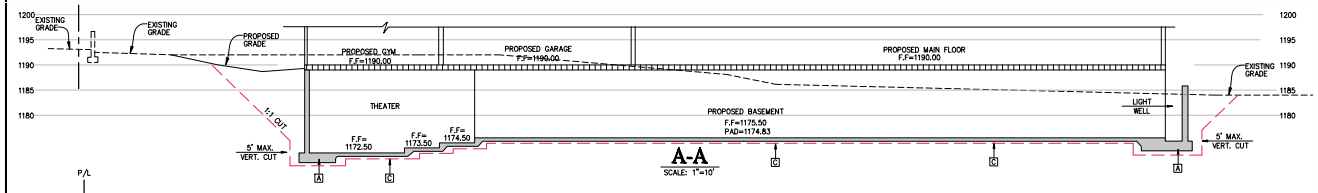
STORM DRAIN CLEANOUT (I)

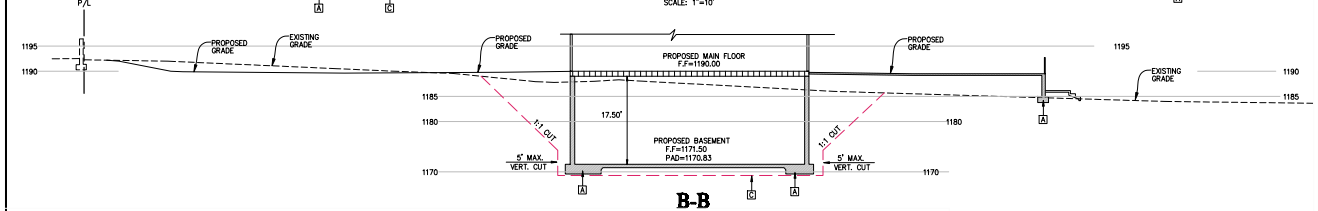
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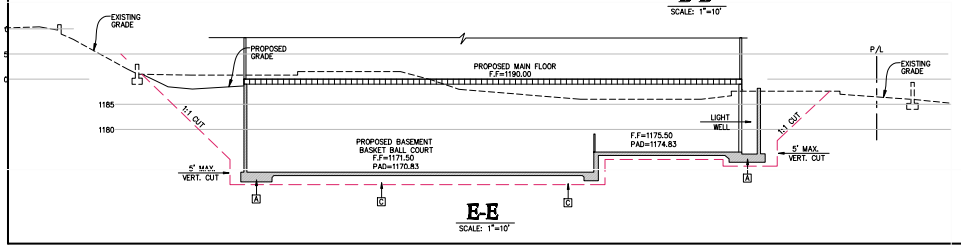


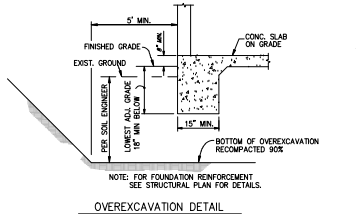
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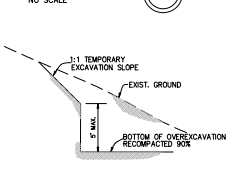






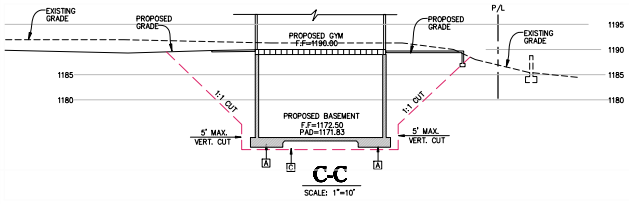
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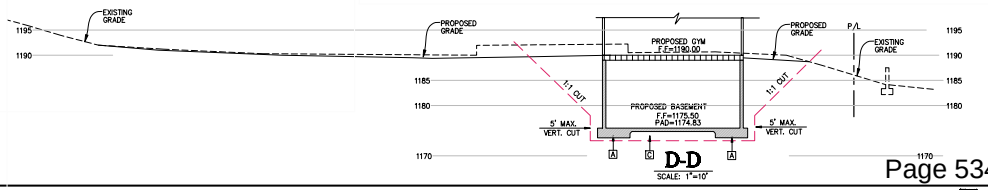
NO SCALE



TEMP. 5' MAX. VERTICAL CUT

NO SCALE





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NO.	DATE	REVISION

GRADING PLAN

4254 CHEVY CHASE DRIVE
LA CANADA, CALIFORNIA

CHECKED BY I.C.
DRAWN BY K.H.
PLAN SCALE AS SHOWN
DATE 02/18/26
JOB NO. 02/18/26
SHEET NO. C3

ATTACHMENT 4

Arborist Report for 4254 Chevy Chase Dr. LCF

Prepared for:

Craig Stoddard

6/1/2026

Prepared by:

Oscar Del Real

Certified Arborist and Pest Control Advisor (PCA)

International Society of Arboriculture# WE-12737A

Department of Pesticide Regulation (PCA) 142479

(818) 667-2546

Rootshootsconsulting@gmail.com

Arborist Report



The International Society of Arboriculture

Hereby Announces That

Oscar Del Real

Has Earned the Credential

ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

14 September 2019	31 December 2028	WE-12737A
Issue Date	Expiration Date	Certification Number

ANAB
ANSI National Accreditation Board
ACCREDITED
ISO/IEC 17024
PERSONNEL CERTIFICATION BODY
#0847
ISA Certified Arborist

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Arborist Report

A. Background

Craig Stoddard reached out to us and retained our services as a certified arborist to provide an arborist report for 17 trees on 4254 Chevy Chase Dr. La Canada Flintridge 91011 Ca.

Information was gathered on 3/11/2026 and it was a nice clear day. The trees inspected are protected trees and were measured with DBH (Diameter at Breast Height) tape, tape measure and cell phone camera. The entire property and surrounding properties were visually inspected and analyzed. The project has 17 trees that are on the Protected Tree Ordinance list: California native oaks (*Quercus spp*), Western sycamore (*Platanus racemosa*), and Deodar Cedar (*Cedrus deoaora*).

B. Survey Methods

A level II inspection was developed by the International Society of Arboriculture (ISA). The Level 2 or basic assessment is a detailed visual inspection of a tree and surrounding site, and a synthesis of the information collected. It requires that a tree risk assessor walks completely around the tree looking at the site, root flare roots, trunk, and branches. A basic assessment may include the use of simple tools to gain additional information about the tree or defects.

C. Project Description

New construction would like to be performed to a section of the property, and the city would like to know what trees are on the property prior to the approval of the construction.

A total count of 17 protected trees throughout the property per city ordinance covering native trees and shrubs. Below are the protected trees/ shrubs on the property,

Amount	Common name	Botanical name
17	Coast Live Oak	*Quercus agrifolia*

4 trees protected trees are projected to be removed during the project enhancements.

Replacement Trees	Amount	Tree species	Size
	3	Coast Live Oak	24” Box

Notes:

- Proper BMP (Best Management Practices) should be taken to the existing trees throughout the project (sufficient water, tree protection, nutrition, etc.)
- Trenching of any kind should not be near the root system and all precautionary actions should be taken per the city's requirements/ guidelines.
- Where any required structural footing, pipes, utilities, may need to be installed, if the contractors encounter a root over 3" in diameter, they must be redirected to avoid cutting in such large roots. Please contact the engineer.
- Keep a natural or existing grade around the protected trees for the health and future growth of the trees.
- A Certified Arborist should monitor trees as the construction continues.

E. Analysis

The trees were assessed for structure, health, and overall condition. Assessment factors for determining overall tree conditions – Table 1, defines the characteristic for each rating.

The Data and Assessment chart (Table. 2) contains the collected tree data from the inspection. Data includes tree numbers, tree measurements, and ratings (structure, health, and overall condition).

F. Conclusions

General Tree Condition Summary

Overall, the assessed trees are in fair to good health, exhibiting minor deficiencies typical of mature specimens. Three trees are recommended for removal based on structural concerns, observed defects and safety concerns. Tree #1 is proposed for relocation to another area of the property to accommodate future construction activities.

Tree Assessments

Tree #1
is located on the northwestern portion of the property, approximately 7 feet from the existing structure and directly above the basement area. The proposed development is planned at the tree's existing location. Construction of the development would require extensive excavation and complete removal of the tree's root system. To preserve the tree and avoid construction-related impacts, relocation is recommended. The proposed relocation site is located on the eastern portion of the property, as identified on the project plans by the green dot (current location) and orange dot (proposed location).The tree is currently in good health, exhibits favorable structure, and is

considered a valuable specimen within the landscape. Given its condition and aesthetic value, relocation is the preferred option to allow for project development while retaining the tree. Relocation should be performed by a qualified tree-moving contractor under the supervision of a certified arborist and in accordance with industry Best Management Practices (BMPs) to maximize transplant success and long-term establishment. Prior to relocation, light structural pruning may be beneficial to reduce canopy weight and improve handling during the transplanting process. However, pruning should be limited to avoid excessive stress and minimize the risk of transplant shock. The objective is to strike a balance between reducing the canopy load for relocation while retaining sufficient foliage to support the tree's recovery and establishment at its new location.

Tree# 2
Is in good overall health with a strong structure. Minor leaf dieback is present; however, it is not considered significant at this time. Due to its proximity to the proposed construction area, a Tree Protection Zone (TPZ) should be established and maintained throughout the construction process to help protect the tree's health and root system. The overall tree is about 12’ from the powerline to the North. Based on the location of the proposed story poles and future structure, selective canopy pruning is recommended to provide adequate clearance between the tree and the proposed development while maintaining the tree's health, structure, and long-term viability. All pruning should be performed in accordance with ANSI A300 standards and arboricultural Best Management Practices to minimize stress and preserve the tree's natural form.

Tree# 3
Exhibits an area of staining and sap bleeding on the north side of the trunk approximately 5 feet above grade, measuring roughly 2 feet in diameter. The tree is located in close proximity to the proposed construction area, where significant root pruning and disturbance to major structural roots are anticipated. Given the existing signs of decline and the expected construction impacts, removal of the tree is recommended.

Tree# 4
Exhibits minor signs of decline throughout the canopy; however, the overall structure remains sound. Deadwood is present within the canopy, including branches located near the overhead utility lines to the north. Pruning is recommended to remove deadwood and maintain appropriate clearance from the utility lines.

Tree# 5
The tree exhibits minor canopy dieback and scattered deadwood throughout the crown. These conditions can be effectively addressed through routine pruning. The tree is located on a slight slope and is situated near overhead utility lines to the north, which should be considered when performing any pruning work.

Tree# 6
Is located on a slight slope and features a codominant (dual-stem) trunk structure. The tree exhibits a slight lean toward the south; however, the overall structure appears stable at the time of inspection.

Tree# 7
Is located on a slight slope and exhibits good overall health and canopy condition. The tree is situated near a utility pole and overhead power lines, and periodic pruning may be necessary to maintain adequate clearance and help prevent future conflicts with utility infrastructure.

Tree# 8
Is located on a hillside along the southeast portion of the property. The majority of the trunk and canopy extend toward the south. The tree exhibits good overall structure and is in fair to good health. The southward lean of the trunk and canopy appears to be a natural growth response to available sunlight (phototropism) rather than an indication of structural instability. At the time of inspection, no significant defects were observed that would adversely affect the tree's overall condition.

Tree # 9
Is located on a slight incline, with the majority of the trunk and canopy extending toward the northwest. Minor canopy dieback, estimated at approximately 15%, was observed during the inspection. Despite this, the tree appears to be in overall good health with a stable structure. At the time of inspection, no significant defects were noted that would substantially impact the tree's vigor or stability.

Tree# 10
Is located on a slight slope and exhibits a tall, slender growth form, likely due to competition for sunlight and the surrounding shade conditions. The tree and canopy are in overall good health, with no significant signs of decline or structural defects observed at the time of inspection. No major concerns were identified, and the tree appears to be stable and thriving in its current environment.

Tree #11
Is situated on a slope near the fence line along the southern boundary of the property. Portions of the upper trunk and canopy exhibit a lean toward the northwest. Minor canopy dieback was observed; however, it is not considered significant at this time. Overall, the tree appears to be in good health with no major structural or health concerns noted during the inspection.

Tree# 12
Exhibits a pronounced lean to the north, estimated at approximately 22 degrees. Evidence of soil displacement and lifting around the root flare was observed, which may indicate root plate movement. The tree is multi-stemmed, with one of the smaller stems growing low and partially along the ground. Based on discussions with the property owner, future construction and landscape improvements are planned in the immediate vicinity of the tree. Once completed, this area is expected to experience increased occupancy and foot traffic, including use by family members, children, and pets. Given the tree's significant lean, observed soil lifting, and the anticipated increase in target occupancy, removal of the tree is recommended.

Proactive removal would help reduce the potential risk of future failure and minimize the likelihood of property damage or personal injury within this high-use area.

Tree# 13
Is recommended for removal due to the extensive decay present throughout the tree. The trunk contains multiple large wounds and areas of advanced deterioration, indicating significant structural compromise. The extent and distribution of the decay raise concerns regarding the tree's long-term stability and potential for failure. Based on these observed conditions, removal is recommended to mitigate risk and prevent future hazards.

Tree# 14
is located on a slight slope adjacent to the neighboring driveway. The tree is in overall good health, with only minor concerns noted during the inspection, including scattered deadwood throughout the canopy and limited tip dieback. The tree is also situated near a utility pole, which may require periodic monitoring and maintenance pruning to maintain appropriate clearance. At the time of inspection, no significant structural defects or health issues were observed.

Tree#15
Is a large, mature tree located near the driveway at the front of the residence. The tree is in overall good health and exhibits a healthy canopy structure. Minor pruning is recommended to remove scattered dead branches and improve overall canopy condition. The tree is situated approximately 20 to 30 feet from the residence and, at the time of inspection, no significant structural defects or health concerns were observed.

Tree# 16
Is located adjacent to the driveway and street. The tree has a multi-stemmed growth habit and contains some scattered deadwood throughout the canopy. It is situated near a utility pole and overhead utilities, which may require periodic maintenance pruning to maintain appropriate clearance. Overall, the tree appears to be in good health with no significant structural or health concerns observed at the time of inspection.

Tree# 17
Is located on a slight slope and exhibits symptoms consistent with possible **Polyphagous Shot Hole Borer (PSHB)** activity. Multiple exit holes and areas of sap bleeding were observed on the trunk and bark, which are characteristic indicators of infestation. At the time of inspection, the tree remains standing and retains a functional canopy; however, the presence of these symptoms warrants prompt attention.
Treatment is recommended to help manage the infestation and improve the tree's condition. The tree should be monitored regularly for signs of decline, including increased canopy dieback, reduced vigor, or continued pest activity. If the tree fails to respond to treatment or its condition continues to deteriorate, removal may become necessary to mitigate potential risks and limit further pest spread.

** Tree on the abutting property to the North-West (4276 Chevy Chase Dr.)

Large coast live oak with an estimated DBH of 30–35 inches and a multi-stemmed growth habit. The tree is located approximately 15 feet from the adjacent concrete wall. Minor tip dieback is present throughout the canopy, and the canopy density is somewhat thin compared to what would be expected for a healthy specimen of this size.

Potential old fruiting bodies were observed on the southeast side of one stem, suggesting possible historic fungal activity. Several old pruning wounds and mechanical injuries are present throughout the tree, some of which have not fully compartmentalized or closed over. Evidence of past lion-tailing was also observed, as indicated by the distribution of foliage at the branch tips and the presence of old pruning wounds throughout the canopy. While the tree remains functional and alive, the past pruning practices may have contributed to reduced canopy density and increased exposure of interior branches.

G. Recommendations

Pruning

All trees on the property would benefit from pruning to improve overall health, structure, and safety. Any recommended pruning should be performed in accordance with current ANSI A300 standards and industry best management practices. Any pruning or clearance work required around utility lines shall be performed by authorized contractors working on behalf of Edison. No pruning within the required utility clearance zone should be conducted by others without prior authorization from the utility provider.

City of La Canada Flintridge Guidelines below

§ 11.40.050**Trimming of protected trees.**

A. Official City Approved Arborists and Tree Trimmers List.

1. The director shall prepare and maintain the "Official City Approved Arborists and Tree Trimmers List," a copy of which shall be available in the office of the director and the city's website. Certified arborists and commercial tree services must appear on this list at the time they are performing any trimming of protected trees, or as otherwise may be required in this chapter.
2. A certified arborist or commercial tree service may be added to the Official City Approved Arborists and Tree Trimmers List, subject to completing a business license application, a supplemental application for certified arborists and commercial tree services, and a signed acknowledgement that the certified arborist or commercial tree service had received, read and understood this chapter.
3. A certified arborist and/or commercial tree service may be removed from the Official City Approved Arborists and Tree Trimmers List for failure to comply with the provisions of this code as further discussed in Section **11.40.080(C)**.

B. Authorized Persons Who May Trim Protected Trees.

1. For property located in the R-1 single-family residential zone, only the following persons may trim protected trees:
a. A commercial tree service;
b. A certified arborist;
c. A property owner and/or household members who personally performs the work on his or her property.
2. For property located in a non-R-1 single-family residential zone, only the following persons may trim protected trees:
a. A commercial tree service;
b. A certified arborist.

Construction around trees

A few trees will be near the construction site and those trees should be selected for preservation, consider the following: When construction projects, driving vehicles, significant changes in land use around trees, and soil grade changes are planned, a Tree Protection Zone (TPZ) should be established, and all personnel required to adhere closely to the TPZ requirements. People occupying and using the site after construction work is completed need to adhere to these tree-saving practices. Damage to the root system or bole (trunk), done knowingly or not, typically results in undue stress, which can lead to structural and health issues. These issues can eventually lead to safety threats to people, property, and activities, plus a reduction in property value.

Below are a few guidelines for Tree Protective Measures;

The following protective measures are hereby established for protected trees during development or construction activity to minimize any damage to the root system:

1. No building, structure, wall or impervious paving shall be located within the protected zone of any protected tree.
2. No construction related activities shall occur within the protected zone of any protected tree, including but not limited to, building construction, storage of materials, grade changes, or attachment of wires to or around tree trunks, stems, or limbs.
3. The Tree protection zone shall meet the following; Be a chain link fence, have a minimum height of five feet; and have warning signs indicating the protected tree's protected status; and be located a distance from the trunk base equal to three and one-half times the trunk diameter, up to a maximum of 15 feet.

4. Branches that may be injured by vehicles or that interfere with construction shall be pruned carefully.
5. The root protection zone should be irrigated with clean potable water to keep the tree in good health and vigor before, during, and after construction.
6. All work conducted on the ground within the root protection zone of any protected tree should be completed with hand tools. Any required trenching should occur outside of the dripline or protected zone of a protected tree.
7. Cutting of roots should be avoided.
8. "Natural" or pre-construction grade should be maintained in the root protection zone.

Tree maintenance

Proper maintenance is essential for preserving and improving the long-term health and vitality of these trees. Oak trees are particularly sensitive to overwatering, excessive pruning, and significant root disturbance. Maintaining a natural layer of leaf litter or organic mulch beneath the canopy is highly beneficial, as it helps conserve soil moisture, regulate soil temperatures, improve soil structure, and promote overall soil health.

All trees designated for protection should be maintained in accordance with industry Best Management Practices (BMPs). Tree Protection Zones (TPZs) should be established and maintained throughout the duration of the project, and all work within or adjacent to the TPZs should comply with applicable city requirements and guidelines. Adhering to these measures will help minimize construction-related impacts and support the long-term health and stability of the protected trees.

It is recommended that the oak trees be monitored and treated as needed for insect and disease issues to help maintain their health and reduce the potential for pests or pathogens to spread to nearby trees. This is particularly important given the symptoms observed on **Tree #17**, which is exhibiting signs consistent with possible insect activity and associated decline. Early detection, proper treatment, and routine monitoring can help preserve the overall health of the oak population and minimize the risk of further infestation or disease development throughout the property.

With **Tree #1**, it is essential that all Best Management Practices (BMPs) are followed throughout the relocation process to maximize the likelihood of successful establishment and long-term survival. Tree relocation should be performed by a qualified and licensed contractor under the guidance of a certified arborist. We recommend being onsite during this process. Proper equipment, installation techniques, root ball preparation, handling procedures, irrigation management, and post-transplant care should all be implemented in accordance with industry standards. Adhering to proper cultural practices before, during, and after transplanting will help minimize transplant stress and improve the tree's ability to establish successfully in its new location.

Tree Replacement Protocols

Replacement Trees.

a.

If replacement trees are to be planted, the number and size of replacement trees required shall be based on the city's Tree Replacement Chart as adopted by resolution of the city council, as amended from time to time. A copy of said resolution shall be available in the office of the director and on the city's website.

b.

For R-1 single-family residential zone, a replacement tree(s) shall be any species of a protected tree(s), as defined in Section 11.40.030, as determined by the director. For property located in a non-R-1 single-family residential zone, a replacement tree(s) may be any species of tree, as determined by the director.

c.

The location of replacement tree(s) shall be determined by the director or the planning commission. If the subject property cannot accommodate multiple protected trees, if required, alternative public property locations within the city (rights-of-way, parks, etc.) may be designated.

d.

The property owner must agree to accept the conditions of replacement by his or her signature on the acknowledgement of conditions before activation of the tree removal permit, including a condition that the property owner shall provide written notice to subsequent property owners about the existence of a replacement tree that is subject to the provisions of this chapter.

e.

When the replacement is completed, the applicant shall contact the city's planning department for an inspection of the work and to demonstrate evidence of the mitigation.

2.

City's Tree Replacement Fund. Except where it is determined by the director, planning commission, or city council that planting of replacement trees is necessary for purposes of mitigation, the property owner or applicant may pay money into the city's tree replacement fund as an alternative to planting replacement trees. The amount shall be based on the city's Tree Replacement Chart as adopted by resolution of the city council, as amended from time to time. A copy of said resolution shall be available in the office of the director and on the city's website.

Arborist Report

Replacement Tree Chart

Size of Tree Being Removed	Number of Replacement Trees	Size of Replacement Trees
12" to 23"	1	24" box sized; at least 1.5" diameter at breast height ("DBH")
24" to "35"	1	36" box sized; at least 1.5" DBH
36" or greater	1	48" box sized; at least 3" DBH

Oscar Del Real

Oscar Del Real

Roots to Shoots Consulting LLC.

Rootshootsconsulting@gmail.com

818-667-2546

Certified Arborist

ISA: WE-12737A

QAL: 136528

PCA: 142479



H. Tables

Table. 1

Assessment of factors for determining overall tree conditions/ health.

Structure

Number	Value	Description
1	Very Poor	Trunk has large pockets of decay, is weakly bifurcated or has a severe lean. Extensive damage to limbs or branches that are poorly attached or dead throughout the tree. Possible considerable risk
2	Poor	Limbs or branches are poorly attached or developed. Canopy is not symmetrical. Trunk has a lean.
3	Fair	Trunk, limbs, and branches development though flawed is typical to this species.
4	Good	New growth is vigorous as evidenced by bud breaks, stem elongations and color. Proper weight distribution and proper branch attachments.
5	Very Good	In addition to attributes of a good rating, tree is displaying extremely vigorous growth and trunk displays a pattern of vigor cracks or lines.

Health

Number	Value	Description
1	Very Poor	Tree displays severe dieback of branches; canopy is extremely sparse. May exhibit extensive pathogen infection or insect infestation. Or tree is dead.
2	Poor	Tree displays some dieback of branches, foliar canopy is sparse, little to no signs of new growth. Moderate signs of pathogen infection or insect damage.

3	Fair	Trees are developing in a manner typical to others in the area. The canopy is nearly full. Minor signs or damage of pathogen infection or insect damage.
4	Good	New growth is vigorous as evidenced by stem elongation and color. Little to no signs of abnormalities (insect damage, disease, abiotic stress, etc.)
5	Very Good	In addition to attributes if a good rating, tree is displaying extreme vigorous growth and trunk displays a pattern of vigor cracks or lines. Root flare is pronounced and no visible abnormalities to trunk or canopy.

Overall

Number	Value	Description
0	Dead	Trees have no green foliage, and no green color is present in the cambium layer when sampling roots, trunks, branches, or twigs and potential high risk.
1	Very Poor	Trees are in severe decline. Possibly have extensive damage to canopy, trunk, or roots. Showing little signs of life. Potential high risk
2	Poor	Trees are in decline or lacks vigor. Minimal new growth present, Moderate amount of die back throughout the canopy and moderate structure for that tree species.
3	Fair	Tree is a typical species in the area. Minor die back throughout the canopy, nearly full canopy, and good structure.
4	Good	Tree is vigorous with few visible flaws or abnormalities. Full to nearly full canopy and ideal to nearly ideal structure.
5	Very Good	Tree is extremely vigorous with no visible flaws or abnormalities. Full canopy and ideal structure.

Table. 2

I. Data Collection and Assessment

Tree #	Common Name	Tree Species	Diameter at Breast Height (DBH)[1]	Approximated Tree Height in feet (+/-)[2]	Structure	Health	Overall Health	Protected Tree - P	Remove (Y-Yes, N-No)	Comments
1	**Coast Live Oak**	***Quercus agrifolia***	30	70	Good	Good	Good	P	N	This is an overall healthy tree but it is near a structure. Tree would like to be relocated to a different side of the property.
2	**Coast Live Oak**	***Quercus agrifolia***	30	45	Good	Good	Good	P	N	Tree has a good root flare, minor die back and leaf chlorosis but no major defects. Powerline line is to the North of the tree about 12'. Canopy ~35'

Arborist Report

Tree #	Common Name	Tree Species	Diameter at Breast Height (DBH)[1]	Approximated Tree Height in feet (+/-)[2]	Structure	Health	Overall Health	Protected Tree - P	Remove (Y-Yes, N-No)	Comments
3	**Coast Live Oak**	***Quercus agrifolia***	13	45	Good	Good	Good	P	Y	Tree has a good root flare, minor dieback and chlorosis, Powerline to the Nort, few feet away, on a slight slope, bark is bleeding on the north end of the trunk. Canopy ~30' Recommend Removal
4	**Coast Live Oak**	***Quercus agrifolia***	10	30	Good	Fair	Fair	P	N	Over 35% dieback, dead wood throughout the canopy, Near power lines, on a slight slope. Few Vertical cracks on the north end of the trunk and has wet spots. Canopy ~15'
5	**Coast Live Oak**	***Quercus agrifolia***	9	30	Good	Good	Good	P	N	Minor dieback, some dead wood throughout the canopy, Near powerlines, on a slight slope. Canopy ~15'
6	**Coast Live Oak**	***Quercus agrifolia***	12	30	Good	Good	Good	P	N	Minor dieback throughout the tree, some dead wood throughout the canopy, near powerlines, multitrunked, slight lean to the south. Canopy~ 15'
7	**Coast Live Oak**	***Quercus agrifolia***	15	30	Good	Good	Good	P	N	Minor dieback throughout the tree, some dead wood throughout the canopy, near powerlines, slight lean to the north. Canopy ~ 15'

Arborist Report

Tree #	Common Name	Tree Species	Diameter at Breast Height (DBH)[1]	Approximated Tree Height in feet (+/-)[2]	Structure	Health	Overall Health	Protected Tree - P	Remove (Y-Yes, N-No)	Comments
8	**Coast Live Oak**	***Quercus agrifolia***	15	30	Good	Good	Good	P	N	On a slight hill, canopy is leaning to the south, minor dieback throughout the canopy. Near the fence line to the east.
9	**Coast Live Oak**	***Quercus agrifolia***	16	30	Fair	Good	Fair	P	N	Minor dieback throughout the canopy, 70% of the tree has a lean to the west (portions of the trunk and canopy), some minor leaf chlorosis.
10	**Coast Live Oak**	***Quercus agrifolia***	16	30	Fair	Good	Fair	P	N	Heavy lean to the south, minor dieback throughout the canopy, and minor leaf chlorosis.
11	**Coast Live Oak**	***Quercus agrifolia***	14	30	Fair	Good	Fair	P	N	Minor dieback throughout the canopy, Canopy leaning to the NW, some minor leaf chlorosis.
12	**Coast Live Oak**	***Quercus agrifolia***	18	25	Poor	Fair	Fair	P	Y	Heavy lean-to NW from the trunk (~22 degree), minor dieback, recommend removal

Arborist Report

Tree #	Common Name	Tree Species	Diameter at Breast Height (DBH)[1]	Approximated Tree Height in feet (+/-)[2]	Structure	Health	Overall Health	Protected Tree - P	Remove (Y-Yes, N-No)	Comments
13	**Coast Live Oak**	***Quercus agrifolia***	11	15	Poor	Very Poor	Very Poor	P	Y	Majority of the tree is decayed, large wounds, lean to the North and highly recommend to REMOVE.
14	**Coast Live Oak**	***Quercus agrifolia***	16	40	Good	Good	Good	P	N	On a slight slope and near neighbors driveway. Dead wood throughout the canopy but overall healthy tree
15	**Coast Live Oak**	***Quercus agrifolia***	40	45	Good	Good	Good	P	N	Large tree near the front of the home, few dead branches that can be removed.
16	**Coast Live Oak**	***Quercus agrifolia***	16	35	Good	Good	Good	P	N	At the front of the home near drive way and street, multi-trunked
17	**Coast Live Oak**	***Quercus agrifolia***	15	30	Fair	Fair	Fair	P	N	Appears to have PSHB damage and needs to be monitored

1- DBH was taken using a Foresters DBH tape and was rounded to the nearest whole number.
2- Height was visible approximate

J. Images

Image.1 – Tree #1



Image.2- Tree# 1 near structure



Image.3- Tree# 2



Image.4- Tree# 3



Image.5- Tree# 3 with the staining ***(Projected Removal)***



Image.6- Tree# 4

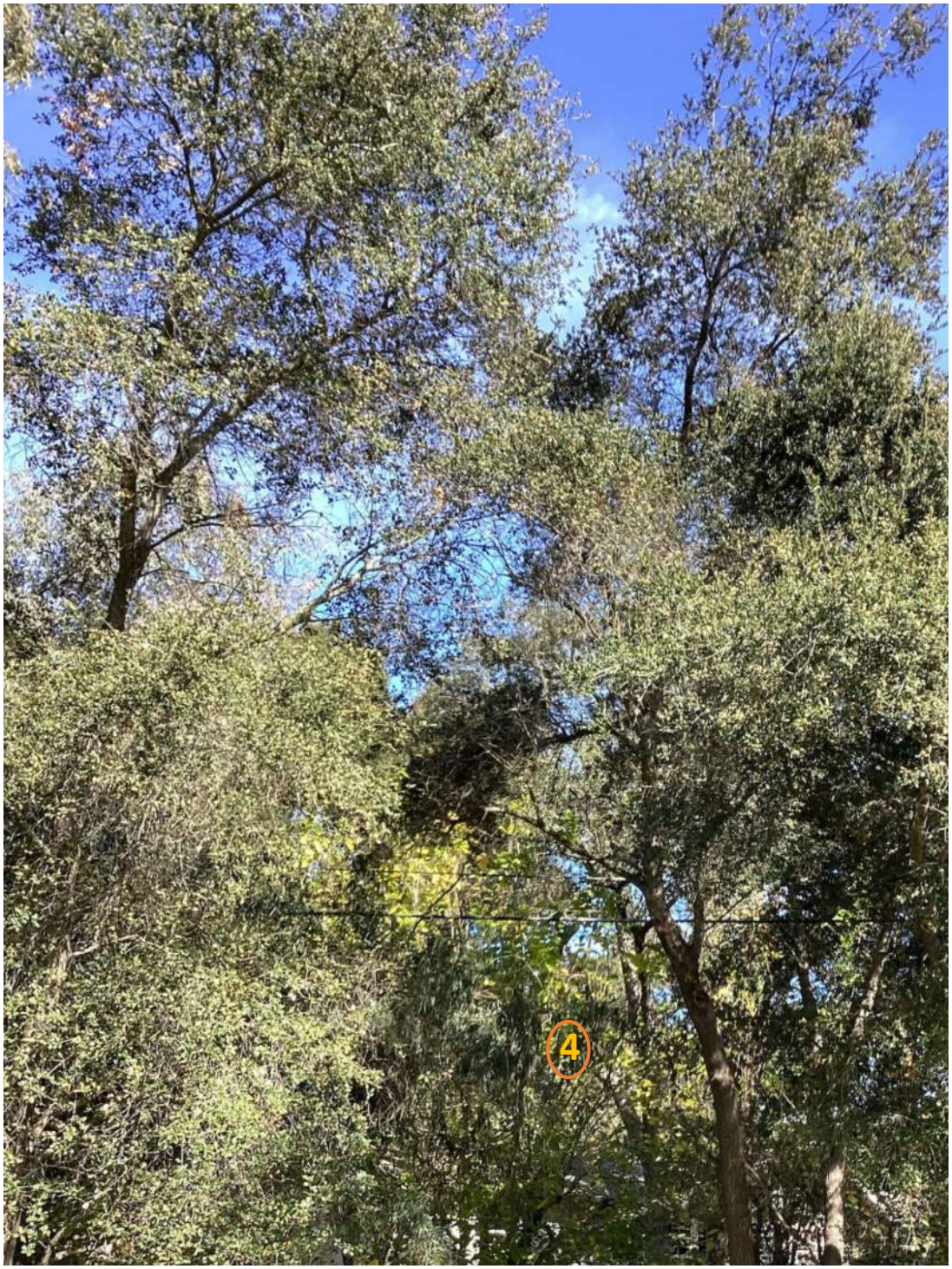


Image.7 – Tree# 5

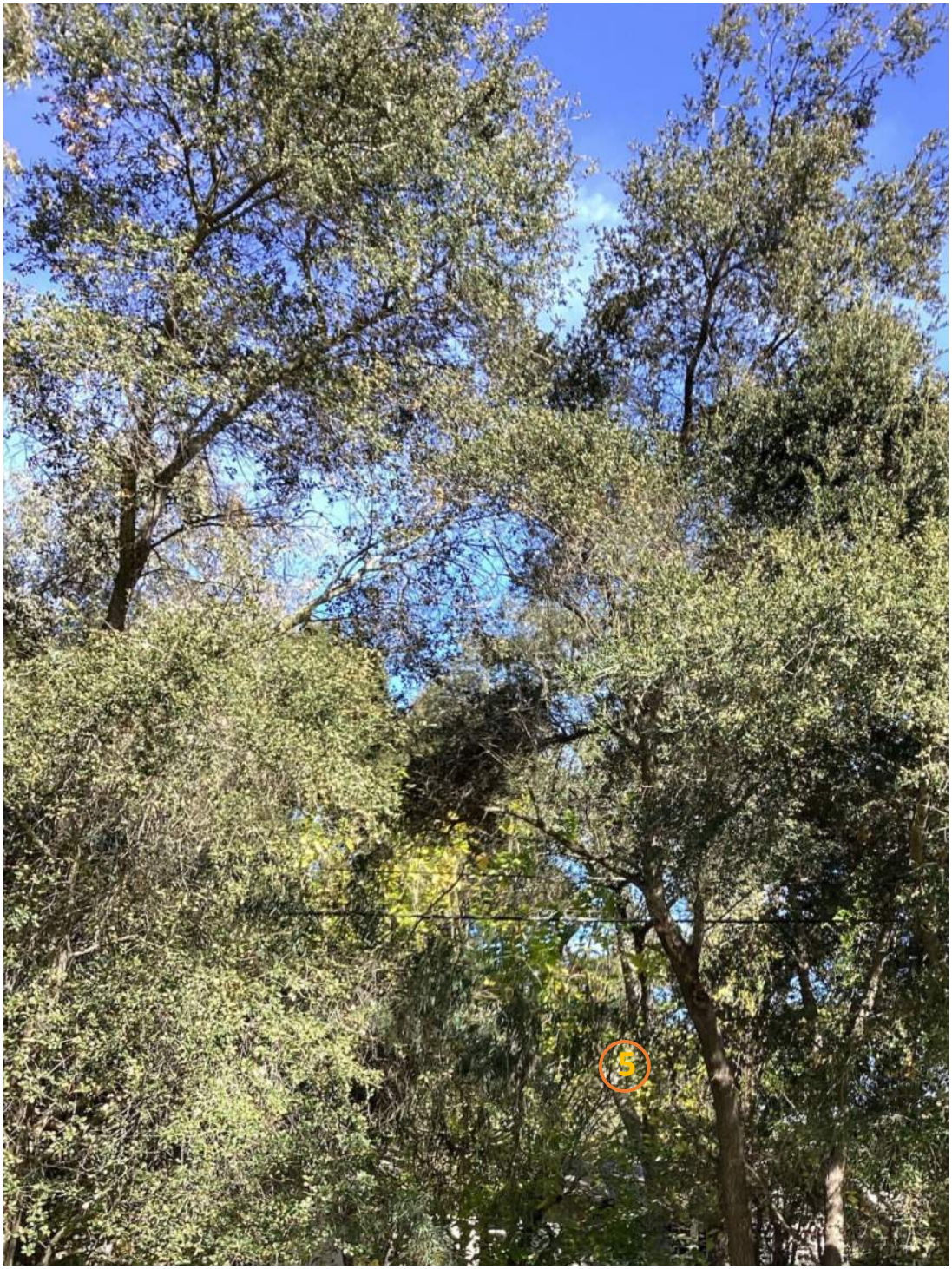


Image.8 – Tree# 6

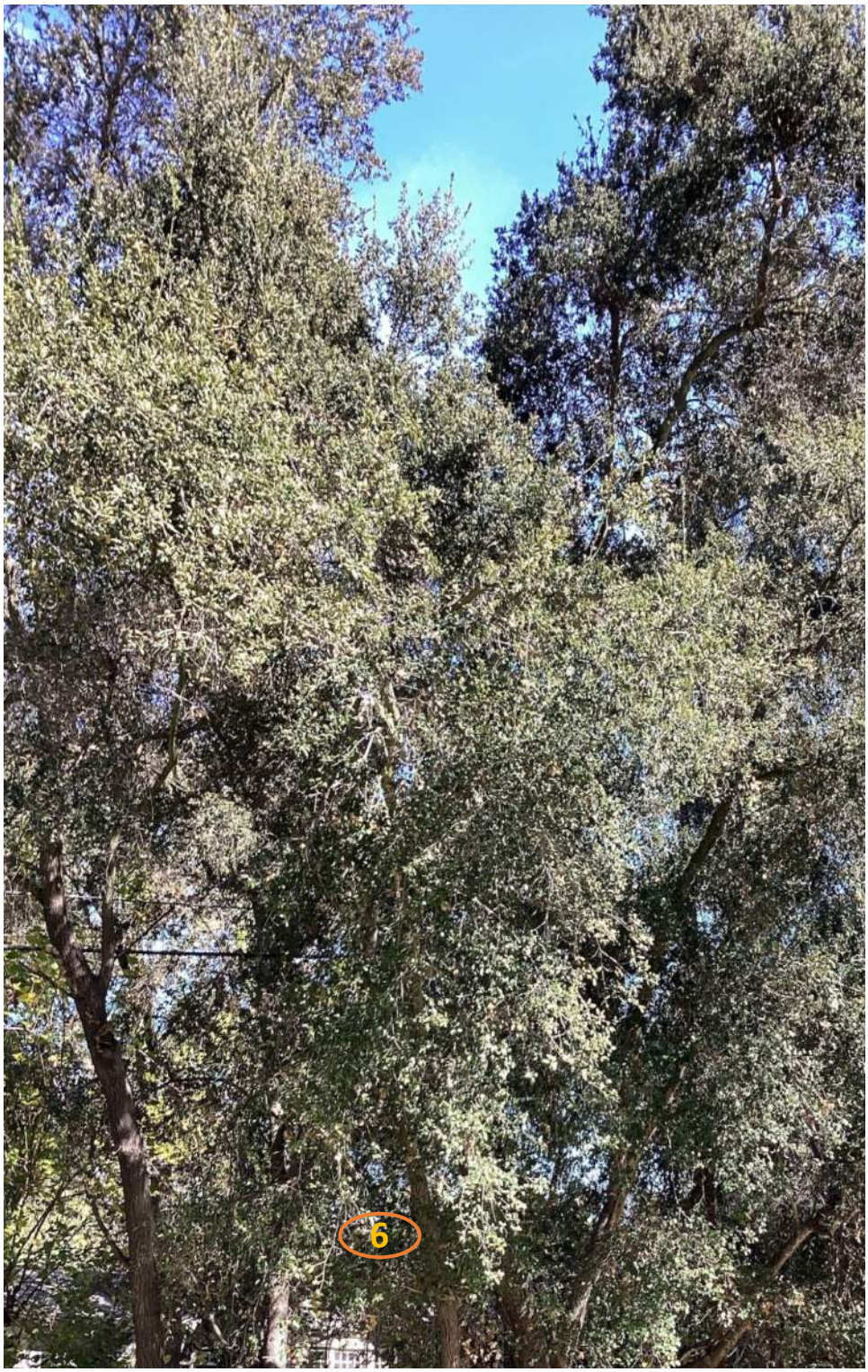


Image.9 – Tree# 7

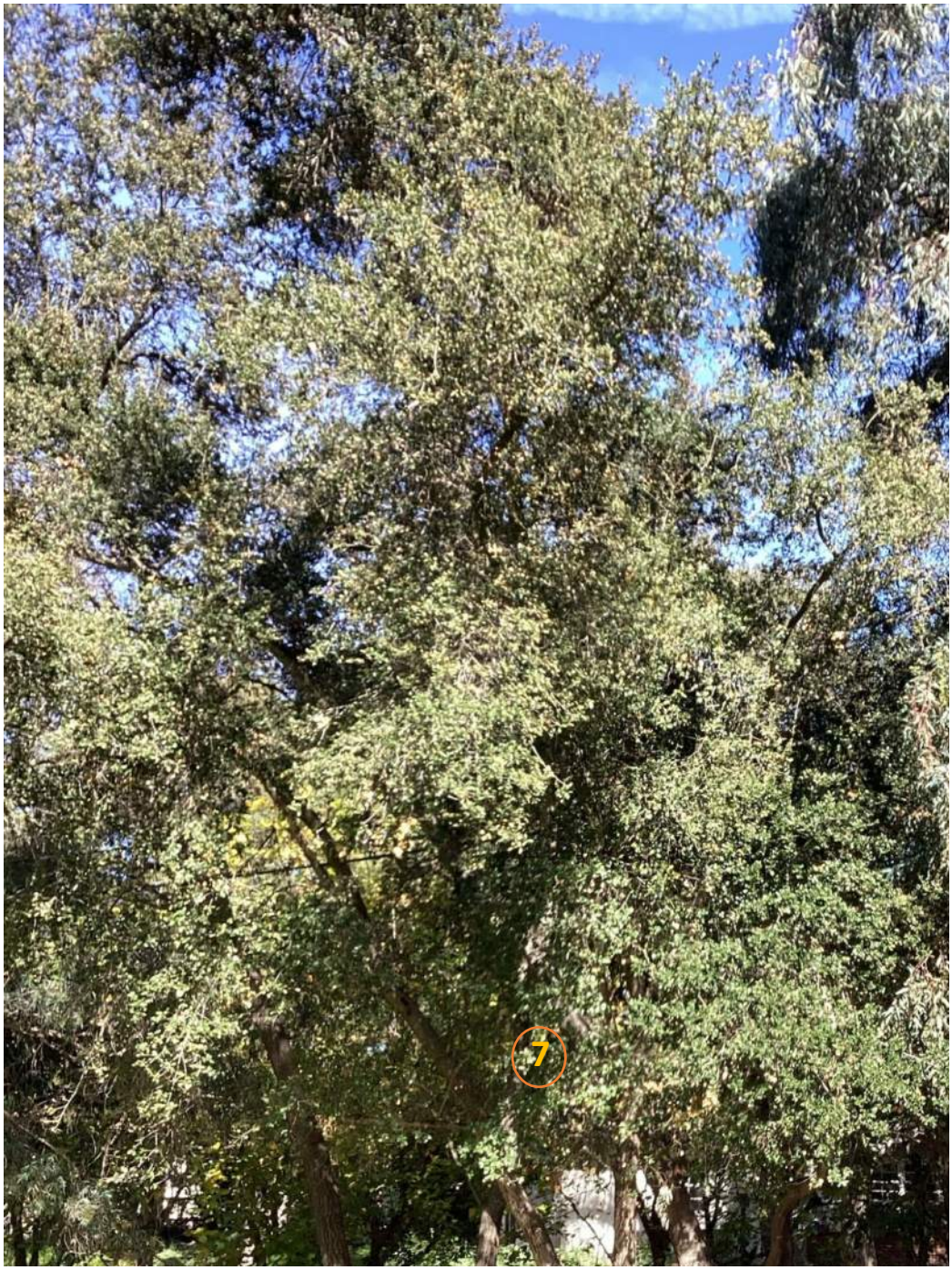


Image.10 – Tree# 8



Image.11- Tree# 9

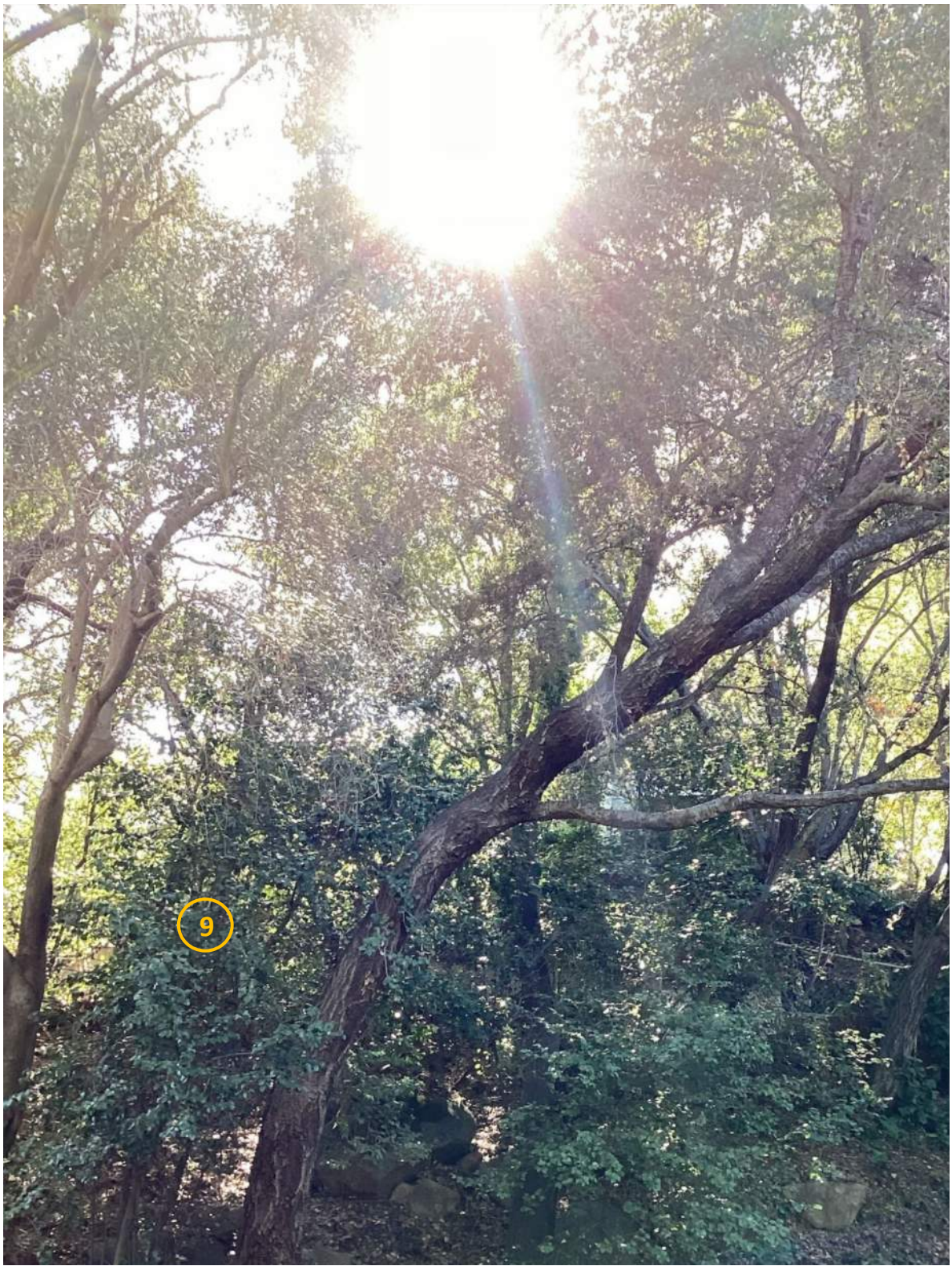


Image.12- Tree# 10

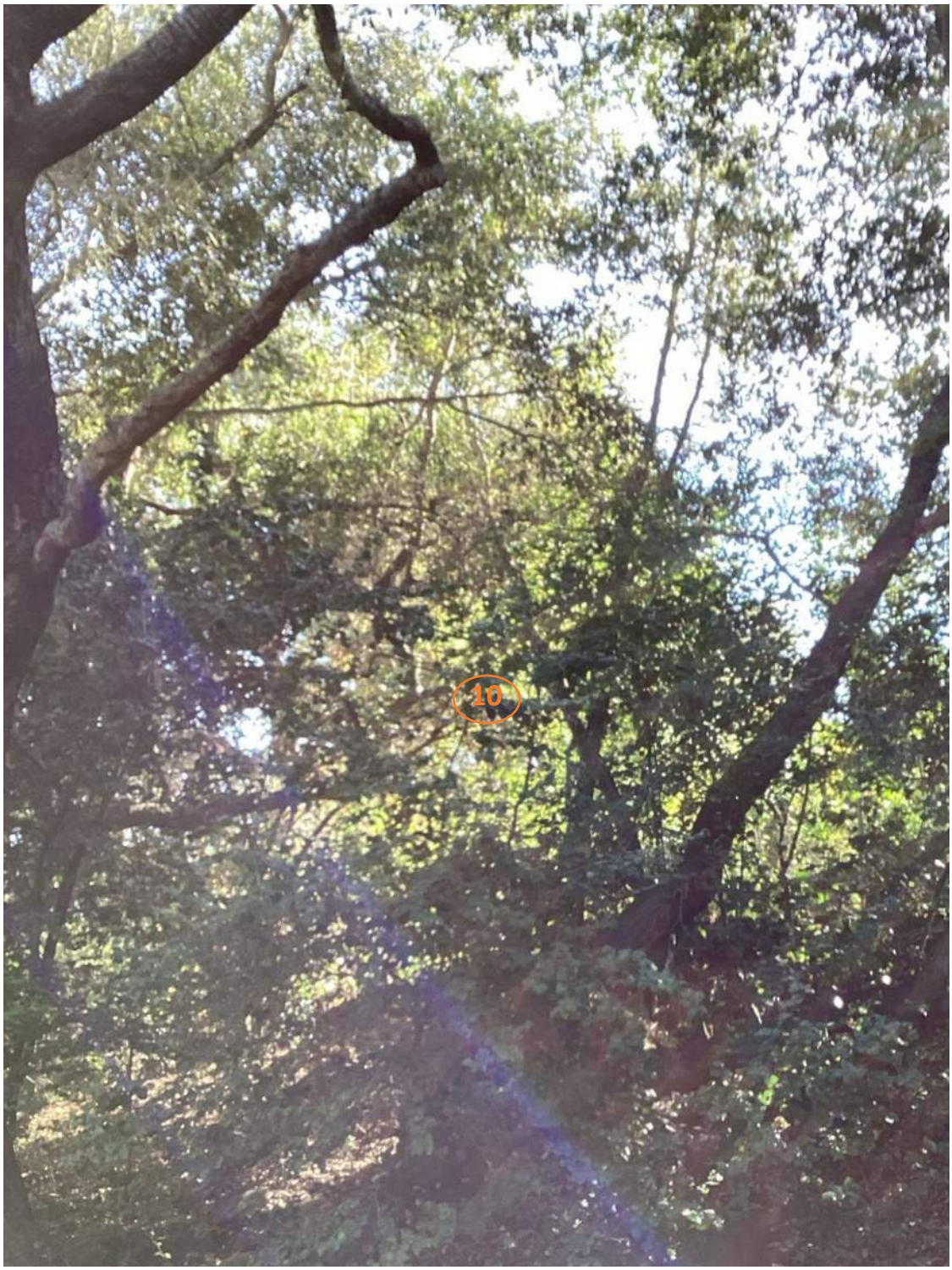


Image.13- Tree# 11



Image.14- Tree# 12 ***(Projected Removal)***



Image.15 – Tree# 13 ***(Projected Removal)***



Image.16 – Tree# 14



Image.17 – Tree# 15



Image.18 – Tree# 16

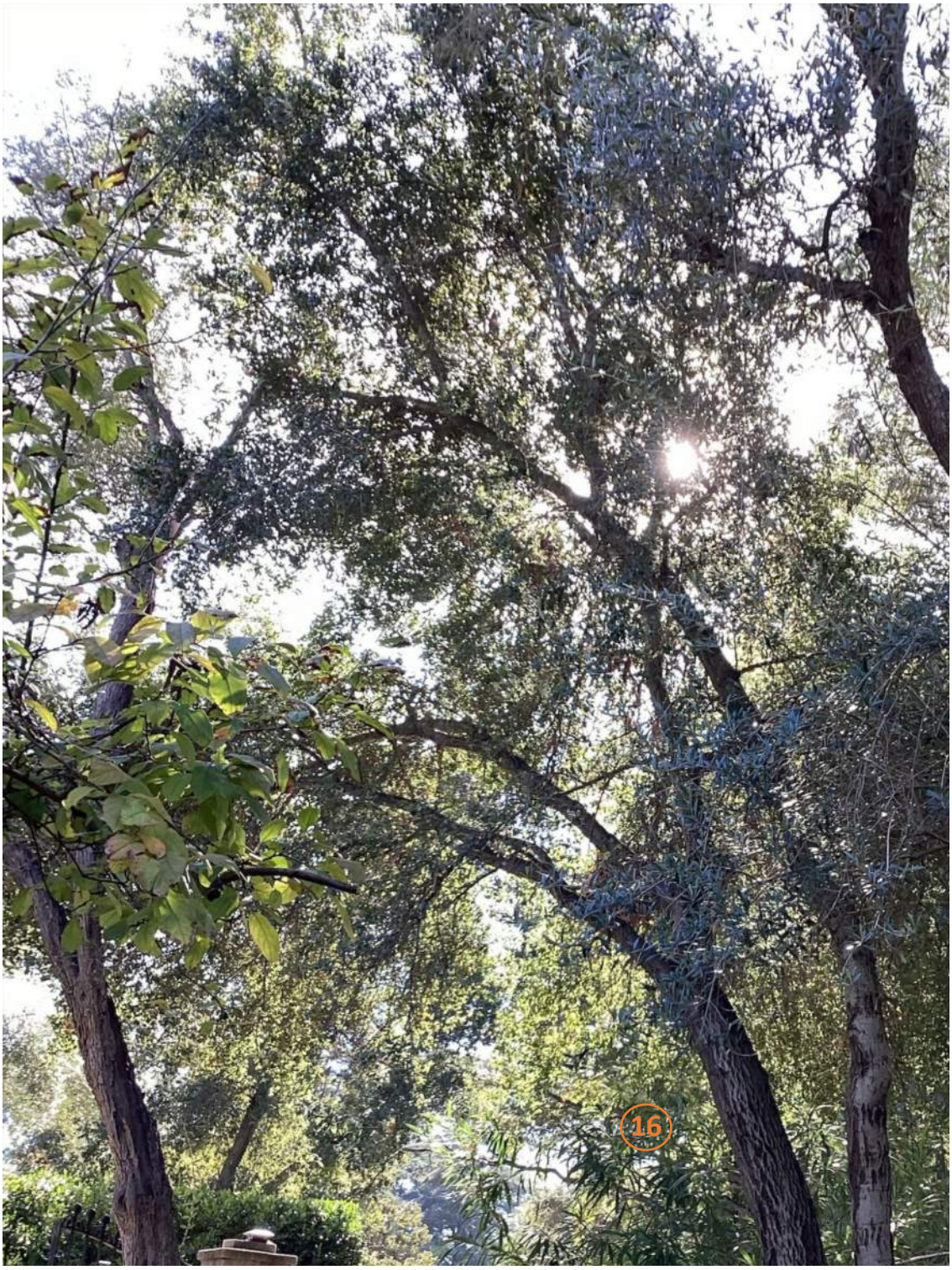
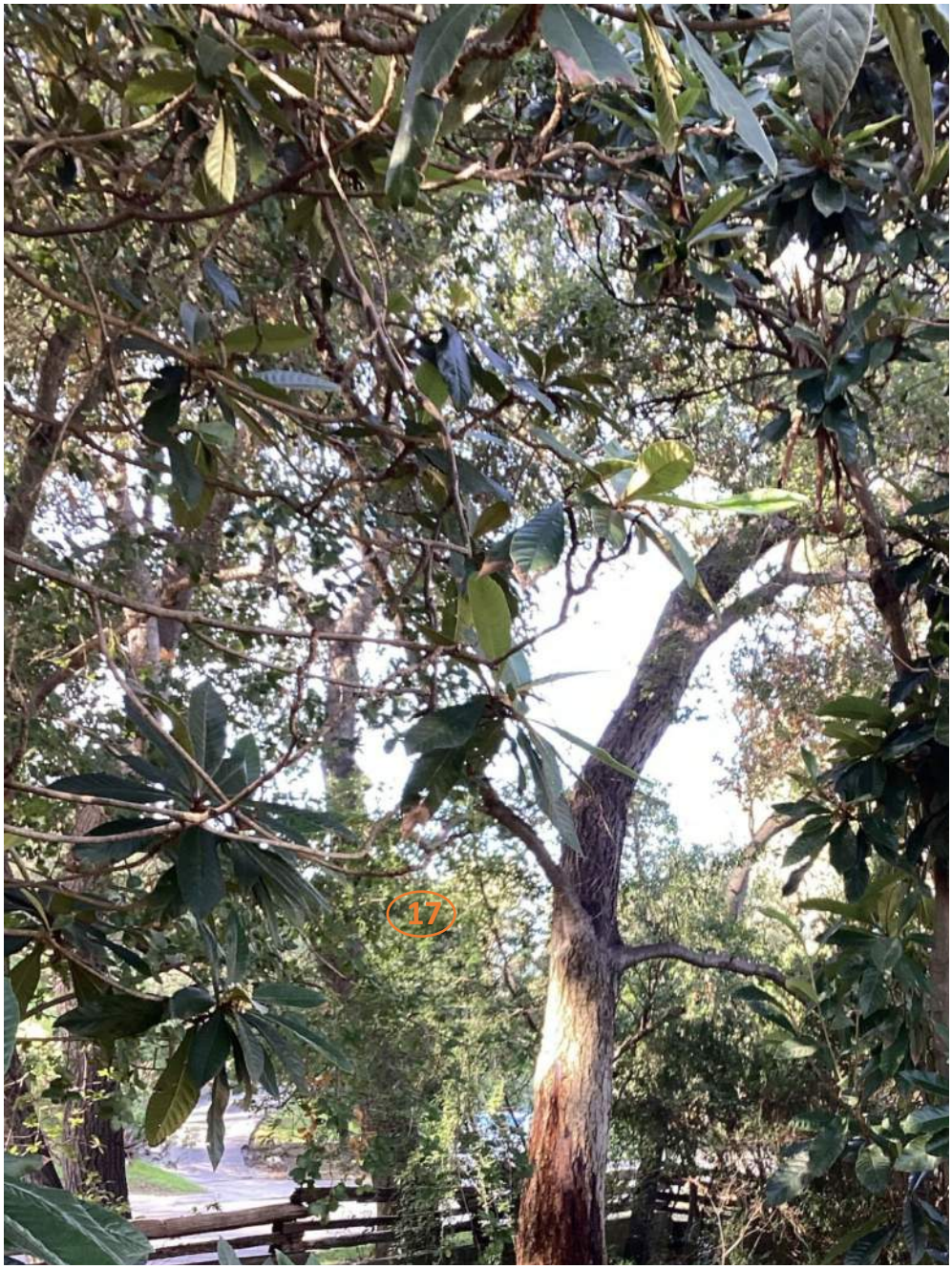


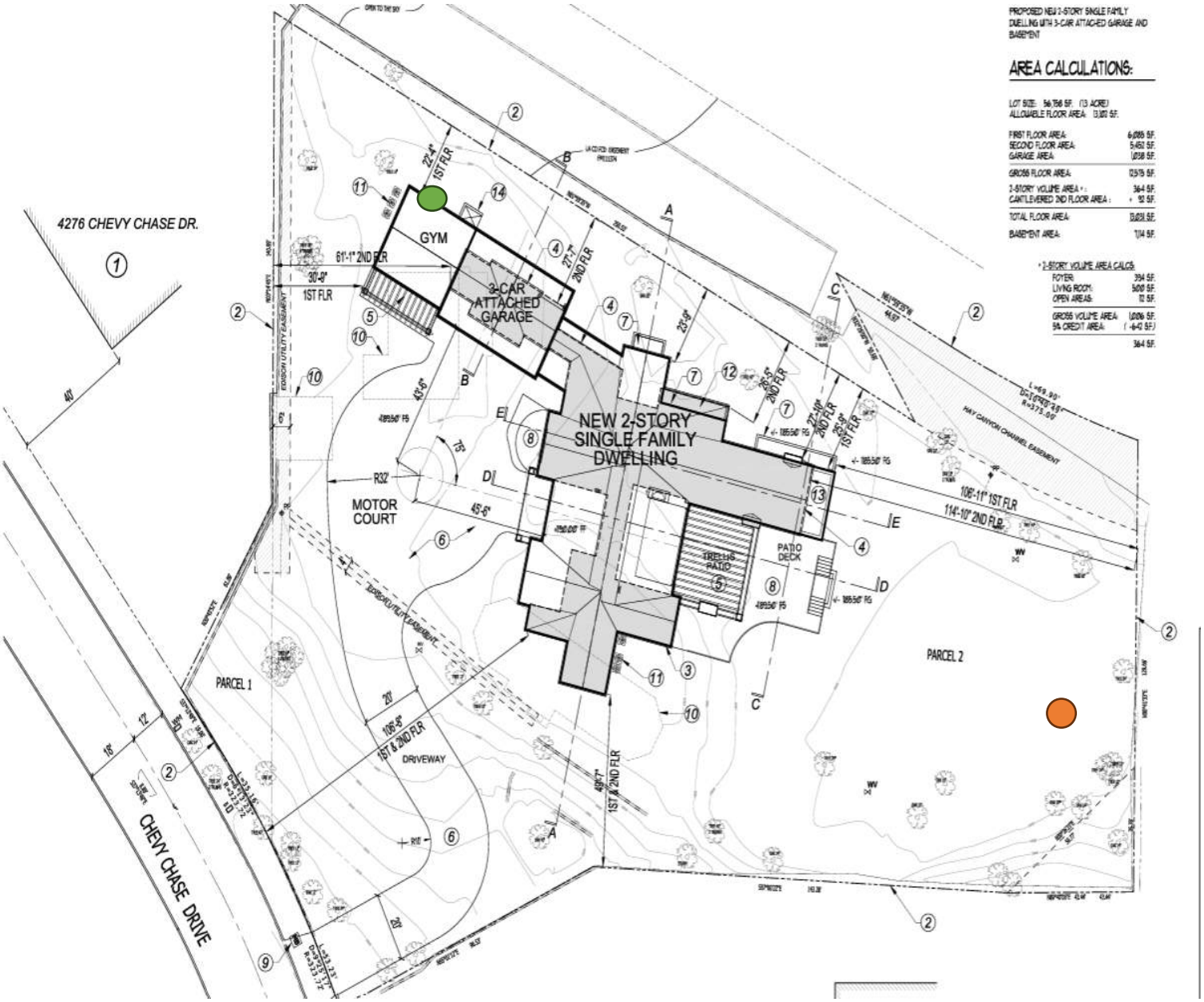
Image.19 – Tree# 17



Abutting tree to the North-West



K. Site Map



- The **green dot** indicates the current location of **Tree #1**, while the **orange dot** identifies the proposed relocation site.

L. Google Map



- Orange numbers indicate the approximate locations of the oak trees

DISCLAIMER

Arborists are tree specialists who use their education, knowledge, training, experience, and research to examine trees and woodlands. Arborists recommend measures to enhance the beauty and health of trees, landscape, and forests, while attempting to reduce the risk of living, working or being around them. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree, whether it be above ground (canopy, bark, branches, truck, etc.) or below ground (roots, surrounding pipes, etc.). Trees are living organisms subject to attack by disease, insects, fungi, and other forces of nature. There are some inherent risks with trees that cannot be predicted with any degree of certainty, even by a skilled and experienced arborist. Arborists cannot predict acts of nature including, without limitation, storms of sufficient strength, which can cause even a healthy tree to fail. Any entity that develops land and builds structures with a tree in the vicinity should be aware of and inform future residents of the risks of living with trees and this arborist's disclaimer. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments, like medical care, cannot be guaranteed. In addition, construction activities can be hazardous to trees and cause many short and long-term injuries, which can cause trees to die or topple either in the short term or over many years or decades. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, disputes between neighbors, and other issues. Consulting arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist by the client. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided. Neither the author nor Roots to Shoots Consulting LLC. has assumed any responsibility for liability associated with the trees on or adjacent to this project site, their future demise, and/or any damage, which may result from them. Living near trees is to accept some degree of risk.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF ADMINISTRATIVE APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS
Certified Mail / Return Receipt

Date of Approval: April 16, 2026 **Site Location:** 334 Starlight Crest Drive
Case No: HILL-2026-0004 **Planner:** Kurtis Fabela/Eric Mehrabians

To: Melissa & David Coyne
334 Starlight Crest Drive
La Cañada Flintridge, CA 91011

Re: Hillside Development Permit (HILL-2026-0004) at 334 Starlight Crest Drive

Per Section 11.35 – Hillside Development of the City of La Cañada Flintridge Municipal Code, staff reviewed the request for a Hillside Development Permit to allow a 594 square-foot, attached patio cover on a hillside lot at 334 Starlight Crest Drive.

Per Section 11.35.030, a Hillside Development Permit is required for any project requiring a building permit on a hillside lot (a lot with an average slope of 15% or greater). The subject property is a hillside lot with an average slope of approximately 41 percent. The lot slopes downward at the rear of the parcel, directly west of the lot's developed flat pad. The lot size is 20,262 square feet and is currently developed with an existing single-story residence and attached garage that comprises a total existing floor area of 3,026 square feet. The maximum allowed floor area, based on the lot area of 20,262 square feet, is 5,802 square feet, with a slope factor adjusted maximum allowed floor area of 3,714 square feet. The total proposed floor area of approximately 3,620 square feet complies with the maximum allowed limits for the lot.

The plans show a new 594 square-foot attached, one-story patio structure at the rear of the house. The patio structure complies with the required 15'-0" rear yard setback requirement by proposing a rear yard setback of approximately 78"-7, and is also compliant with the minimum required 10'-6" side yard setback by providing a setback of 17'-10". The attached patio cover maintains a compliant height of 11'-1", below the maximum allowed height of 28'-0" for primary structures on a hillside lot. The project adheres to the required Zoning and Hillside Development standards and does not change the current height of the residence, nor does it result in adverse massing, view, or use impacts.

Based on review of the proposed project, the following finding is made in the affirmative in accordance with Municipal Code Section 11.35.060.C(2):

The project is found not to be in conflict with or potentially detrimental to the public health, safety or welfare, or other community standards, and conforms to the city's general plan and all other ordinances and regulations of the city.

The proposed project preserves the lot's hillside character due to the new attached patio structure's location on a developed flat pad. Slopes and ridgelines will not be affected, and grading on major slopes is not proposed for the construction of the patio cover. Though the project increases the total floor area by 594 square feet, the solid roofed patio cover is replacing an existing, attached trellis. The patio cover's design maintains a one-story profile and does not introduce visibility, massing, or privacy concerns from off-site. The project adheres to the residential design guidelines and does not introduce massing or privacy concerns due to its size, height, and location. In all, the project preserves the hillside character of the property and does not contribute to negative impacts to health, safety and welfare.

Based on the above finding, the request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice.

Please note that the approval expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

5817-019-019
[redacted]
328 STARLIGHT CREST DR
LA CANADA FLINTRIDGE, CA 91011

5817-019-045
[redacted]
342 STARLIGHT CREST DR
LA CANADA FLINTRIDGE, CA 91011

5817-019-009
[redacted]
5223 CROWN AVE
LA CANADA FLINTRIDGE, CA 91011

5817-019-010
[redacted]
5227 CROWN AVE
LA CANADA FLINTRIDGE, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT (HILL-2026-0004)
334 STARLIGHT CREST DRIVE

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled HILL-2026-0004.

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled HILL-2026-0004, except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Director of Community Development does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As the property owner(s), We, Melissa & David Coyne, hereby acknowledge that we have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner Date

_____

Signature of Property Owner Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Hillside Development Permit (HILL-2026-0004) at 334 Starlight Crest Drive

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within fifteen (15) days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF ADMINISTRATIVE APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS
Certified Mail / Return Receipt

Date of Approval: April 16, 2026 **Site Location:** 4169 Hampstead Road
Case No: HILL-2025-0042 **Planner:** Kurtis Fabela/Eric Mehrabians

To: Harper Hampstead Trust
4169 Hampstead Road
La Cañada Flintridge, CA 91011

Re: Hillside Development Permit (HILL-2025-0042) at 4169 Hampstead Road

Per Section 11.35 – Hillside Development of the City of La Cañada Flintridge Municipal Code, staff reviewed the request for a Hillside Development Permit to allow a 198 square-foot, first-floor additions to an existing one-story residence on a hillside lot.

Per Section 11.35.030, a Hillside Development Permit is required for any project requiring a building permit on a hillside lot (a lot with an average slope of 15% or greater). The subject property is a hillside lot with an average slope of approximately 22 percent. The lot slopes upward at the rear of the parcel, southwest of the house. Per the survey map, the lot size is 56,832 square feet and is developed with a one-story residence and detached garage. The maximum allowed floor area, based on a lot area of 56,832 square feet, is 13,116 square feet, with a slope factor adjusted maximum allowed floor area of 12,854 square feet. The new additions contribute to a total proposed floor area of 6,139 square feet, compliant with the slope factor adjusted maximum allowed limit for the lot.

The plans show six (6) new one-story additions on the rear side of the house measuring 198 square feet located under the existing roof. The additions comply with the 15’-0” rear yard setback requirement by proposing a rear yard setback of approximately 56"-4” and comply with the 20'-0" minimum required side yard setback by providing a 41'-6" side yard setback. The project adheres to the required Zoning and Hillside Development standards and does not change the current height of the residence, nor does it result in adverse massing, view, or use impacts.

Based on review of the proposed project, the following finding is made in the affirmative in accordance with Municipal Code Section 11.35.060.C(2):

The project is found not to be in conflict with or potentially detrimental to the public health, safety or welfare, or other community standards, and conforms to the city's general plan and all other ordinances and regulations of the city.

The proposed project preserves the lot's hillside character due to the additions' location on a flat pad and under the main house's existing roof. Slopes and ridgelines will not be affected, and grading of any slope will not be required for the additions. Though the project increases the total floor area by 198 square feet, the addition's design maintains the scale and style of the existing house. The project adheres to the residential design guidelines and does not introduce massing or privacy concerns due to its size, height, location, and likeness to the existing house. In all, the project preserves the hillside character of the property and does not contribute to negative impacts to health, safety and welfare.

Based on the above finding, the request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice.

Please note that the approval expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

5657-014-006 & 5657-014-010
[redacted]
4159 HAMPSTEAD RD
LA CANADA FLINTRIDGE, CA 91011

5657-015-018
[redacted]
1151 FLINTRIDGE AVE
LA CANADA FLINTRIDGE, CA 91011

5657-015-019
[redacted]
1143 FLINTRIDGE AVE
LA CANADA FLINTRIDGE, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT (HILL-2025-0042)
4169 HAMPSTEAD ROAD

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled HILL-2025-0042.

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled HILL-2025-0042, except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Director of Community Development does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

12. Prior to permit issuance, lots with the Assessor's Parcel Numbers of 5657-015-001 & 5657-015-002 shall be merged as one lot.

13. The removal of any protected private tree will require a tree removal permit per zoning code § 11.40.060.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As the trustee for Harper Hampstead Trust, I, hereby acknowledge that I have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Trustee Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Hillside Development Permit (HILL-2025-0042) at 4169 Hampstead Road

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within fifteen (15) days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS

Date of Approval: April 30, 2026
Case No: DIR-2026-0007
Site Location: 4239 Encinas Drive
Planner: Kurtis Fabela/Eric Mehrabians

To: Debra & Michael Barsom
4239 Encinas Drive
La Cañada Flintridge, CA 91011

Re: Approval of Director's Miscellaneous Review (DIR-2026-0007) for Pool/Spa Mechanical Equipment Encroachment at 4239 Encinas Drive

Per Section 11.11.050 – Single-Family Residential Zone, pool/spa mechanical equipment is subject to general structural setback requirements, except that a permit for such equipment located within the required side- or rear- yard setback may be granted through the Director's Review setback modification process. The required side and rear yard setback for the lot is 10'-0" and 15'-0", respectively. The new pool equipment is set back 5'-0" from the side and rear property lines.

Pursuant to Section 11.45.010 Setback Modification, the following findings are made in the affirmative.

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements (§11.45.010(B)(1)(f)).

Placing the equipment with the minimum 10'-0" and 15'-0" side and rear yard setback, respectively, would be impractical as it would require positioning the equipment in a more visibly prominent location near the pool and toward the center of the rear yard. Therefore, the most suitable location is toward the southwest corner of the property, with reduced side and rear yard setbacks of five feet (5'-0"), in lieu of the required 10-foot side and 15-foot rear yard requirements. The equipment location would be approximately 70 feet away from neighboring residence at 4227 Encinas Drive. The proposed location of the pool/spa equipment will not be adjacent to a neighboring house, accessory structure, or a bedroom thereof, which significantly minimizes the potential for noise impacts. In addition, there are no recreational facilities or areas within the Descanso Gardens property that would be subject to adverse visual or acoustic impacts by placing the pool/spa mechanical equipment at the southwest corner of the subject property.

2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner that is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council (§11.45.010(B)(1)(g)).

The proposed location of the pool equipment, situated in the southwest corner of the lot, maintains a reasonable distance from adjacent residences and is not expected to result in visual or acoustic impacts. Descanso Gardens abuts the rear of the subject lot, and its nearest facility is approximately 60 feet from the proposed equipment location with no potential for significant or adverse impacts. Its placement does not alter the scale or character of the surrounding neighborhood and remains consistent with the residential design guidelines. The equipment will not be located in front of the subject lot's residence, nor will it be located within the front yard setback or visible from the street.

Based on the above findings, your request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice.

Please note that this Director's Miscellaneous Review (DIR-2026-0007) expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

5813-008-902
[redacted]
500 W TEMPLE ST STE 754
LOS ANGELES, CA 90012

5813-011-033
[redacted]
4538 CASS ST
SAN DIEGO, CA 92109

5813-011-035
[redacted]
4227 ENCINAS DR
LA CANADA FLINTRIDGE, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
DIRECTOR'S MISCELLANEOUS REVIEW (DIR-2026-0007)
4239 ENCINAS DRIVE
(AIN: 5813-011-034)

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Director's Miscellaneous Review (DIR-2026-0007).

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled Director's Miscellaneous Review (DIR-2026-0007), except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Director of Community Development does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As property owner(s), we, Debra & Michael Barsom, hereby acknowledge that we have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner(s) Date

_____

Signature of Property Owner(s) Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Director's Miscellaneous Review (DIR-2026-0007) at 4239 Encinas Drive.

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within 15 days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF ADMINISTRATIVE APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS
Certified Mail / Return Receipt

Date of Approval: April 22, 2026 **Site Location:** 4762 La Canada Boulevard
Case No: DIR-2026-0006 **Planner:** Kurtis Fabela

To: Edward Terzian
4762 La Canada Boulevard
La Cañada Flintridge, CA 91011

Re: Approval of Director's Review – Setback Modification (DIR-2026-0006) at 4762 La Canada Boulevard

Per Section 11.45.010 – Setback Modifications of the City of La Cañada Flintridge Municipal Code, staff reviewed the request to allow one new, maximum 5'-6" high outward-facing retaining wall and new pool/spa mechanical equipment within the required side yard setback at 4762 La Canada Boulevard. The request also includes a new, compliant 3'-6" high outward facing retaining wall and a 5'-0" composite wood fence.

The request includes one (1) maximum 5'-6" high outward-facing retaining wall of 84 feet in length along the south (side) property lines. Outward-facing retaining walls within the required side-yard setback are limited to 3'-6" in height. The proposed outward-facing retaining wall exceeds the maximum height allowed by right within the required side setback requirement of 10'-4". A retaining wall is specifically requested for this area, within the side setback, to create a level pool deck area. Currently, there is a slight upslope from the top of the existing 3'-0" high retaining wall along the south side property line which abuts the adjacent private driveway, and the proposed retaining wall will allow this area to be raised up by 2'-6" to match the elevation of the pool deck. Additionally, new pool/spa mechanical equipment directly abuts the (south) side yard property line. The equipment is sited behind a new 3'-6" retaining wall, 5'-0" composite wood fence, and within a new enclosure. A Director's Setback Modification Review is required to allow the proposed outward-facing retaining wall to exceed a maximum height of 3'-6", as measured from lowest adjacent grade up to 5'-6" due to its location within the required side-yard setback, and for pool/spa mechanical equipment located within the required side and/or rear yard setback per LCFMC Section 11.11.050(E)(5)(b)(iv) – R-1 Single-Family Residential Zone and LCFMC Section 11.45.010 – Setback Modifications.

Pursuant to Section 11.45.010 Setback Modification, the following positive findings are made:

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements (§11.45.010(B)(1)(f)).

It is impractical to require the retaining wall to comply with the side yard setback requirement due to the lot's topography changes that occur in the setback areas near the pool. The area of downward sloping land that the wall is proposed to retain is located to the south of the existing pool and deck. Limiting the retaining wall to 3'-6" in height would require a series of tiered retaining walls adjacent to the existing pool, which be impractical in order to achieve a leveled pad area surrounding the pool. The height of the retaining wall will not exceed 5'-6" and will not be visible from the neighbor to the south. An approximately 6'-0" high solid fence wall and attached carport on the neighbor's property are located on the other side of the private driveway and intervene between the proposed retaining wall and neighboring house. Visibility of the retaining wall is limited to the accessible areas within the private driveway. The pool/spa equipment is being relocated from its existing location south of the pool to the east side of the lot along the southern side property line. It is impractical to require the equipment to comply with the side yard setback requirement, as it would place the equipment in a more visible location toward the center of the lot and in an open yard area. Though a new location is proposed within the setback, the equipment will not be visible from offsite due to its location behind a new 5'-0" high composite fence and noise will be minimized by housing the mechanical equipment within an enclosure. The equipment would be located in an area with a lower elevation relative to the higher datum of the unit's existing location and other potential locations on the lot, ensuring that the equipment is hidden and screened from offsite views from the elevation of the private driveway and adjacent properties. The pool equipment would continue to directly abut a private driveway and would not be located near habitable areas of a neighboring residence, nor would it be located within the front yard.

2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner that is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council (§11.45.010(B)(1)(g)).

The new retaining wall and pool/spa mechanical equipment location is harmonious and compatible in scale and mass with the surrounding neighborhood. The side yard encroachment is imperceptible from habitable or frequently accessed areas of the neighboring property to the south. The subject property and southern neighbor are separated by a private driveway owned by two flag lots between the two properties. The neighboring residence to the rear is located more than 260 feet from the subject lot's

rear property line. Additionally, the new pool/spa equipment is proposed in the most optimal location to mitigate offsite impacts and limit visibility of the unit. A pool equipment enclosure and 5'-0" high composite wood fence are proposed to effectively screen the equipment from all sides of the lot. The retaining wall and pool/spa mechanical equipment location is reasonable for the existing site and neighborhood and is consistent with the residential design guidelines.

Based on the above findings, your request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice. Please note that the approval expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

[redacted]
1349 N Columbus Ave, Unit 4
Glendale, CA 91202

5812-018-018
[redacted]
1146 FLANDERS RD
LA CANADA FLINTRIDGE, CA 91011

5812-018-019
[redacted]
1136 FLANDERS RD
LA CANADA FLINTRIDGE, CA 91011

5812-018-020
[redacted]
1132 FLANDERS RD
LA CANADA FLINTRIDGE, CA 91011

5812-018-022
[redacted]
11721 WHITTIER BLVD
WHITTIER, CA 90601

EXHIBIT "A"
CONDITIONS OF APPROVAL
DIRECTOR'S REVIEW – SETBACK MODIFICATION
(DIR-2026-0006)
4762 LA CANADA BOULEVARD

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled DIR-2026-0006.

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled DIR-2026-0006, except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Director of Community Development does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As property owner(s), I, Edward Terzian, hereby acknowledge that I have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Director's Review – Setback Modification (DIR-2026-0006) at 4762 La Canada Boulevard.

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within fifteen (15) days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS

Certified Mail / Return Receipt

Date of Approval: May 11, 2026
Case No: HILL-2026-0010

Site Location: 4545 La Granada Way
Planner: Kurtis Fabela/Eric Mehrabians

To: Aileen & Mike Nguyen
4545 La Granada Way
La Cañada Flintridge, CA 91011

Re: Approval of Hillside Development Permit (HILL-2026-0010) at 4545 La Granada Way

Director's Hillside Development Permit

Staff reviewed the request for a Hillside Development Permit (HILL-2026-0010) to allow the construction of a new pool and spa on a hillside lot per review criteria contained in Section 11.35 – Hillside Development of the City of La Cañada Flintridge Municipal Code. Per Section 11.35.030, Hillside Development Permit approval is required of any project requiring a building permit on a hillside lot. A new uncovered deck is also proposed next to the new pool and spa, but maintains an underdeck height less than 30 inches and does not contain a roof; therefore, the deck is not defined as an accessory structure per department policy.

The property is a hillside lot with a lot size of 12,000 square feet and an average slope of 16 percent, respectively. The lot slopes upward to the rear, behind a flat pad containing the existing residence and proposed pool/spa. The new pool and spa exceed the required 5'-0" side and rear yard setbacks, providing 30'-4" and 28'-11", respectively. The pool and spa sit 1'-6" above the existing grade level, creating a retaining wall on each side of the pool. The new pool and spa are compliant with the setback requirements of the lot, do not result in adverse massing, view, or use impacts, and adhere to the required Zoning and Hillside Development standards.

Based on review of the proposed project, the following Hillside Development finding is made in the affirmative in accordance with Municipal Code Section 11.35.060.C(2).

The project is found not to be in conflict with or potentially detrimental to the public health, safety or welfare, or other community standards, and conforms to the city's general plan and all other ordinances and regulations of the city.

The new pool maintains offsite visibility in its design and location while preserving the hillside character of the site and area. The pool and spa are located on a flat area at the rear of the house and are effectively screened from off-site views. The pool and spa are placed and oriented away from adjacent residences, surrounded by mature trees and vegetation, and enclosed by walls and fences along the property boundaries along the side and rear yard areas. The lot upslopes from the rear of the flat pad and screens the area containing the pool. The pool and spa's vertically projecting edges from natural grade are not visible and will not lead to impacts on neighbors or offsite due to the pool and spa's location in the rear yard and the limited 1'-6" maximum height of the edges, which are effectively proposed as retaining walls.

Based on the above findings, your request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice.

Please note that this Hillside Development Permit (HILL-2026-0010) expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

5808-006-003
[redacted]
4534 HILLARD AVE
LA CANADA FLINTRIDGE, CA 91011

5808-006-012
[redacted]
4533 LA GRANADA WAY
LA CANADA FLINTRIDGE, CA 91011

5808-006-014
[redacted]
4526 HILLARD AVE
LA CANADA FLINTRIDGE, CA 91011

5808-006-011
[redacted]
4520 HILLARD AVE
LA CANADA FLINTRIDGE, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT (HILL-2026-0010)
4545 LA GRANADA WAY
(AIN: 5808-006-013)

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Hillside Development Permit (HILL-2026-0010).

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled Hillside Development Permit (HILL-2026-0010) except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

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11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As property owner(s), We, Aileen Nguyen & Mike Nguyen, hereby acknowledge that we have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner(s) Date

_____

Signature of Property Owner(s) Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Hillside Development Permit (HILL-2026-0010) at 4545 La Granada Way

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within fifteen (15) days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF ADMINISTRATIVE APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS
Certified Mail / Return Receipt

Date of Approval: May 19, 2026 **Site Location:** 5112 Alta Canyada Road
Case No.: DIR-2023-0033 (Amendment) **Planner:** Kurtis Fabela

To: Alen Tsaturyan and Adelina Ambarchyan
5112 Alta Canyada Rd
La Cañada Flintridge, CA 91011

Re: Amendment to Approval of Director's Setback Modification Review (DIR-2023-0033) at 5112 Alta Canyada Road

Per Section 11.45.010 – Setback Modifications of the City of La Cañada Flintridge Municipal Code, staff reviewed requests for the construction of an addition within a required side-yard setback and the placement of new pool/spa mechanical equipment within a required side and rear-yard setback at 5112 Alta Canyada Road. On R-1 single-family residential properties, a minimum side-yard setback of ten percent (10%) of the average lot width shall be required, and in no case shall the required setback be less than five feet or more than 20 feet. The side-yard setback requirement for the lot is nine feet (9'-0") and the required rear yard setback is 15 feet. The residence is a legal nonconforming structure with an existing side yard setback that ranges from two feet, seven inches (2'-7")to a portion that is set back four feet, eight inches (4'-8") from the north property line. The setback areas shall be kept clear of structures and pool/spa mechanical equipment, except that a setback modification permit may be granted through the director's review process.

The 311 square-foot addition and pool/spa mechanical equipment are shown on the site plan with a setback of five feet (5'-0") from the (north) side property line. The equipment is also shown as five feet from the (east) rear property line. Because the required side yard setback is nine feet and the required rear yard setback is 15 feet, the addition and pool equipment are subject to the setback modification review. The addition is inset from the existing wall plane four inches to provide a minimum set back of five feet. The alignment of the addition to the existing wall plane provides continuity along the side elevations. In terms of the required rear setback, the subject pool/spa equipment is five feet (5'-0") from the rear (east) property line, respectively.

The addition and pool/spa equipment are part of a greater scope of work that otherwise complies with the applicable development standards. The overall project includes multiple additions with a total floor area of 704 square feet and covered patios with a total floor area of 1,096 square feet. The lot area is 26,505 square feet and is developed with an

existing residence, storage room, and detached garage with an overhead guest house totaling 4,422 square feet in floor area. The additions and patios, including the encroaching 311-square-foot addition, increase the total floor area of the residence to 6,222 square feet, below the maximum allowable floor area of 7,051 square feet.

Pursuant to Section 11.45.010 Setback Modification, the following positive findings are made:

1. Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements (§11.45.010(B)(1)(f)).

Provision of the required nine-foot (9'-0") side-yard setback for the addition and pool/spa mechanical equipment is not practical. The addition to the house, which is a legal, nonconforming structure, is slightly inset to provide a minimum setback of five feet from the side property line. The proposed addition extends the existing wall plane and provides continuity along the north elevation. Providing a compliant side setback would otherwise result in an awkwardly narrow bedroom.

The pool/spa mechanical equipment is located in the northeast corner of the lot, which is the area of the backyard that ensures the most distance from neighboring structures. The site has dense and mature vegetation surrounding the property lines, and the pool and equipment is not visible from the front yard. Requiring compliance with the side and rear yard setbacks would lead to an irregular equipment location within the center of the rear yard, which is less optimal than the proposed location with regard to visibility and potential sound impacts of the unit. The subject addition, location of the pool equipment, and overall proposed project are otherwise compliant with the applicable development standards, per Section 11.11.050. The plans show the pool/spa equipment approximately 57'-0" from the neighbor's primary structure to the north (side) and 55'-0" from the neighboring structure located to the northeast on the property to the rear. There are no other feasible locations for the pool/spa equipment on the property which limit visibility from off-site.

2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner that is compatible with reasonable development of the subject lot and is consistent with the residential design guidelines as adopted by resolution of the city council (§11.45.010(B)(1)(g)).

The subject addition is consistent in design with the primary structure and is harmonious and compatible in scale and mass with the surrounding neighborhood. The location of the addition and pool/spa equipment is not visible from public view and the addition matches the existing height and scale of the primary structure. The addition does not result in any view blockage to adjacent neighbors and is compatible with development on-site and in the immediate area.

Based on the above findings, the request is **APPROVED**, subject to the conditions of approval listed in Exhibit “A”, attached to this notice.

Please note that the approval expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Respectfully,

Antonio Gardea, AICP
Deputy Director of Community Development

cc:

[redacted]
Victory Partners, Inc.
348 N. Lincoln St
Burbank, CA 91506

[redacted]
2 Innovation Way 2nd Fl
Pomona, CA 91768

5811001007
[redacted]
1400 El Vago Street
La Cañada Flintridge, CA 91011

5811001029
[redacted]
5120 Alta Canyada Road
La Cañada Flintridge, CA 91011

5811001015
[redacted]
5106 Alta Canyada Road
La Cañada Flintridge, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
DIRECTOR'S MISCELLANEOUS REVIEW
AMENDMENT TO DIR-2023-0033 (SETBACK MODIFICATION)
5112 ALTA CANYADA ROAD

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Amendment to DIR-2023-0033.

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled Amendment to DIR-2023-0033, except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

10. An approval granted by the Director of Community Development does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction.

11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As property owners, we, Alen Tsaturyan and Adelina Ambarchyan, hereby acknowledge that we have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner Date

_____

Signature of Property Owner Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Amendment to Director's Setback Modification Review (DIR-2023-0033) at 5112 Alta Canyada Road.

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within fifteen (15) days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
4. A filing fee equal to one-half the original application fee plus applicable public notification fee.

File applications for appeal to:

CITY OF LA CAÑADA FLINTRIDGE
ONE CIVIC CENTER DRIVE
LA CAÑADA FLINTRIDGE, CA 91011
(818) 790-8880

Any court challenge of the matter will be limited to filing within 90 days of a final City decision, per the adoption of Section 1094.6 of the Code of Civil Procedure, as adopted by the City Council.

CITY OF LA CAÑADA FLINTRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

NOTICE OF APPROVAL AND ACKNOWLEDGEMENT OF CONDITIONS

Date of Approval: June 1, 2026 **Site Location:** 1250 Descanso Drive
Case No: DIR-2026-0010 **Planner:** Kurtis Fabela/Eric Mehrabians

To: Carnie Armenian & Anthony Torossian
1250 Descanso Drive
La Cañada Flintridge, CA 91011

Re: Approval of Director's Miscellaneous Review (DIR-2026-0010) for Pool/Spa Mechanical Equipment Encroachment at 1250 Descanso Drive

Per Section 11.11.050 – Single-Family Residential Zone, pool/spa mechanical equipment is subject to general structural setback requirements, except that a permit for such equipment located within the required side- or rear- yard setback may be granted through the Director's Review setback modification process. The required side and rear yard setbacks for the lot are 14'-0" and 15'-0", respectively. The new pool/spa mechanical equipment is set back eight feet (8'-0") from the side property line, and 15'-0" from the rear, comprising a side yard setback encroachment of six feet (6'-0").

Pursuant to Section 11.45.010 Setback Modification, the following findings are made in the affirmative.

1. **Topographic features, lot configurations or other conditions make it impractical to require compliance with the yard requirements (§11.45.010(B)(1)(f)).**

Placing the equipment with a minimum 14'-0" side yard setback would be impractical as it would require positioning the equipment in a less optimal, and more visibly prominent location, toward the center of the rear yard. Therefore, the most suitable location is toward the north side of the property, with a reduced side yard setback of eight feet (8'-0"), in lieu of the required 14-foot side yard setback requirement. The proposed location of the pool/spa equipment will not be adjacent to a neighboring house, accessory structure, or a bedroom thereof, which significantly minimizes the potential for acoustic impacts.

2. **The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and aesthetic and other property values in such neighborhoods in a manner that is compatible with reasonable development of the subject lot and is consistent with the**

residential design guidelines as adopted by resolution of the city council (§11.45.010(B)(1)(g)).

The proposed location of the pool/spa mechanical equipment, situated in the north side of the lot, maintains a reasonable distance from adjacent residences or accessory structures and is not expected to result in visual or acoustic impacts. The mechanical unit is screened by dense and mature vegetation and trees along the fence line shared with the northern neighbor. Its placement does not alter the scale or character of the surrounding neighborhood and remains consistent with the residential design guidelines. The equipment will not be located in front of the subject lot's residence, nor will it be located within the front yard setback or visible from the street.

Based on the above findings, your request **IS APPROVED**, subject to the conditions of approval listed in Exhibit "A", attached to this notice.

Please note that this Director's Miscellaneous Review (DIR-2026-0010) expires 24 months from the date of this approval unless an extension request is received in writing prior to the expiration of the original approval. If the approval expires prior to the start of construction, and no request for extension is received by that time, City procedures require a new application with full fees. Please also be aware that the City will not provide further notice of the expiration date.

Sincerely,

Antonio Gardea, AICP for
Susan Koleda, AICP
Director of Community Development

cc:

5813-011-036
[redacted]
4224 ENCINAS DR
LA CANADA FLINTRIDGE, CA 91011

5813-011-018
[redacted]
1301 PADRES TRL
LA CANADA FLINTRIDGE, CA 91011

5813-011-047
[redacted]
1315 PADRES TRL
LA CANADA FLINTRIDGE, CA 91011

5813-011-037
[redacted]
4224 ENCINAS DR
LA CANADA FLINTRIDGE, CA 91011

5813-011-012
[redacted]
1236 DESCANSO DR
LA CANADA FLINTRIDGE, CA 91011

5813-011-014
[redacted]
1260 DESCANSO DR
LA CANADA FLINTRIDGE, CA 91011

EXHIBIT "A"
CONDITIONS OF APPROVAL
DIRECTOR'S MISCELLANEOUS REVIEW (DIR-2026-0010)
1250 DESCANSO DRIVE
(AIN: 5813-011-013)

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.

2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Director's Miscellaneous Review (DIR-2026-0010).

3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and the property owner shall file with the Director of Community Development written acknowledgment of the conditions stated herein on forms provided by the Planning Division.

4. All structures, site work and other features shall be located and maintained substantially as shown on the site plan labeled Director's Miscellaneous Review (DIR-2026-0010), except as otherwise stated in these conditions.

5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to the expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:

   a. All zoning and related approvals are effective; and

   b. All required building and grading permits for the project have been issued; and

   c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.

7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.

8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

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11. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

# # # #

PROPERTY OWNERS' ACKNOWLEDGEMENT OF CONDITIONS

As property owner(s), we, Carnie Armenian & Anthony Torossian, hereby acknowledge that we have received, read, and understand all conditions of approval, listed in Exhibit "A", attached.

_____

Signature of Property Owner(s) Date

_____

Signature of Property Owner(s) Date

Please sign and return one (1) copy of this form to the Planning Division in order to activate this Director's Miscellaneous Review (DIR-2026-0010) at 1250 Descanso Drive.

APPEAL PROCEDURES

Any interested person may appeal this action to the Planning Commission within 15 days of the mailing date of this notice.

An appeal must contain all of the following information in order to be considered timely filed:

1. The Project Case No.,
2. The nature of the appeal (e.g., objection to approval, to denial, or to one or more of the conditions).
3. Appellant contact information including a brief statement of reasons for the appeal.
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CITY OF LA CAÑADA FLINTRIDGE

Planning Commission Agenda Report

Meeting Date: June 25, 2026

Subject: Discussion and Direction Regarding the 2026 Planning Commission Meeting Schedule

Presenter: Susan Koleda, Director of Community Development

Proposed Action: Discuss the upcoming Summer 2026 Planning Commission meting schedule and provide direction to staff regarding any desired changes or cancellations.

Environmental Impact: None

Background:
The Planning Commission does not have a formal policy in place regarding its summer meeting schedule. In past years, the Planning Commission has made infromal decisions on a year-to-year basis to cancel certain meetings, generally within the months of August or September.

Discussion/Analysis:
This report offers the Planning Commission an opportunity to formally discuss and finalize the meeting calendar for Summer 2026, addressing whether to cancel, modify or maintain the scheduled meetings. Key dates for the proposed regular Planning Commission meetings in the summer months are as follows:

- July 9, 2026: Two development projects are ready for public hearing.
- July 23, 2026: One development project is proposed to be included on this agenda.
- August 13, 2026: No items scheduled
- August 27, 2026: Traditionally, the second regular meeting in August is canceled. The Planning Commission could consider whether to follow this precedent this year.
- September 10, 2026: Alternatively, the first meeting of September has been canceled in previous years, although this has not been formalized into a policy.

Staff is seeking direction from the Planning Commission on how to proceed with scheduling and public notification. Staff recommends that the Planning Commission engage in a discussion regarding the Summer 2026 meeting schedule and provide guidance on any proposed changes or cancellations. This discussion will not only assist in the scheduling process for the upcoming summer, but will also help establish a consistent framework for future years. Due to the time limitations contained within the Permit Streamlining Act and the California Environmental Quality Act, it is not advisable that the Planning Commission cancel two back-to-back meetings, as this would result in approximately six weeks between meetings.

Recommendation:

That the Planning Commission discuss the upcoming Summer 2026 Planning Commission meeting schedule and provide direction to staff regarding any desired changes or cancellations.

Attachments:
None