

**CITY OF EL MONTE NOTICE OF INTENT TO ADOPT AN  
INITIAL STUDY/NEGATIVE DECLARATION AND  
NOTICE OF PLANNING COMMISSION MEETING**

**Hablamos Español - Favor de hablar con  
Jeni Colon (626) 258-8626**

- TO:** All Interested Parties
- FROM:** City of El Monte Planning Division
- APPLICATION:** General Plan Amendment (GPA) No. 01-22; Zone Change (ZC) No. 02-22; Specific Plan Amendment (SPA) No. 03-22 (for the Gateway and Downtown Main Street Specific Plans); Code Amendment (CA) No. 800 to Title 8 (Health and Safety); CA No. 801 to Title 15 (Building and Safety); and CA No. 802 to Title 17 (Zoning Code) of the El Monte Municipal Code (EMMC).
- PROPERTY LOCATIONS:** Citywide – Updates to Title 8 (Health and Safety); Title 15 (Building and Safety); and Title 17 (Zoning Code) of the EMMC.  
El Monte Gateway Specific Plan – Updates to the 60-acre Specific Plan (area roughly bounded by the railroad and Rio Hondo River to the northwest, Main Street to the north, Santa Anita Avenue to the east and the I-10 Freeway to the south).  
Downtown Main Street Specific Plan – Updates to the 115 acre Specific Plan (area roughly bounded by Santa Anita to the west, railroad to the northeast and southern side of Ramona Avenue to the south).  
Total of 26 project areas throughout the City of El Monte – General Plan Land Use Map Updates and/or Zoning Map Updates. The properties have a total area of 138 acres.
- HAZARDOUS SITES:** None of the 26 project areas are included in a list of hazardous materials sites (per Government Code Section 65962.5).
- PROJECT SUMMARY:** Project Overview – The City of El Monte initiated a comprehensive update to Title 17 (Zoning Code) of the EMMC. The project also includes minor updates to the Gateway and Downtown Main Street Specific Plan and minor updates to other Titles of the EMMC.  
Title 8 (Health and Safety) of the EMMC – Expand the list of areas in the City of El Monte where outdoor smoking will be banned.  
Title 15 (Building and Safety) of the EMMC – Adopt the 2020 Los Angeles County Building Code in its entirety and update the Certificate of Occupancy requirements.  
Title 17 (Zoning Code) of the EMMC, including the following Divisions –
- Divisions A and B – Table of Contents; and Matrix of Land Uses.
  - Division 1 – General Regulations; Rules and Measurements; Zoning Classifications and Map; and Nonconforming Provisions.
  - Division 2 – One-Family Dwelling Residential Zones; Rurban Homesteads Overlay District; and Multiple-Family Dwelling Residential Zones.
  - Division 3 – Mixed/Multiuse Zone.
  - Division 4 – Commercial Zones; Manufacturing Zones; and Public and Quasi-Public Zones.

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- Division 5 – Performance Standards.
- Division 6 – General Property Development Standards (such as equipment screening, refuse storage and walls/fences).
- Division 7 – Parking Regulations; Landscape Regulations; and Landscape Water Efficiency.
- Division 8 – Signage Regulations; Billboard Overlay Zone; and Outdoor Advertising Structures.
- Division 9 – Wireless: New and Substantially Changed; and Wireless: Eligible Facilities Request.
- Division 10 – Density Bonus Provisions.
- Division 11 – Regulations for Specific Residential Uses (such as live/work units, mixed-use and urban housing).
- Division 12 – Zoning Clearance and Administrative Permits; Initial Plan Review; Design and Minor Design Review; Conditional and Minor Use Permit; Variance and Minor Variance; Modification for an Individual with a Disability; Planning Residential Development; General Plan and Zoning Amendments; and Development Agreements.
- Division 13 – Specific Plans; Gateway Specific Plan; Mountain View Specific Plan; Flair Spectrum Specific Plan; and Downtown Main Street Specific Plan.
- Division 14 – Design Guidelines.
- Division 15 – Use Definitions; and General Definitions.

El Monte Gateway Specific Plan – Update permitted land uses and make the Specific Plan consistent with the new Zoning Code and State Law.

Downtown Main Street Specific Plan – Update permitted land uses and make the Specific Plan consistent with the new Zoning Code.

General Plan Land Use Map and Zoning Map – Change the map for 26 different project areas.

**APPLICANT:** City of El Monte.

**PROPERTY OWNERS:** Citywide and various individual properties.

**ENVIRONMENTAL DOCUMENTATION:** An Initial Study (IS) prepared for the Project determined that there would be less than significant environmental impacts on the environment. Therefore, a Negative Declaration (ND) has been prepared. The IS/ND and supporting documentation shall be available for public review starting on March 28, 2022 and ending on April 26, 2022. Publication and public circulation of the IS/ND will be effectuated by the City in accordance with Public Resources Code Sections 21091–21092.6 of the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15072-15073 and 15105, as applicable, prior to ND adoption.

**PUBLIC REVIEW AND COMMENT PERIOD:** The IS/ND and supporting materials are available for review at:

- City of El Monte Website: <http://www.elmonteca.gov/655/CITY-OF-EL-MONTE-ZONING-CODE-UPDATE-TAX->
- Planning Division Public Counter at El Monte City Hall West, 11333 Valley Boulevard, El Monte, California
- Requested via e-mail at [planning@elmonteca.gov](mailto:planning@elmonteca.gov)

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The 30-day public review period for the IS/ND will begin March 28, 2022 and end April 26, 2022. If you wish to provide written comment, please do so by 5:00 PM on April 26, 2022. Please send written comments to:

City of El Monte - Planning Division  
El Monte City Hall West  
11333 Valley Boulevard  
El Monte, CA 91731  
Attn: Jason C. Mikaelian, AICP, Deputy Director, Community Planning  
E-mail: [jmikaelian@elmonteca.gov](mailto:jmikaelian@elmonteca.gov)  
Phone: (626) 580-2064

**PLACE OF HEARING:** In addition, the Planning Commission will hold a public hearing to receive testimony, orally and in writing, on the proposed Project. Written comments shall be received by 3:00 PM on the meeting date. The public hearing is scheduled for:

Date: Tuesday, April 12, 2022  
Time: 7:00 PM  
Place: El Monte City Hall East – City Council Chambers  
11333 Valley Boulevard  
El Monte, CA 91731

**FUTURE MEETING:** The Planning Commission and City Council will hold additional public hearings in the future. The Planning Commission will be the recommending body and the City Council will be the final decision maker.

**AMERICAN WITH DISABILITIES ACT:** In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the Planning Division by calling (626) 258-8626. Notification 48 hours prior to the meeting will enable the City of El Monte to make reasonable arrangements to ensure accessibility to this meeting.

**PUBLISHED DATE:** March 24, 2022, by Jason C. Mikaelian, AICP, Deputy Director, Community and Economic Development

# INITIAL STUDY AND NEGATIVE DECLARATION

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## CITY OF EL MONTE COMPREHENSIVE ZONING ORDINANCE REVISION AND ZONING MAP CHANGES

GENERAL PLAN AMENDMENT (GPA) No. 01-22 • ZONE CHANGE (ZC) No. 02-22 • CODE  
AMENDMENT (CA) No. 800, TITLE 15 BUILDING CODE • CODE AMENDMENT (CA)  
No. 801, TITLE 17 ZONING CODE • SPECIFIC PLAN AMENDMENT (SPA) No. 03-22  
GATEWAY AND DOWNTOWN SPECIFIC PLANS



**LEAD AGENCY:**

**CITY OF EL MONTE  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
11333 VALLEY BOULEVARD  
EL MONTE, CALIFORNIA 91731**

**REPORT PREPARED BY:**

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING  
2211 S. HACIENDA BOULEVARD, SUITE 107  
HACIENDA HEIGHTS, CALIFORNIA 91745**

**MARCH 28, 2022**

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## NEGATIVE DECLARATION

**PROJECT NAME:** City of El Monte Comprehensive Zoning Ordinance Revision and General Plan and Zoning Map Revisions

**APPLICANT:** City of El Monte, Community and Economic Development Department, Planning Division, 11333 Valley Boulevard. El Monte, California 91731

**PROJECT LOCATION:** The project is a comprehensive update to the City of El Monte Zoning Ordinance. The affected area includes the entire City of El Monte. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZC) totals 137.84 acres of land area. The properties that would be subject to a Specific Plan Amendment (SPA) totals 175 acres.

**CITY AND COUNTY:** El Monte, Los Angeles County.

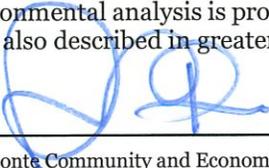
**PROJECT:** The proposed project is a comprehensive amendment to the City of El Monte Zoning Ordinance. The proposed Amendments to the Zoning Ordinance focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Map. These areas are noted herein in Section 2 (refer to Table 2-2). The proposed project also includes minor updates to the City's Building Code and updates to the Gateway Specific Plan and Downtown "Main Street Transit Oriented" Specific Plan.

**FINDINGS:** The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of El Monte determined that a *Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The environmental analysis is provided in the attached Initial Study prepared for the proposed project. The project is also described in greater detail in the attached Initial Study.

Signature



Date

3/28/22

City of El Monte Community and Economic Development Department

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## SECTION 1 INTRODUCTION

### 1.1 PURPOSE OF THIS INITIAL STUDY

This Initial Study analyzes the environmental impacts associated with a comprehensive amendment to the City of El Monte Zoning Ordinance. The proposed amendments to the Zoning Ordinance focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Map. The project Applicant is City of El Monte, Community and Economic Development Department, Planning Division, 11333 Valley Boulevard El Monte, California 91731. The *project* is the amendment to the Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Land Use Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and the ZCs which are identified in Table 2-1 and are shown in Exhibit 2-2. In addition, the amendments to the Building Code include adopting the 2020 Los Angeles County Building Code and adding a certificate of occupancy chapter. Finally, amendments to the Gateway and Downtown Specific Plans will update permitted uses and are designed to provide clarification and to streamline the development review process.

The City of El Monte is the designated *Lead Agency* for this project and will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.<sup>1</sup> As part of the proposed project's environmental review, the City of El Monte has authorized the preparation of this Initial Study.<sup>2</sup> The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed comprehensive zoning revision will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of El Monte with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of El Monte, in its capacity as the Lead Agency, determined that a Negative Declaration is the appropriate

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<sup>1</sup> California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

<sup>2</sup> Ibid. (CEQA Guidelines) §15050.

environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.<sup>3</sup> This Initial Study and the *Notice of Intent to Adopt a Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.<sup>4</sup> Questions and/or comments should be submitted to the following contact person:

Jason C. Mikaelian, AICP, Deputy Director  
City of El Monte Community and Economic Development Department  
Planning Division  
11333 Valley Boulevard  
El Monte, California 91731  
(626) 580-2064  
jmikaelian@elmonteca.gov

## 1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the proposed project's adoption and subsequent implementation.
- *Section 4 - Conclusions* summarizes the findings of the analysis.
- *Section 5 - References* identifies the sources used in the preparation of this Initial Study.



<sup>3</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

<sup>4</sup> Ibid. *Chapter 2.6, Section 2109(b).* 2000.

## SECTION 2 PROJECT DESCRIPTION

### 2.1 PROJECT OVERVIEW

This Initial Study analyzes the environmental impacts associated with the proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. The proposed Amendments to the Zoning Ordinance focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZC) totals 137.84 acres of land area. Finally, amendments to the Gateway and Downtown Specific Plans will affect 175 acres of the City. The project Applicant is the City of El Monte, Community and Economic Development Department, Planning Division, 11333 Valley Boulevard El Monte, California 91731.

### 2.2 PROJECT LOCATION

The proposed comprehensive zoning ordinance revisions will apply to the City of El Monte. The City of El Monte is located in the San Gabriel Valley approximately 13 miles east of downtown Los Angeles. The City of El Monte is bounded on the north by Arcadia and Temple City; on the west by Rosemead; on the east by Irwindale, Baldwin Park, City of Industry, and unincorporated areas; and on the south by South El Monte. Regional access to El Monte is possible from two area freeways: the San Bernardino Freeway (I-10), which traverses the center portion of the City in an east-west orientation; and, the San Gabriel River Freeway (I-605), which extends along the City's east side in a north-south orientation. Exhibit 2-1 indicates the location of the City of El Monte in a regional context. A citywide map is provided in Exhibit 2-2.

### 2.3 PROJECT DESCRIPTION

#### 2.3.1 REVISIONS TO THE BUILDING CODE TEXT (Title 15; Code Amendment No. 800) –

The proposed revisions to the Building Code are summarized below:

- **Certificates of Occupancy (move from Chapter 17.16 to Title 15)** – This Chapter was moved from Title 17 to Title 15. Minor changes were made to the contents of this Chapter. The revisions shifted some authority to the Building Official.
- **Los Angeles County Building Code** – The Building Code currently references the 2019 edition; this will now be updated to the 2020 edition. The City of El Monte will adopt the 2020 edition in its entirety.

#### 2.3.2 REVISIONS TO THE ZONING ORDINANCE TEXT (Title 15; Code Amendment No. 801) –

The key elements of the proposed revisions to the Zoning Ordinance are summarized below these changes are also summarized in Table 2-1.

- **Certificates of Occupancy (move from Chapter 17.16 to Title 15)** – This Chapter was moved from Title 17 to Title 15. Minor changes were made to the contents of this Chapter. The revisions shifted some authority to the Building Official.

- **Table of Contents and Citywide Matrix of Permitted Uses (new Chapter 17.A)** – The use matrix will include all uses and zoning districts listed in one table.
- **General Regulations (renumbered and consolidated from Chapter 17.02 and 17.16 to 17.10)** – Many portions of this Chapter are new. This includes outlining planning authorities (who approves what); consolidating an appeals section; establishing the Zoning Review Committee; defining how to do minor and major changes to an approved development; identifying when a project with a denial can be resubmitted; and outlining the revocation of permits.
- **Rules and Measurement (new Chapter 17.12)** – This is a new Chapter. This Section includes information on how to calculate square footages of signs and properties; what counts towards floor area ratio (FAR); fractions; measuring distances; how to do a Code interpretation; how to address properties that are split zoned; and how to add similar uses to the Zoning Code.
- **Zoning Classifications and Map (renumbered from Chapter 17.30 to 17.14)** – This Chapter underwent major updates. Specifically, this Chapter changed the name of the C-O zone to C-1; consolidates the C-1 and C-2 zones into the C-2 zone; consolidates the C-3 and C-4 zones into the C-3 zone; and changes the name of the MMU zone to M/MU zone.
- **Nonconforming Provisions (renumbered from Chapter 17.14 to 17.16)** – This Chapter underwent major updates. This includes updating regulations on reconstructing residential and commercial structures; outlining additions and expansions to nonconforming structures and uses; and determining whether a nonconforming use may be reestablished.
- **One-Family Zoning District (Renumbers and consolidated from Chapters 17.32, 17.34 and 17.36 to 17.20)** – Major changes were made to this Chapter. This consolidates all single-family zones into one Chapter; consolidates permitted uses into one table; consolidates development standards into one table; and updates the way density is determined in the R-1B zone.
- **Rurban Homesteads Overlay District (renumbered from Chapter 17.37 to 17.22)** – No changes were made to the contents of this Chapter.
- **Multiple-family Dwelling Zoning Districts (renumbered and consolidated from Chapters 17.38, 17.40 and 17.42 to 17.24)** – This Chapter was fully updated. This Chapter consolidates all multiple – family zones into one Chapter; consolidates permitted uses into one table; consolidates development standards and places them in on table; updates the way density is determined; updates open space requirements; updates floor area ratio (FAR) standards; and updates lot coverage allowances.
- **Mixed/Multiuse Zoning District (renumbered from Chapters 17.45 to 17.30)** – Minor updates were made to this Chapter. The changes slightly reduce parking and open space requirements; and updates uses to match terms used in other districts.
- **Commercial Zoning Districts (renumbered and consolidated from Chapters 17.48, 17.50, 17.52,17.54 and 17.56 to 17.40)** – This Chapter consolidates all commercial and office zones into one Chapter; consolidates permitted uses into one table; and provides minor updates to development standards and places them in one table.

- **Manufacturing Zoning Districts (renumbered and consolidated from Chapters 17.58 and 17.60 to 17.42)** – This Chapter consolidates all manufacturing zones into one Chapter; consolidates permitted uses into one table; and provides minor updates to development standards and placing them in table.
- **Public and Quasi-public Zoning Districts (renumbered and consolidated from Chapters 17.62,17.64 and 17.65 to 17.44)** – Minor updates were made to the following zones: airports; railroad; open space; public facilities; and residential mobile home park. The zones were also consolidated into one Chapter.
- **Performance Standards (new Chapter 17.50)** – This is a new Chapter. Performance standards were prepared for air quality; cold; heat and humidity; construction impact; hazardous materials; noise; property maintenance; and vibrations.
- **General Property Development Standards (renumbered and consolidated from various Chapters and Sections to (Chapter 17.60)** – This Chapter includes new or updated standards related to flag lots; height exceptions and restrictions; outdoor display and storage; outdoor lighting; physical cart containment measures; private streets and private driveways; refuse storage facilities; satellite dish antennas; screening of equipment; walls, fences and hedges; and yard encroachments.
- **Parking (renumbered from Chapter 17.50 to 17.70)** – This Chapter was fully updated. This includes fully updating parking requirements for most residential uses; adding parking requirements for many different nonresidential uses; fully updating loading space requirements; providing options to reduce or adjust parking requirements; and providing new parking standards for electrical vehicles and bicycles.
- **Landscaping Requirements (renumbered from Chapter 17.10 to 17.72)** – Changes were made to this Chapter. This includes updating the percentage of landscaping for parking lots; providing a minimum number of trees required along streets, within commercial parking lots and residential project; and providing options to reduce or adjust landscaping requirements.
- **Water Efficiency (renumbered from Chapter 17.11 to 17.74)** – No Changes were made to the contents of this Chapter.
- **Signage Regulations (renumbered from Chapter 17.12 to 17.80)** – This Chapter was fully updated. This includes providing maximum square footage for different sign types; establishing new criteria to have freestanding and pylon signs; adding to list of prohibited signs; establishing sign standards for the Gateway Specific Plan and Downtown Specific Plan and providing sign standard for specific uses with unique signage need.
- **Billboard Overlay Zone (renumbered from Chapter 17.88 to 17.82)** – No changes were made to the contents of this Chapter.
- **Outdoor Advertising (renumbered from Chapter 17.70 to 17.84)** – No changes were made to the contents of this Chapter.
- **Wireless – New Substantially Changed (renumbered from Chapter 17.82 to 17.90)** – Minor changes were made to this Chapter. This includes having the City Manager as the appeal body for all non-CUP wireless permits.

- **Wireless – Eligible Facilities Request 6409 (renumbered from Chapter 17.83 to 17.92)** – No changes were made to the contents of this Chapter.
- **Density Bonus Provisions (renumbered from Chapter 17.85 to 17.100)** – No changes were made to the contents of this Chapter.
- **Standards for Specific Residential Uses (renumbered and consolidated from various Chapter and Sections to Chapter 17.110)** – No changes were made to the content of the following uses: accessory buildings; single room occupancy (SRO); and urban lot splits. Minor changes were made to the following uses to make sure they fully comply with State Housing Laws: accessory dwelling units (ADUs) and junior ADUs; and urban lot splits. The following uses were fully updated or added: live/work units; mixed-use vertical or horizontal; transitional uses; and urban housing.
- **Standards for Specific Nonresidential Uses (renumbered and consolidated from various Chapters and Sections to Chapter 17.112)** – Only minor changes were made to the content of adult entertainment establishments. Major changes were made to the following uses: collection containers; correctional facility; low barrier navigation center and emergency shelter; multiple-tenant center; recycling facility; and vehicle service station. The following uses were added: alcohol sales use; alternative financial establishment; automated teller machine (ATM); drive-thru business; hotel or motel; outdoor dining; pawnbroker; personal service use secondhand vendor; significant tobacco retailer; vehicle sales and lease; vehicle repair facility; and vehicle washing facility.
- **Zoning Clearance and Administrative Permit (renumbered from Chapter 17.18 to 17.120)** – This Chapter contains staff level approvals. Minor updates were made to the Zoning Clearance Section of this Chapter. The Administrative Permit Section is new.
- **Initial Plan Review (new Chapter 17.121)** – The new Chapter outlines the preliminary review process of projects of projects prior to formal submittal of entitlements. Guidelines for approval were also updated.
- **Design and Minor Design Review (renumbered from Chapter 17.22 to 17.122)** – Minor updates were made to this Chapter. This include refining when projects are subject to a Design Review or Minor Design Review approval. The mailing radius for Design Review permits was increased to 500 feet. Findings were also updated.
- **Conditional and Minor use Permit (renumbered from Chapter 17.24 to 17.123)** – This Chapter was fully updated with the addition of new entitlement called Minor Use Permit. This review will be used for items that need some level of staff review, but not the full review by the Planning Commission. These items will be reviewed by the new Zoning Review Committee. The mailing radius for Conditional Use Permits was increased to 500 feet. Finding were also updated.
- **Variances and Minor Variances (renumbered from Chapter 17.20 to 17.124)** – This Chapter was fully updated and replaced the Modification Permit with a new entitlement called Minor Variance. These items will be reviewed by the new Zoning Review Committee. The mailing radius for Variances was increased to 500 feet. Finding were also updated.

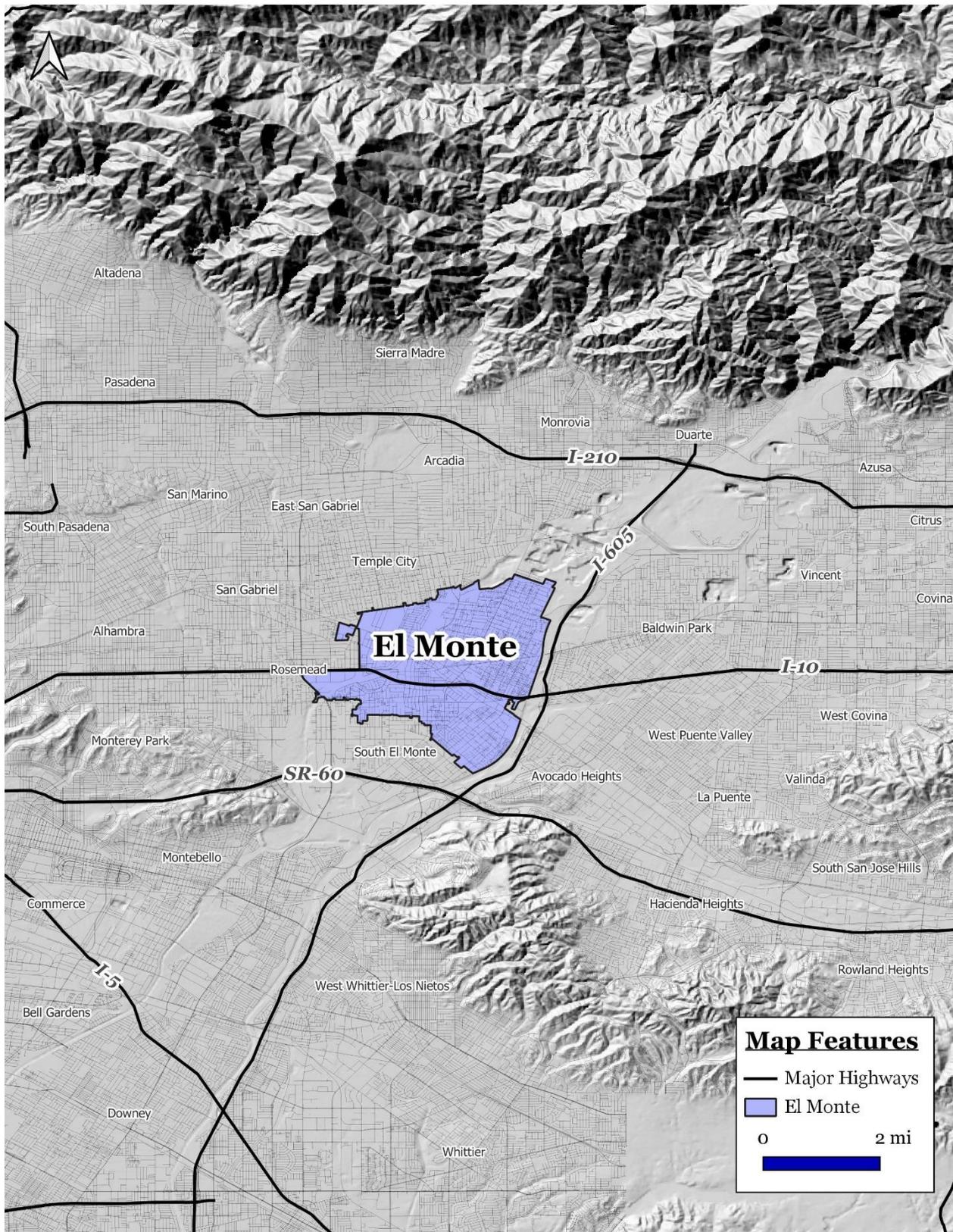
- **Modification for an Individual with a Disability (renumbered and consolidated from Chapter 17.17.14 and 17.77 to 17.126)** – This Chapter consolidated information from two different areas of the Zoning Code. The information was updated to be internally consistent and to match the administrative process of other entitlements.
- **Planned Residential Developments (renumbered from Chapter 17.66 to 17.127)** – This Chapter was fully updated and is closely connected to the R-3 and R-4 Chapters. The previous Chapter did not specify where there was flexibility in the development standards. Clarity has now been added, as well as new findings.
- **General Plan and Zoning Amendments (renumbered from Chapter 17.26 to 17.128)** – This Chapter was fully updated. The General Plan section is new and the Zoning Amendments section is fully updated. Clear findings are now included for all applications, as well as new findings.
- **Development Agreement (renumbered from Chapter 17.84 to 17.129)** – No changes were made to the contents of this Chapter.
- **Specific Plans (renumbered from Chapter 17.67 to 17.130)** – This Chapter was fully updated. This includes adding finding and a process to make amendments to existing specific plans.
- **Comprehensive Design Guidelines (renumbered from Chapter 17.86 to 17.140)** – No changes have been made to this Chapter.
- **Use Definitions (renumbered from Chapter 17.04 to 17.150)** – This Chapter has been significantly updated. Every use listed in the different zoning districts will now have a definition in the glossary.
- **General Definitions (renumbered from Chapter 17.04 to 17.152)** – This Chapter has been significantly updated. Many uses have been updated or added to the glossary.

### **2.3.3 REVISIONS TO THE GATEWAY SPECIFIC PLAN TEXT/GRAPHICS AND DOWNTOWN SPECIFIC PLAN TEXT/GRAPHIC/MAPS (Code Amendment No. 03-22) –**

The key elements of the proposed revisions to the specific plans are summarized below. These changes are also summarized in Table 2-1.

**Gateway Specific Plan (renumbered from Chapter 17.80 to 17.131)** – The Land Use Section of this Specific Plan will be codified as a Chapter within the Zoning Ordinance. This included updating uses to match terms used in other zoning districts. Standards related to signage have been added to Chapter 17.80. Minor changes were made to the content of other Sections.

**Downtown Specific Plan (renumbered and consolidated from Chapters 17.72 and 17.81 to 17.134)** – The vision, guiding principles and Land Use Section of this General Plan will be codified as a Chapter within the Zoning Ordinance. This includes updating boundaries within the specific plan area and updating uses to match terms used in other zoning district. Standards related to parking have been added to Chapter 17.70 and standards related to signage have been added to Chapter 17.80. Minor changes are proposed to the Mobility and Beautification Chapter and Infrastructure and Public Facilities Chapter. More significant changes are proposed for the implementation and action plan and the development opportunity reserve.



**EXHIBIT 2-1**  
**REGIONAL LOCATION MAP**  
SOURCE: QUANTUM GIS

**Table 2-1  
 Summary of Proposed Changes**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>	
Chapter 17.A Matrix Uses	17.A – Matrix of Uses.	New	
DIVISION 1 INTRODUCTION	17.10.010 – Purpose.	New	
	17.10.020 – Compliance with Regulations.	Renumbered	
	17.10.030 – Code Organization.	New	
	17.10.040 – Effective Date of this Title.	New	
	17.10.050 – Planning Authorities.	New	
	17.10.060 – Applicant Responsibilities.	New	
	17.10.070 – Planning Permits and Actions.	New	
	17.10.080 – Projects with multiple Applications or Actions.	New	
	Chapter 17.10 General Regulations	17.10.090 – Continued Public Hearings.	New
		17.10.100 – Ability to Appeal.	New
		17.10.110 – Application Resubmittals.	New
		17.10.120 – Inactive Applications.	New
		17.10.130 – Changes to an Approved Project.	New
		17.10.140 – Revocation of Permits.	New
		17.10.150 – Fees.	New
		17.10.160 – Enforcement.	Renumbered
Chapter 7.12 Rules and Measurements	17.12.010 – Purpose.	New	
	17.12.020 – Rule of Interpretation.	New	
	17.12.030 – Uses Expressly Prohibited.	Renumbered	
	17.12.040 – Procedures for Interpretations.	New	
	17.12.050 – Additional Permitted Uses.	Fully Updated	
	17.12.060 – Measurements and Calculations.	New	
	17.12.070 – Properties that are Split Zoned.	New	
	17.12.080 – Measuring Signs.	New	
Chapter 17.14 Zoning Classifications and Maps	17.14.010 – Purpose.	New	
	17.14.020 – Classifications.	Fully Updated	
	17.14.030 – Zoning Map.	Renumbered	
	17.14.040 – Boundaries of Zoning Districts.	Renumbered	
Chapter 17.16 Nonconforming Provisions	17.16.010 – Purpose.	Renumbered	
	17.16.020 -Nonconforming Buildings or Structures.	Fully Updated	
	17.16.030 -Nonconforming Lots.	Renumbered	
	17.16.040 - Nonconforming Residential Uses.	New	
	17.16.050 – Nonconforming Nonresidential Uses.	Renumbered	
	17.16.060 – Repairs and Maintenance.	Renumbered	

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
Chapter 17.16 Nonconforming Provisions	17.16.070 – Loss of a Legal Nonconforming.	Renumbered
	17.16.080 – Parking and Expansion etc.	New
DIVISION 2 RESIDENTIAL ZONING DISTRICT  Chapter 17.20 One Family Dwelling Zoning Districts  Chapter 17.22 Urban Homesteads Overlay District  Chapter 17.24 Multiple Family Dwelling Zoning Districts	17.20.010 – Summary of the Zoning Districts.	New
	17.20.020 – Purpose.	Fully Updated
	17.20.030 – Applicability.	New
	17.20.040 – Permitted Uses.	Fully Updated
	17.20.050 – Development Standards.	Fully Updated
	17.22.010 - Purpose.	Renumbered
	17.22.020 - Applicability.	New
	17.22.030 – Use Regulations.	Renumbered
	17.22.040 – Development Standards.	Renumbered
	17.24.010 – Summary of the Zoning Districts.	New
	17.24.020 – Purpose.	Fully Updated
	17.24.030 – Applicability.	New
	17.24.040 – Permitted Uses.	Fully Updated
17.24.050 – Development Standards.	Fully Updated	
DIVISION 3 MULTIUSE ZONING DISTRICT  Chapter 17.30 Mixed Multi Use Zoning Districts	17.30.010 – Summary of the Zoning District.	New
	17.30.020 – Purpose.	New
	17.30.030 – Permitted Uses.	Fully Updated
	17.30.040 – Development Standards.	Fully Updated
	17.30.050 – Frontage Regulations.	Fully Updated
DIVISION 4 COMMERCIAL AND MANUFACTURING  17.40 Commercial Zoning Districts 17.42 Manufacturing Zoning Districts  Chapter 17.44 Public and Quasi Public Zoning District	17.40.010 – Summary of Zoning Districts.	New
	17.40.020 – Purpose.	New
	17.40.030 – Permitted Uses.	Fully Updated
	17.40.040 – Development Standards.	Fully Updated
	17.42.010 – Summary of Zoning Districts.	New
	17.42.020 – Purpose.	New
	17.42.030 – Permitted Uses.	Fully Updated
	17.42.040 – Development Standards.	Fully Updated
	17.44.010 – Summary and Purpose of Zoning Districts.	No Changes
	7.44.020 – Permitted Uses.	No Changes
17.44.030 – Development Standards.	No Changes	
DIVISION 5 PERFORMANCE STANDARDS	17.50.010 – Purpose.	New
	17.50.020 – Applicability and Exempt Uses.	New
	17.50.030 – General Standards and Specific Conditions.	New

**Table 2-1  
 Summary of Proposed Changes (continued)**

Chapter	Division	Description
Chapter 17.50 Performance Standards	17.50.040 – Documenting Compliance.	New
	17.50.050 – Air Quality.	New
	17.50.060 – Cold, Heat and Humidity.	New
	17.50.070 – Construction Impacts.	New
	17.50.080 – Discharges to Water and Sewer System.	New
	17.50.090 – Energy Conservation.	New
	17.50.100 – Hazardous Materials.	New
	17.50.110 – Noise.	New
	17.50.120 – Property Maintenance. – Reflective Surfaces.	New
	17.50.130 – Reflective Surfaces.	New
	17.50.140 - Vibration.	New
DIVISION 6 GENERAL DEVELOPMENT STANDARDS  Chapter 17.60 General Development Standard	17.60.010 – Purpose and Applicability.	New
	17.60.020 – Flag Lots.	New
	17.60.030 – Height Exceptions and Restrictions.	Fully Updated
	17.60.040 – Outdoor Lighting.	New
	17.60.050 – Outdoor Storage and Display.	Fully Updated
	17.60.060 – Physical Cart Containment Measures.	Fully Updated
	17.60.070 – Private Driveways and Streets.	New
	17.60.080 – Refuse Storage Facilities.	New
	17.60.090 – Satellite Dish Antennas.	Renumbered
	17.60.100 – Screening.	New
	17.60.110 – Security Bars and Gates.	Fully Updated
	17.60.120 – Walls, Fences and Hedges.	Fully Updated
	17.60.130 – Yard Encroachments.	Renumbered
DIVISION 7 PARKING AND LANDSCAPING REGULATIONS  Chapter 17.70 Parking Regulations	17.70.010 – Purpose.	New
	17.70.020 – Applicability for On-site Parking and Loading Spaces.	Fully Updated
	17.70.030 – General Requirements.	Fully Updated
	17.70.040 – Required On-Site Parking for Residential Uses.	Fully Updated
	17.70.050 – Required On-Site Parking for Nonresidential Uses.	Fully Updated
	17.70.060 – On-site Loading Space Requirements.	New
	17.70.070 – Parking Reductions and Adjustments.	Fully Updated
	17.70.080 – Parking Lots, Spaces and Driveways Development and Design Standards.	Updated
	17.70.090 – Electrical Vehicle Charging Spaces.	New
	17.70.100 – Bicycle Parking.	New
	17.70.110 – Recreational Vehicles (RVs) and Other Vehicle Storage.	Renumbered

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
17.72 Landscaping Requirements	17.72.010 – Purpose.	Renumbered
	17.72.020 – Applicability.	Fully Updated
	17.72.030 – Exemptions.	Fully Updated
	17.72.040 – Landscaping Requirements – General.	Renumbered
	17.72.050 – Landscaping Requirements – Residential Uses.	Fully Updated
	17.72.060 – Landscaping Requirements – Nonresidential Uses.	Fully Updated
17.74 Water Efficiency	17.74.010 – Purpose.	Renumbered
	17.74.020 – Applicability.	Renumbered
	17.74.030 – Provisions for New Construction or Rehabilitated Landscapes.	Renumbered
	17.74.040 – Compliance with Landscape Documentation Package.	Renumbered
	17.74.050 – Penalties.	Renumbered
	17.74.060 – Elements of the Landscape Documentation Package.	Renumbered
	17.74.070 – Water Efficient Landscape Worksheet.	Renumbered
	17.74.080 – Soil Management Report.	Renumbered
	17.74.090 – Landscape Design Plan.	Renumbered
	17.74.100 – Irrigation Design Plan.	Renumbered
	17.74.110 – Grading Design Plan.	Renumbered
	17.74.120 – Certificate of Completion.	Renumbered
	17.74.130 – Irrigation Scheduling.	Renumbered
	17.74.140 – Landscape and Irrigation Maintenance Schedule.	Renumbered
	17.74.150 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.	Renumbered
	17.74.160 – Irrigation Efficiency.	Renumbered
	17.74.170 – Recycled Water.	Renumbered
	17.74.180 – Graywater Systems.	Renumbered
	17.74.190 – Stormwater Management and Rainwater Retention.	Renumbered
	17.74.200 – Public Education.	Renumbered
	17.74.210 – Environmental Review.	Renumbered
	17.74.220 – Provisions for Existing Landscapes.	Renumbered
17.74.230 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.	Renumbered	
17.74.240 – Water Waste Prevention.	Renumbered	
17.74.250 – Effective Precipitation.	Renumbered	
17.74.260 – Reporting.	Renumbered	
17.80 Signage Regulations	17.80.010 – Purpose.	Fully Updated
	17.80.020 -Applicability	Fully Updated
	17.80.030 – Exempt Signs.	Fully Updated

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
DIVISION 8 SIGNAGE AND BILLBOARD REGULATIONS  17.80 Signage Regulations	17.80.040 – Prohibited Signs	Fully Updated
	17.80.050 – General Procedures.	Fully Updated
	17.80.060 – Permitted Signs – Residential, Public and Quasi-public Zoning Districts.	Fully Updated
	17.80.070 – Building Signs – Multiuse, Commercial and Manufacturing Zoning Districts.	Fully Updated
	17.80.080 – Freestanding Signs – Multiuse, Commercial and Manufacturing Zoning Districts.	Fully Updated
	17.80.090 – Permitted Signs – Gateway and Downtown Specific Plans.	Fully Updated
	17.80.100 – Permitted Signs – Specific Uses and Sign Types.	New
	17.80.110 – Temporary Signs.	Fully Updated
	17.80.120 – Design Requirements and Guidelines.	Fully Updated
	17.80.130 – Enforcement.	Fully Updated
	17.80.140 – Time Period.	Fully Updated
	17.80.150 – Appeals.	Fully Updated
Chapter 17.82 Billboard Overlay Zone	17.82.010 – Summary of Zoning District.	New
	17.82.020 – Purpose.	Renumbered
	17.82.030 – General Requirements.	Renumbered
	17.82.040 - Development Standards.	Renumbered
	17.82.050 - Review and Approval Process.	Renumbered
	17.82.060- Violations.	Renumbered
Chapter 17.84 Outdoor Advertising	17.84.010 - Nonconforming Use.	Renumbered
	17.84.020 – Relocation.	Renumbered
	17.84.030 – Removal of Signs	Renumbered
	17.84.040 – Appendages and Attachments.	Renumbered
	17.84.050 – Zones and Use Restrictions.	Renumbered
DIVISION 9 WIRELESS REGULATIONS  17.90 Wireless New and Substantially Changed	17.90.010 – Purpose.	Fully Updated
	17.90.020 – Applicability.	Renumbered
	17.90.030 – Exempt Facilities.	Renumbered
	17.90.040 – Required Approvals and Authority.	Renumbered
	17.90.050 – Application Requirements.	Fully Updated
	17.90.060 – Location Guidelines.	Renumbered
	17.90.070 – Development Standards.	Renumbered
	17.90.080 – Notices and Decisions.	Fully Updated
	17.90.090 – Necessary Findings and Limited Exemptions.	Fully Updated
	17.90.100 – Standard Conditions of Approval.	Partially Updated
	17.90.110 – Temporary Wireless Facilities.	Fully Updated
	17.90.120 – Amortization of Nonconforming Wireless. Facilities.	Renumbered
	17.90.130 – Time Periods.	New
	17.90.140 – Appeals.	New

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
17.92 Wireless Eligible Facilities Request (6409)	17.92.010 – Purpose.	Renumbered
	17.92.020 – Applicability.	Renumbered
	17.92.030 – Required Approvals and Authority.	Renumbered
	17.92.040 – Application Requirements.	Fully Updated
	17.92.050 – Notices, Decisions and Findings.	Fully Updated
	17.92.060 – Standard Conditions of Approval.	Partially Updated
	17.92.070 – Time Periods.	New
	17.92.080 – Appeals.	New
DIVISION 10 AFFORDABLE HOUSING  Chapter 17.100 Density Bonus Provisions	17.100.010 – Purpose.	Fully Updated
	17.100.020 – Applicability.	New
	17.100.030 – General Procedures.	Fully Updated
	17.100.040 – Minimum Qualifications for a Density Bonus.	Renumbered
	17.100.050 – Density Bonus Rules and Calculations	Fully Updated
	17.100.060 – Maps; Donations of Land.	Renumbered
	17.100.070 – Standard Conditions of Approval.	Partially Updated
	17.100.080 – Waivers or Reductions of Development Standards.	Renumbered
	17.100.090 – Parking Reductions.	Fully Updated
	17.100.100 – Continued Affordability; Setting of Affordable Rent.	Renumbered
	17.100.110 – Initial Occupancy of For-Sale Units; Equity Sharing.	Renumbered
	17.100.120 – Replacement of Pre-Existing Affordable Units.	Fully Updated
	17.100.130 – Child Care.	Renumbered
	17.100.140 – Time Periods.	Renumbered
	17.100.150 – Appeals.	New
DIVISION 11 REGULATIONS APPLICABLE FOR SPECIFIC USES  Chapter 17.110 Standards for Specific Residential Uses	17.110.010 – Purpose.	New
	17.110.020 – Accessory Buildings.	Renumbered
	17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.	Minor Updates
	17.110.040 – Home Occupation Permits.	New
	17.110.050 – Live/Work Units.	Fully Updated
	17.110.060 – Mixed Use – Vertical or Horizontal.	Fully Updated
	17.110.080 – Single Room Occupancy (SRO).	Renumbered
	17.110.090 – Transitional Uses.	Fully Updated
	17.110.100 – Urban Dwellings.	Minor Updates
	17.110.110 – Urban Lot Splits.	Renumbered
17.110.120 – Urban Housing.	New	

**Table 2-1  
 Summary of Proposed Changes (continued)**

Chapter	Division	Description
Chapter 17.112 Standards for Specific Nonresidential uses	17.112.010 – Purpose.	New
	17.112.020 – Adult Entertainment.	Renumbered
	17.112.030 – Alcohol Sale Use.	New
	17.112.040 – Alternative Financial Establishment.	New
	17.112.050 – Automated Teller Machine (ATM).	New
	17.112.060 – Collection Containers.	Fully Updated
	17.112.070 – Correctional Facility.	Fully Updated
	17.112.080 – Drive-thru Business.	New
	17.112.090 – Hotel or Motel.	New
	17.112.100 – Low Barrier Navigation Center and Emergency Shelter.	Fully Updated
	17.112.110 – Multiple-tenant Center.	Fully Updated
	17.112.120 – Outdoor Dining.	New
	17.112.130 – Pawnbroker or Pawnshop.	New
	17.112.140 – Personal Service Use (General, Restriction and Massage).	New
	17.112.150 – Recycling Facility.	Fully Updated
	17.112.160 – Secondhand Vendor.	New
	17.112.170 – Significant Tobacco Retailer.	New
	17.112.180 – Vehicle Sales and Lease.	New
	17.112.190 – Vehicle Repair Facility.	New
17.112.200 – Vehicle Service Station.	Fully Updated	
17.112.210 – Vehicle Washing Facility.	New	
DIVISIONS 12 APPLICATIONS AND PERMITS  Chapter 17.120 Applications and Permits	17.120.010 – Purpose.	Renumbered
	17.120.020 – Applicability.	Updated
	17.120.030 – Exempt Projects.	Renumbered
	17.120.040 – General Procedures.	Fully Updated
	17.120.050 – Guidelines.	Renumbered
	17.120.060 – Time Periods.	Fully Updated
	17.120.070 – Appeals.	Fully Updated
Chapter 17.121 Initial Plan Review	17.121.010 – Purpose.	New
	17.121.020 – Applicability.	New
	17.121.030 – General Procedures.	New
	New 17.121.040 – Time Periods.	New
Chapter 17.122 Design and Minor Design Review	17.122.010 – Purpose.	Renumbered
	17.122.020 – Applicability.	Updated
	17.122.030 – General Procedures.	Fully Updated
	17.122.040 – Necessary Findings.	Fully Updated
	17.122.050 – Time Periods.	Renumbered
	17.122.060 – Appeals.	Fully Updated

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
Chapter 17.123 Conditional and Minor Use Permits	17.123.010 – Purpose.	Fully Updated
	17.123.020 – Applicability.	Fully Updated
	17.123.030 – General Procedures.	Updated
	17.123.040 – Necessary Findings.	Updated
	17.123.050 – Time Periods.	Renumbered
	17.123.060 – Abandonment.	Renumbered
	17.123.070 – Appeals.	Fully Updated
17.125 Variance and Minor Variance	17.125.010 – Purpose.	Fully Updated
	17.125.020 – Applicability.	Fully Updated
	17.125.030 – General Procedures.	Fully Updated
	17.125.040 – Necessary Findings.	Fully Updated
	17.125.050 – Time Periods.	Renumbered
	17.125.060 – Appeals	Fully Updated
17.126 Modification for an Individual with a Disability	17.126.010 – Purpose.	New
	17.126.020 – Applicability.	Fully Updated
	17.126.030 – General Procedures.	Fully Updated
	17.126.040 – Permitted Expectations.	Fully Updated
	17.126.050 – Necessary Findings.	Fully Updated
	17.126.060 – Appeals.	Fully Updated
Chapter 17.127 Planned Residential Developments	17.127.010 - Purpose.	New
	17.127.020 – Applicability.	Fully Updated
	17.127.030 – General Procedures.	Fully Updated
	17.127.040 – Permitted Exceptions.	Fully Updated
	17.127.050 – Necessary Findings.	Fully Updated
	17.127.060 – Time Periods.	Fully Updated
	17.127.070 – Appeals.	Fully Updated
Chapter 17.128 General Plan and Zoning Amendments	17.128.010 – Purpose.	New
	17.128.020 – Applicability.	New
	17.128.030 – General Procedures.	New
	17.128.040 – Necessary Findings.	Fully Updated
	17.128.050 – Time Periods.	New
	17.128.060 – Appeals.	New
	17.129.010 – Purpose.	New
	17.129.020 – Applicability.	New
	17.129.030 – General Procedures – Submittal.	Fully Updated
	17.129.040 – General Procedures – Application Contents.	Renumbered
	17.129.050 – General Procedures – Agreement Contents.	Renumbered
	17.129.060 – General Procedures Public Notice.	Fully Updated
	17.129.070 – Planning Commission Hearing.	Renumbered
	17.129.080 – City Council Public Hearing.	Fully Updated

**Table 2-1  
 Summary of Proposed Changes (continued)**

<b>Chapter</b>	<b>Division</b>	<b>Description</b>
Chapter 17.129 Development Agreements	17.129.090 – Necessary Findings.	New
	17.129.100 – Development Agreement Reviews.	Fully Updated
	17.129.110 – Good Faith Compliance.	Fully Updated
	17.129.120 – Initiation of Amendment or Cancellation.	Fully Updated
	17.129.130 – Irregularity in Proceeding.	Renumbered
	17.129.140 – Subsequently Adopted State and Federal Laws.	Renumbered
	17.129.150 – Effect of Rules, Regulations and Policies on a Development Agreement.	Renumbered
	17.129.160 – Enforcement of Development Agreements.	Renumbered
	17.129.170 – Severability Clause.	Renumbered
	17.129.180 – Condemnation.	Renumbered
	17.129.190 – Judicial Review – Time Limitation. Renumbered	Renumbered
DIVISION 13 SPECIFIC PLANS  Chapter 17.130 – Specific Plans	17.130.010 – Purpose.	New
	17.130.020 – Applicability.	New
	[17.130.030 – General Procedures.	Fully Updated
	17.130.040 – Preparation and Content.	Fully Updated
	17.130.050 – Specific Plans, General Plan and Zoning Map.	Fully Updated
	17.130.060 – Necessary Findings.	Fully Updated
	17.130.070 – Time Period.	New
	17.130.080 – Appeals.	Fully Updated
17.130.090 – Amendments.	New	
Chapter 17.131 Gateway Specific Plan	17.131.010 – Purpose and Applicability.	Renumbered
	17.131.020 – Vision and Guiding Principles.	Renumbered
	17.131.040 – Summary of Subdistricts.	Renumbered
Chapter 17.134 Downtown Specific Plan	17.134.010 – Purpose and Applicability.	Renumbered
	17.134.020 – Vision and Guiding Principle.	Renumbered
	17.134.020 – Summary of Subareas.	Renumbered
	17.134.040 – Permitted Uses.	Fully Updated
	17.134.050 – Development Standards.	Renumbered
	17.134.060 – Development Opportunity Reserve (DOR).	Fully Updated
	17.134.070 – Design to Guidelines.	Renumbered
	17.134.080 – Other Requirements.	Renumbered
DIVISION 14 DESIGN GUIDELINES  Chapter 17.140 Design Guidelines	17.140.010 – Purpose.	Renumbered
	17.140.020 – Applicability	New
	17.140.030 – General Procedures.	Fully Updated
	17.140.040 – Comprehensive Design Guidelines.	Fully Updated

**Table 2-1  
 Summary of Proposed Changes (continued)**

Chapter	Division	Description
DIVISION 15 DEFINITIONS  Chapter 17.150 Use Definitions	17.150.010 – Purpose.	New
	17.150.020 – Land Use.	Fully Updated
	17.150.030 – Residential-Main Use.	Fully Updated
	17.150.040 – Residential – Ancillary and Other uses.	Fully Updated
	17.150.050 – Community Care Uses.	Fully Updated
	17.150.060 – Public and Quasi-Public Uses.	Fully Updated
	17.150.070 – Assembly and Entertainment Uses.	Fully Updated
	17.150.080 – Retail and Office Uses.	Fully Updated
	17.150.090 – Service Uses.	Fully Updated
	17.150.100 – Industrial and Transportation Uses.	Fully Updated
Chapter 17.152 General Definitions	17.152.010 - General Definitions.	Fully updated

As indicated previously, the proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. The proposed Amendments to the Zoning Ordinance focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. Those areas where a change in land use proposed are summarized in Table 2-2. The locations of those areas where a change in the land use designation is proposed are shown in Exhibit 2-2.

**Table 2-2  
 Summary of Proposed Zoning Map Changes**

Area	Description	Land Use Designation Change
Area 1 (6.72 acres)	Area consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-2 to M-1.
Area 2 (18.24 acres)	Area 2 consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-2 to M-1.
Area 3 (6.64 acres)	Area 3 consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-1 to M-2.
Area 4 (0.44 acres)	Area 4 consists of Area A.	The zoning designation will change from C-1 to C-2.
Area 5 (6.48 acres)	Area 5 consists of Areas A, B and C.	The zoning designation will change from C-1 to C-2.
Area 6 (0.76 acres)	Area 6 consists of Area A.	The zoning designation will change from C-1 to C-2.
Area 7 (8.94 acres)	Area 7 consists of Areas A, B, C, D and E.	The zoning designation will change from C-4 to C-3.
	Area 7 consists of Area F.	The zoning designation will change from R-3 to C-3.
	Area 7 consists of Area F.	The general plan for property F will change from MDR to GC.
Area 8 (15.76 acres)	Area 8 consists of Areas A, B, C and D.	The zoning designation will change from C-4 to C-3.
Area 9 (0.31 acres)	Area 9 consists of Area A.	The zoning designation will change from C-4 to C-3.
Area 10 (18.91 acres)	Area 10 consists of Area A.	The zoning designation will change from C-1 to C-3.
	Area 10 consists of Area B.	The zoning designation will change from C-2 to C-3.
	Area 10 consists of Area C.	The zoning designation will change from C-4 to C-3.

**Table 2-2  
 Summary of Proposed Zoning Map Changes**

Area	Description	Land Use Designation Change
Area 11 (4.7 acres)	Area 11 consists of Areas A and B.	The zoning designation will change from GC to NC.
Area 12 (0.99 acres)	Area 12 consists of Areas A and B.	The zoning designation will change from C-3 to R-4.
	Area 12 consists of Areas A and B.	The general plan will change from GC to MDR.
Area 13 (5.0 acres)	Area 13 consists of Area A.	The general plan will change from GC to NC.
Area 14 (0.74 acres)	Area 14 consists of Areas A and B.	The general plan will change from GC to MDR.
Area 15	Area 15 consists of Areas A, B, C and D.	The general plan will change from. GC to NC.
Area 16 (3.84 acres)	Area 16 consists of Areas A, B and C.	The zoning designation will change from C-3 to C-2.
	Area 16 consists of Areas A, B and C.	The general plan will change from GC to NC.
Area 17 (5.4 acres)	Area 17 consists of Areas A and B.	The zoning designation will change from M-1 to M/MU.
	Area 17 consists of Areas A and B.	The general plan will change from I/BP to M/MU.
Area 18 (3.03 acres)	Area 18 consists of Areas A, B and C.	The zoning designation will change from R-3 to C-2.
	Area 18 consists of Areas A, B and C.	The general plan will change from MDR to NC.
	Area 18 consists of Areas D, E, F and G.	The general plan will change from MDR to NC.
Areas 19 (4.76 acres)	Area 19 consists of Areas A and B.	The zoning designation will change from C-1 to C-2.
	Area 19 consists of Areas C, D and E.	The zoning designation will change from. C-1 to C-2.
	Area 19 consists of Areas C, D and E.	The general plan will change from OC to NC.
Area 20 (6.18 acres)	Area 20 consists of Area A.	The zoning change will change from R-1, R-3 and C-1 to M/MU.
	Area 20 consists of Area A.	The general plan will change from LDR, MDR and OC to M/MU.
	Area 20 consists of Areas B and C.	The zoning designation will change from C-1 to M/MU.
	Area 20 consists of Areas B and C.	The general plan will change from OC to M/MU.
Area 21 (5.89 acres)	Area 21 consists of Area A.	The zoning designation will change from C-3 to C-2.
	Area 21 consists of Area A.	The general plan will change from GC to NC.
	Area 21 consists of Area B.	The general plan will change from GC to NC.
Area 22 (0.75 acres)	Area 22 consists of Areas A and B.	The zoning designation will change from C-O to C-2.
Area 23 (3.54 acres)	Area 23 consists of Areas A and B.	The zoning designation will change from C-3 to R-4.
	Area 23 consists of Areas A and B.	The general plan will change from GC to HDR.
Area 24 (3.10 acres)	Area 24 consists of Area A.	The zoning designation for area A will change from C-3 to R-3.
	Area 24 consists of Area B.	The zoning designation will change from C-3 to C-2.
	Area 24 consists of Area C.	The zoning designation for Area C will change from R-1 and R4 to R3.
Area 25 (2.34 acres)	Area 25 consists of Area A.	The zoning designation will change from C-3 to C-2.
	Area 25 consists of Area A.	The general plan will change from. GC to NC.
Area 26 (2.65 acres)	Area 26 consists of Areas A and B.	The zoning designation will change from R-1-C to R-1-B.

**Notes: Land use designations abbreviations:**

**General Plan Map Designations**

MDR – Medium Density Residential

HDR – High Density Residential

M/MU – Mixed/Multiuse

OC – Office Commercial

NC – Neighborhood Commercial

GC – General Commercial

I/BP – Industrial Business Park

**Zoning Districts**

R-1-B – Single-family Low Density Residential

R-1-C – Single-family Low Density Residential

R-3 – Multiple-family Medium Density Residential

R-4 – Multiple-family High Density Residential

M/MU – Mixed/Multiuse

C-1 (existing) – Light Commercial

C-1 (proposed) – Office Commercial

C-O (existing) – Office Commercial

C-2 – Neighborhood Commercial

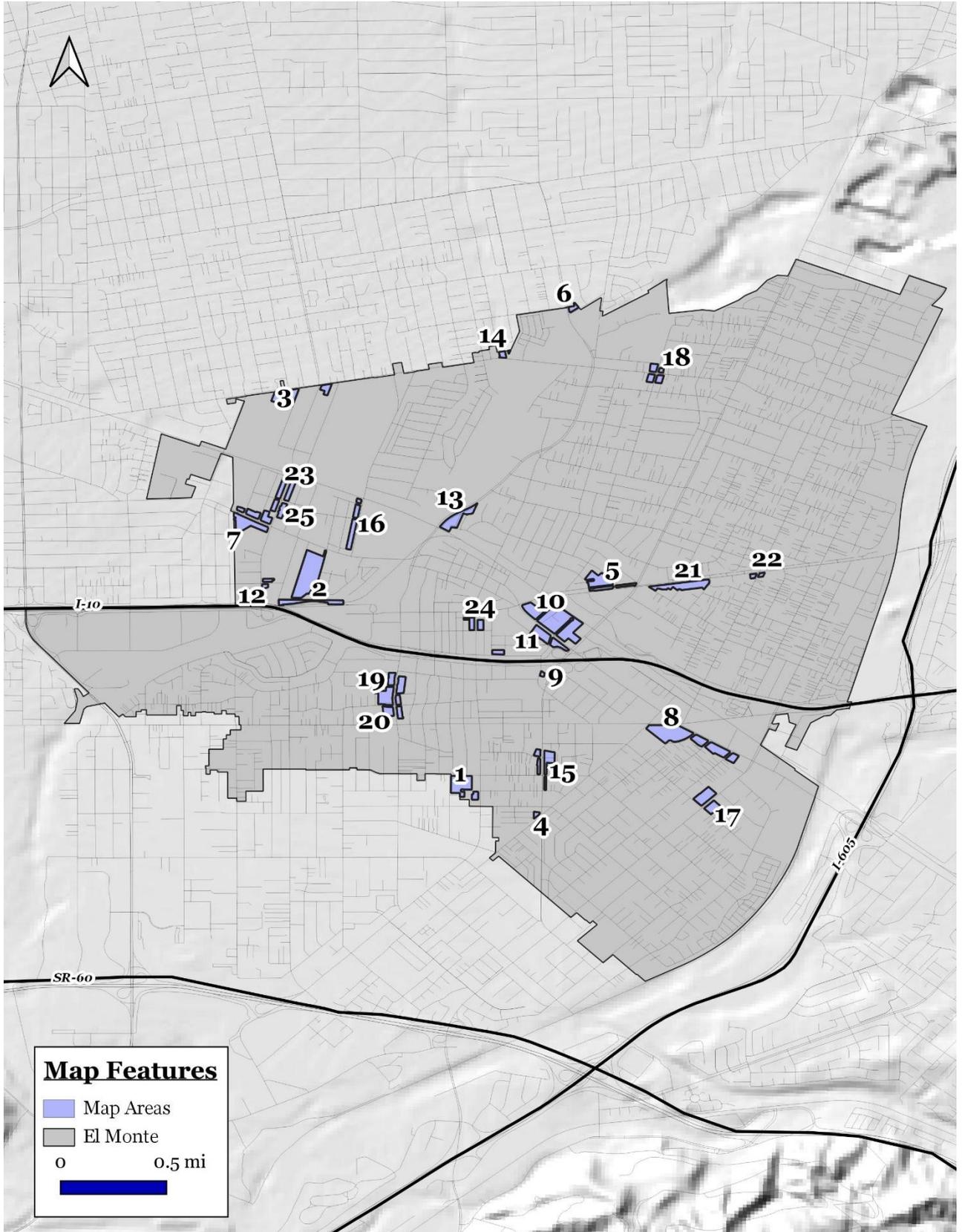
C-3 – General Commercial

C-4 – Heavy Commercial

M-1 – Light Manufacturing

M-2 – General Manufacturing

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**EXHIBIT 2-1**  
**REGIONAL LOCATION MAP**  
SOURCE: QUANTUM GIS

## 2.5 DISCRETIONARY ACTIONS

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A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of El Monte) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- General Plan Amendment (GPA)No. 01-22) applicable to certain areas of the City described herein in Table 2-2;
- Zone Change (ZC) No. 02-22 applicable to certain areas of the City described herein in Table 2-2;
- Code Amendment (CA) No. 800 to Title 15 Building Code;
- CA No. 801 to Title 17 Zoning Code;
- Specific Plan Amendment (SPA) No. 03-22 to the Gateway Specific Plan and Downtown Specific Plan; and,
- Approval of the Negative Declaration (ND).

Other permits will be required as part of ongoing developments of individual development projects required as part of the ongoing development of individual development projects that will be contemplated in the future. These permits may include ,but may not be limited to the following: encroachment permits, grading permits, demolition permits, occupancy permits, building permits and permits for new utility connections.



## SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);	Mineral Resources (Section 3.12) ;
Agricultural & Forestry Resources (Section 3.2);	Noise (Section 3.13) ;
Air Quality (Section 3.3);	Population & Housing (Section 3.14);
Biological Resources (Section 3.4);	Public Services (Section 3.15);
Cultural Resources (Section 3.5);	Recreation (Section 3.16);
Energy (Section 3.6)	Transportation (Section 3.17);
Geology & Soils (Section 3.6);	Tribal Cultural Resources (Section 3.18);
Greenhouse Gas Emissions; (Section 3.8);	Utilities and Service Systems (Section 3.19);
Hazards & Hazardous Materials (Section 3.9);	Wildfire (Section 3.20);
Hydrology & Water Quality (Section 3.10);	Mandatory Findings of Significance (Section
Land Use & Planning (Section 3.11);	3.21).

The environmental analysis included in this section reflects the Initial Study Checklist format used by the City of El Monte in its environmental review process (refer to Section 1.3 herein). Under each issue area, an analysis of impacts is provided in the form of questions and answers. The analysis then provides a response to the individual questions. For the evaluation of potential impacts, questions are stated and an answer is provided according to the analysis undertaken as part of this Initial Study's preparation. To each question, there are four possible responses:

- *No Impact.* The proposed project *will not* have any measurable environmental impact on the environment.
- *Less Than Significant Impact.* The proposed project *may have* the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of El Monte or other responsible agencies consider to be significant.
- *Less Than Significant Impact with Mitigation.* The proposed project *may have* the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant.

This Initial Study will assist the City of El Monte in making a determination as to whether there is a potential for significant adverse impacts on the environment associated with the implementation of the proposed project.

### 3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With	Less Than Significant Impact	No Impact
A. Except as provided in Public Resources Code Section 21099, would the project have a substantial adverse effect on a scenic vista?				✘
B. Except as provided in Public Resources Code Section 21099, would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✘
C. Except as provided in Public Resources Code Section 21099, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✘
D. Except as provided in Public Resources Code Section 21099, would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✘	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Except as provided in Public Resources Code Section 21099, would the project have a substantial adverse effect on a scenic vista? • No Impact.*

The proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are no protected views in the vicinity of the affected sites. The predominant views in the area include views of the San Gabriel Mountains and the Puente Hills though these viewsheds are currently partially and intermittently obscured by existing development.

B. *Except as provided in Public Resources Code Section 21099, would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.*

According to the California Department of Transportation (Caltrans), there are no designated scenic highways in the City.<sup>5</sup> The implementation of the proposed project will not result in any impact on any protected trees or Heritage trees. Any necessary tree removal or modification will be required to adhere to

<sup>5</sup> California Department of Transportation. *Official Designated Scenic Highways*. [www.dot.ca.gov](http://www.dot.ca.gov).

the regulations listed within Chapter 14.03 of the El Monte Municipal Code (Tree Protection and Preservation). These impacts are discussed further herein in Section 3.4, Biological Resources, (E.). As a result, no impacts on scenic resources will result from the proposed project.

*C. Except as provided in Public Resources Code Section 21099, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • No Impact.*

The proposed Zoning Ordinance revisions and other updates calls for a number of requirements that will further the City’s objectives with respect to aesthetics and quality urban design. Chapter 17.140 emphasizes that new development must be “compatible and harmonious with the design and use of surrounding properties and with the City in general.” Furthermore, new development must foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the City and which avoid monotony and mediocrity of development and promote and maintain the public health, safety, and general throughout the City; and implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the City. Chapter 17.140 also outlines the requirements for a comprehensive design review process. The implementation of these requirements will reduce the impacts to levels that are less than significant. Chapter 17.50.120 focuses on property maintenance. For example, multiple-family developments with three or more units with Covenants, Conditions and Restrictions (CC&Rs) for property maintenance, shall include, but not be limited to, the following; this shall include the following;

- The Owners’ Association shall be administered by a professional property management company. The CC&R’s shall be submitted for review by the City Attorney and shall be approved and recorded before building permits are issued;

The above requirements will ensure the potential impacts of any future development would be less than significant.

*C. As provided in Public Resources Code Section 21099, would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? • Less than Significant Impact.*

Exterior lighting can be a nuisance to adjacent land uses that are sensitive to this lighting. This nuisance lighting is referred to as light trespass which is typically defined as the presence of unwanted light on properties located adjacent to the source of lighting. Glare is related to light trespass and is defined as visual discomfort resulting from high contrast in brightness levels. Glare-related impacts can adversely affect day or nighttime views. As with lighting trespass, glare is of most concern if it would adversely affect sensitive land uses or driver’s vision. Nighttime glare and illumination have the potential to result in potentially significant impacts to sensitive receptors. Many sources of light contribute to the ambient nighttime lighting conditions. these sources of nighttime light include street lights, security lighting, wall packs and vehicular headlights. The Zoning Ordinance update includes two Sections focused on lighting – Section 17.50.130 for reflective surfaces and Section 17.60.050 for outdoor lighting. All future developments contemplated as part of the proposed project’s implementation will be subject to the City’s new-light and glare requirements. This includes shielding of light fixtures. The proposed project would not introduce excessive nighttime

lighting that could potentially impact nearby sensitive receptors. As a result, less than significant impacts will result upon the implementation of the project.

### **MITIGATION MEASURES**

The analysis of aesthetics indicated that less than significant impacts on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

### 3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✘
B. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?				✘
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✘
D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?				✘
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? • No Impact.*

The proposed project is a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. These areas are noted herein in Section 2. No agricultural activities are located within the City of El Monte. Furthermore, none of the sites where a General Plan Amendment or a Zone Change are proposed are developed in agricultural land uses.<sup>6</sup> In addition, no agricultural zones exist within the City’s zoning code nor do any other zoning designations in the City’s zoning code permit agricultural uses. As a result, no conversion of farmland soils will result from the proposed project’s implementation and no impacts will occur.

**B.** *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? •No Impact.*

<sup>6</sup> City of El Monte. *El Monte General Plan Land Use Element.*  
 SECTION 3.2 • AGRICULTURE & FORESTRY RESOURCES

The City's applicable General Plan and Zoning land use designations do not permit farming or agricultural land uses. According to the State Department of Conservation, Division of Land Resource Protection, the individual project areas subject to either a GPA or a zone change are not subject to a Williamson Act Contract.<sup>7</sup> All of these areas are zoned for urban development as shown in Table 2-2. As a result, no impacts on existing or future Williamson Act Contracts would occur.

**C.** *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?* • *No Impact.*

According to the California Public Resources Code, "forest land" refers to land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. "Timberland" is defined as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The City of El Monte and the project areas are located in the midst of a larger urban area and no forest lands are located within the City. The City of El Monte General Plan and the El Monte Zoning Code do not provide for any forest land preservation. As a result, no impacts on forest land or timber resources will result upon the proposed project's implementation.

**D.** *Would the project result in the loss of forest land or conversion of forest land to non-forest use?* • *No Impact.*

No forest lands are found within the City of El Monte nor does the City of El Monte General Plan or zoning code provide for any forest land protection. As indicated previously, the 26 project areas are located in the midst of a larger urban area and no forest lands are located within the City. As a result, no impacts will occur with the adoption of the proposed project.

**E.** *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?* • *No Impact.*

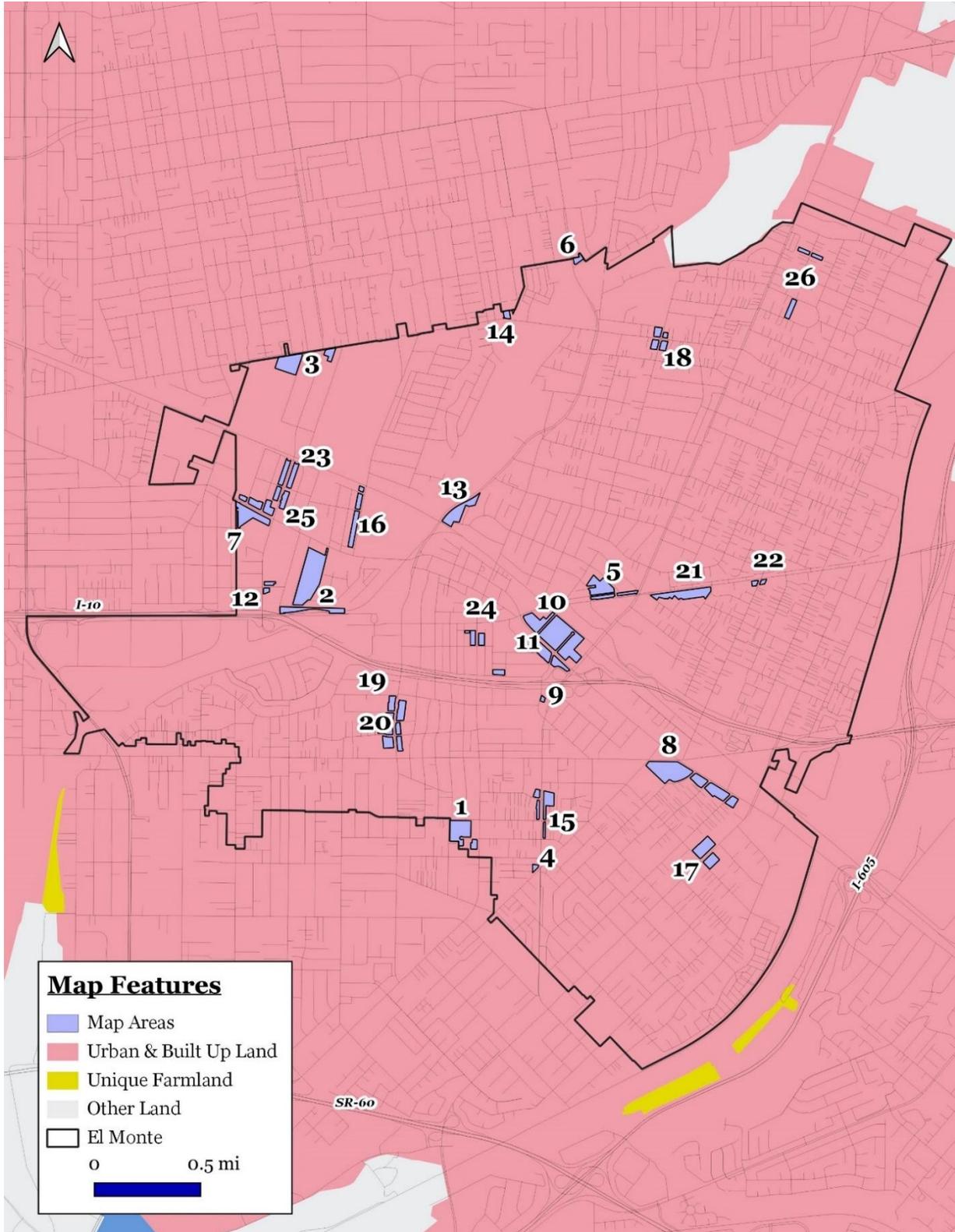
No farmland or forest lands are located in the City or within the project site. As a result, the proposed project will not involve the conversion of any existing farmland or forest area to urban uses and, as a result, no impacts will occur.

## **MITIGATION MEASURES**

The analysis of agricultural and forestry resources indicated that no impacts would occur and no mitigation is required.

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<sup>7</sup> California Department of Conservation. *State of California Williamson Act Contract Land*. <ftp://ftp.consrv.ca.gov>.



**EXHIBIT 3-1**  
**AGRICULTURE MAP**  
SOURCE: DEPARTMENT OF CONSERVATION

### 3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				✘
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✘	
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✘	
D. Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?			✘	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan?* • *No Impact.*

The proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are no protected views in the vicinity of the affected sites. The South Coast Air Quality Management District (SCAQMD) is the main regulatory authority in the region (the South Coast Air Basin, which includes the City of El Monte) with regard to air quality issues. In April 1993, the SCAQMD adopted a CEQA Air Quality Handbook that provides guidance for the CEQA analysis of potential air quality impacts of new projects. The SCAQMD has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the following criteria pollutants:

- *Ozone (O<sub>3</sub>)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust.

- *Nitrogen dioxide* (NO<sub>x</sub>) is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO<sub>x</sub> is formed when nitric oxide (a pollutant from burning processes) combines with oxygen.
- *Sulfur dioxide* (SO<sub>2</sub>) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms and difficulty in breathing for children.
- *PM<sub>10</sub> and PM<sub>2.5</sub>* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation.

Projects in the South Coast Air Basin (Basin) generating construction-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA:

- 75 pounds per day of reactive organic compounds;
- 100 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM<sub>10</sub>;
- 55 pounds per day of PM<sub>2.5</sub>; or,
- 150 pounds per day of sulfur oxides.

A project would have a significant effect on air quality if any of the following operational emissions thresholds for criteria pollutants are exceeded:

- 55 pounds per day of reactive organic compounds;
- 55 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM<sub>10</sub>;
- 55 pounds per day of PM<sub>2.5</sub>; or,
- 150 pounds per day of sulfur oxides.

The primary criteria pollutants that remain non-attainment in the local area include PM<sub>2.5</sub> and ozone. Specific criteria for determining a project's conformity with the AQMP is defined in Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. The Air Quality Handbook refers to the following criteria as a means to determine a project's conformity with the AQMP:<sup>8</sup>

- *Consistency Criteria 1* refers to a proposed project's potential for resulting in an increase in the frequency or severity of an existing air quality violation or its potential for contributing to the continuation of an existing air quality violation.
- *Consistency Criteria 2* refers to a proposed project's potential for exceeding the assumptions included in the AQMP or other regional growth projections relevant to the AQMP's implementation.

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<sup>8</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook*. April 1993.

In terms of Criteria 1, the long-term (operational) airborne emissions associated with the future development within the 26 areas where a GPA or ZC are proposed are relatively small in land area and the operation of the future development would be below levels that the SCAQMD considers to be a significant impact. The proposed project will also conform to Consistency Criteria 2 since it will not adversely affect any regional population, housing, and employment projections prepared for the City. Future housing that may be provided by the proposed project will enable the City to accommodate its projected RHNA. The City's General Plan includes Air Quality sections within the Public Health and Safety Element, and the Health and Wellness Element. In these sections, the following policies related to air quality are identified:<sup>9</sup>

- *Goal PHS-3 (Public Health and Safety):* Clean and healthful air through the implementation of responsive land use practices, enhancement to the natural landscape, pollution reduction strategies, and cooperation with regional agencies.
  - *PHS-3.1, Land Use:* As a condition for siting or expanding operations in El Monte, require air pollution emitters to evaluate and fully mitigate the impacts of their operations on schools, homes, medical facilities, child care centers, and other sensitive receptors.
  - *PHS-3.2, Sensitive Receptors:* Utilize CARB recommendations to evaluate the siting of dry cleaners, chrome platers, large gas stations, freeways, and other high pollutant sources near residences, health care facilities, schools, and other sensitive land uses.
  - *PHS-3.3, Community Forest:* As prescribed in the Parks and Recreation Element, enhance the City's community forest by planting trees along all roadways as a means to help filter air pollutants, clean the air, and provide other health benefits to the community.
  - *PHS-3.4, Transportation:* Encourage alternative modes of travel to work and school by maximizing transit service, purchasing alternative fuel vehicles, completing all sidewalks, and creating a network of multiuse trails and bicycle paths.
  - *PHS-3.6, Health Risk Assessment:* Require that projects for new industries or expansion of industries that produce air pollutants conduct a health risk assessment and establish appropriate mitigation prior to approval of new construction, rehabilitation, or expansion permits. In addition, require larger residential projects adjacent to the freeway or railroad conduct health risk assessments to confirm appropriate mitigation is on place.
- *Goal HW-12 (Health and Wellness):* Land use patterns reduce driving, enhance air quality, and improve respiratory health.
  - *HW-12.1, Walking, Cycling, and Transit Use:* Promote land use patterns that reduce driving rates and promote walking, cycling and transit use.
  - *HW-12.2, Truck Routes:* Discourage locating truck routes on primarily residential streets.
  - *HW-12.5, Air Pollution Mitigation:* Use landscaping, ventilation systems, double paned windows, or other mitigation measures to achieve healthy indoor air quality and noise levels in sensitive land uses.
  - *HW-12.8, Air Quality Policies:* Support policies that reduce emissions of pollutants from stationary and mobile sources such as industrial facilities, motor vehicles and trains.

The proposed project will not prohibit or preclude the policies outlined above relating to air quality and greenhouse gas emissions. Based on the findings made above, no violation of an air quality plan will occur.

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<sup>9</sup> City of El Monte. *Vision El Monte General Plan*. June 2011.  
SECTION 3.3 • AIR QUALITY

The project includes a number of revisions or performance standards that support existing SCAQMD regulations. Chapter 17.50. (Air Quality) includes the following performance standards:

- The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g. carbon, dust, fumes, gases, mist, noxious acids, odors, particulate matter, smoke, soot and sulfur compounds) into the atmosphere that exceed any local, state or federal air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.
- Compliance with Rules and Regulations. Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (CalEPA), the California Air Resources Board (CARB) and the SCAQMD.
- If requested by the Community Development Director, operators of uses, activities or processes that require SCAQMD approval to operate shall file a copy of the permit with the Community Development Department within 30 days of approval by SCAQMD.
- The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. Sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g., athletes, children, the elderly, those with illnesses) than the population at large.
- No existing or proposed use, activity or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.
- All commercial and industrial uses shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the point of determination established in Table 17.50-1 of the Zoning Ordinance.
- Land use activities that may create dust emissions (e.g. construction, grading) shall be conducted so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible.
- Grading activities shall be scheduled to ensure that repeated grading will not be required and that implementation of the proposed land use will occur as soon as possible after grading
- Operations during high winds. Clearing, earthmoving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
- The area disturbed by clearing, demolition, earthmoving, excavation operations or grading shall be the minimum required to implement the allowed use.
- During clearing, demolition, earthmoving, excavation operations or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g. hydroseeding), subject to the approval of the City Engineer.
- Material(s) excavated or graded shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- Material(s) transported off-site shall be either sufficiently watered or securely covered to prevent dust.

- On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically and/or shall be chemically stabilized.
- Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the City Engineer.
- Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.
- No existing or proposed use, activity or process or portion thereof shall, from any source whatsoever, discharge smoke or other particulate matter into the atmosphere, except as may be permitted by the SCAQMD.

The above new performance standards will further reduce the potential air quality impacts to levels that are less than significant.

**B.** *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact.*

The entire City is located in a non-attainment area for ozone and particulates; therefore, the construction of any proposed project will be required to comply with the requirements of SCAQMD Rule 403, Fugitive Dust, which requires the implementation of Best Available Control Measures (BACM) for all fugitive dust sources, and the 2016 AQMP, which identifies best available control measures (BACMs and Best Available Control Technologies (BACT) for area sources and point sources, respectively. According to SCAQMD Rule 403, Fugitive Dust, all unpaved demolition and construction areas shall be regularly watered up to three times per day during excavation, grading, and construction as required (depending on temperature, soil moisture, wind, etc.). Watering could reduce fugitive dust by as much as 55 percent. Rule 403 also requires that temporary dust covers be used on any piles of excavated or imported earth to reduce wind-blown dust. In addition, all clearing, earthmoving, or excavation activities must be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of fugitive dust. Finally, the contractors must comply with other SCAQMD regulations governing equipment idling and emissions controls. The aforementioned SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD. The long-term (operational) airborne emissions associated with the future development within the 26 areas where a GPA or ZC are proposed, are relatively small in land area and the future construction activities would be below levels that the SCAQMD considers to be a significant impact. This assessment also assumes compliance with the following applicable SCAQMD rules and regulations for the control of fugitive dust and architectural coating emissions:

- Excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the applicable procedures outlined in the SCAQMD's Rules and Regulations.
- Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune.
- All trucks associated with construction activities shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the

prevention of such material spilling onto public streets and roads.

- The project shall comply with SCAQMD Rule 402 that limits the generation of airborne pollutants that would cause injury, detriment, or result in a nuisance.

Long-term emissions refer to those air quality impacts that will occur once the development is operational and that will continue over the operational life of the project. The areas a GPA or ZC are proposed are relatively small in land area and the future construction activities would be below levels that the SCAQMD considers to be a significant impact. Therefore, the proposed project will not contribute to an existing air quality violation. With the implementation of the standard construction related SCAQMD rules and regulations, the impacts will be less than significant.

**C. *Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.***

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include residences, board and care facilities, schools, playgrounds, hospitals, parks, childcare centers, and outdoor athletic facilities, and other facilities where children or the elderly may congregate.<sup>10</sup> These population groups are generally more sensitive to poor air quality. The SCAQMD requires that CEQA air quality analyses indicate whether a proposed project will result in an exceedance of *localized emissions thresholds* or LSTs. LSTs only apply to short-term (construction) emissions at a fixed location and do not include off-site or area-wide emissions. As indicated previously, the areas where a GPA or ZC are proposed are relatively small in land area and the future construction activities would be below levels that the SCAQMD considers to be a significant impact. The projected peak hour traffic will not significantly degrade any local intersection's level of service (LOS E or F). In addition, project-generated traffic will not result in the creation of a carbon monoxide *hot-spot* (refer to Section 3.17, Transportation). Furthermore, fugitive dust emission, which is responsible for PM<sub>10</sub> and PM<sub>2.5</sub> emissions, will further be reduced through the implementation of SCAQMD regulations related to fugitive dust generation and other construction-related emissions.<sup>11</sup> These SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD. As a result, less than significant impacts will occur.

**D. *Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? • Less than Significant Impact.***

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.<sup>12</sup> Future development will be required to comply with regulations listed within the City's Municipal Code. Furthermore, truck drivers must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.<sup>13</sup> Adherence to the aforementioned regulation will minimize odor impacts from diesel trucks. In addition, the project's contractors must adhere

<sup>10</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9.* As amended 2017.

<sup>11</sup> South Coast Air Quality Management District. *Rule 403, Fugitive Dust.* As Amended June 3, 2005.

<sup>12</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9.* As amended 2017.

<sup>13</sup> California, State of. *California Code of Regulations, Title 13, Section 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.*

to SCAQMD Rule 403 regulations, which significantly reduce the generation of fugitive dust. As a result, the potential impacts will be less than significant.

**MITIGATION MEASURES**

The proposed project's construction and operational emissions are not considered to represent a significant adverse impact. As a result, no mitigation is required.

### 3.4 BIOLOGICAL RESOURCES

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

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • No Impact.*

The proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are no native or natural habitats are located within the project sites or within the surrounding areas.<sup>14</sup> Animal life within the project areas consists of species commonly found in an urban area. A review of the California Department of Fish and Wildlife California Natural Biodiversity

<sup>14</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. Survey was completed on January 15, 2022.

Database (CNDDDB) Bios Viewer for the El Monte Quadrangle indicated that there are nine federally- or State-recognized threatened or endangered species located within the El Monte Quadrangle.<sup>15</sup> The majority of these threatened or endangered species are not likely to be found within of the affected properties due to the lack of suitable habitat. These species include:

- The *coastal California gnatcatcher* is a bird species not likely to be found due to the lack of coastal sage scrub, the species primary habitat.<sup>16</sup>
- The *least Bell's vireo* is not likely to be found due to the lack of riparian habitat. Furthermore, the majority of the bird species live in San Diego County.<sup>17</sup>
- The *Santa Ana sucker* is a fish species that will not be affected by the proposed project and will not likely be found on-site because the concrete-lined Eaton Wash, which extends through the City and is primarily used as a flood control channel.<sup>18</sup>
- The *bank swallow* is a bird species not likely to be found due to the lack of riparian habitat.<sup>19</sup>
- The *willow flycatcher* is a bird species not likely to be found within the project site due to the lack of marsh, brushy fields, and willow thickets, the species primary habitat.<sup>20</sup>
- The *southwestern Willow flycatcher* is a bird species not likely to be found within the project area due to the lack of dense riparian habitat.<sup>21</sup>
- The *western yellow-billed cuckoo* is an insect-eating bird not likely to be found within the project area due to the lack of riparian woodland habitat.<sup>22</sup>
- The *light-footed Ridgway's rail* is a bird species not likely to be found within the project area due to the lack of coastal salt marshes and lagoons.<sup>23</sup>
- The *Swainson's hawk* is not likely to be found within the project area due to the lack of plains and farmland.<sup>24</sup>
- The *Nevin's barberry* is an evergreen shrub that is not likely to be found within the project area due to the project site's paved nature and its use as a parking area for commercial vehicles.<sup>25</sup>

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<sup>15</sup> California Department of Fish and Wildlife. *Bios Viewer*. <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>.

<sup>16</sup> Center for Biological Diversity. *Coastal California Gnatcatcher*. [http://www.biologicaldiversity.org/species/birds/coastal\\_California\\_gnatcatcher/](http://www.biologicaldiversity.org/species/birds/coastal_California_gnatcatcher/).

<sup>17</sup> California Partners in Flight Riparian Bird Conservation Plan. *Least Bell's Vireo (Vireo bellii pusillus)*. [http://www.prbo.org/calpif/htmldocs/species/riparian/least\\_bell\\_vireo.htm](http://www.prbo.org/calpif/htmldocs/species/riparian/least_bell_vireo.htm).

<sup>18</sup> Blodgett Baylosis Environmental Planning. Survey was completed on January 15, 2020.

<sup>19</sup> Audubon. *Bank Swallow (Riparia riparia)*. <https://www.audubon.org/guia-de-aves/ave/bank-swallow>.

<sup>20</sup> Audubon. *Willow Flycatcher (Empidonax traillii)*. <http://birds.audubon.org/birds/willow-flycatcher>.

<sup>21</sup> United State Geological Survey. *Southwestern Willow Flycatcher Habitat*. <http://sbsc.wr.usgs.gov/cprs/research/projects/swwf/wiflhab.asp>.

<sup>22</sup> US Fish and Wildlife Service. *Sacramento Fish and Wildlife Office, Public Advisory*. [http://www.fws.gov/sacramento/outreach/Public-Advisories/WesternYellow-BilledCuckoo/outreach\\_PA\\_Western-Yellow-Billed-Cuckoo.htm](http://www.fws.gov/sacramento/outreach/Public-Advisories/WesternYellow-BilledCuckoo/outreach_PA_Western-Yellow-Billed-Cuckoo.htm).

<sup>23</sup> U.S. Fish & Wildlife Service, San Diego Bay. *Light-footed Ridgway's Rail*. [https://www.fws.gov/refuge/san\\_diego\\_bay/wildlife\\_and\\_habitat/Light-footed\\_Ridgways\\_Rail.html](https://www.fws.gov/refuge/san_diego_bay/wildlife_and_habitat/Light-footed_Ridgways_Rail.html).

<sup>24</sup> Audubon. *Swainson's Hawk (Buteo swainsoni)*. <http://www.audubon.org/field-guide/bird/swainsons-hawk>.

<sup>25</sup> California Department of Fish & Wildlife. *Nevin's Barberry (Berberis nevinii)*. <https://www.wildlife.ca.gov/Conservation/Plants/Endangered/Berberis-nevinii>.

The proposed project will have no impact on the aforementioned species because the 26 project areas are located in the midst of an urban area. The project sites and the surrounding areas are not conducive to the survival of the aforementioned species due to the lack of suitable habitat. As a result, no impacts on any candidate, sensitive, or special status species will result upon construction of the proposed project.

**B.** *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? • No Impact.*

The project areas and the surroundings are largely developed. There are no local or regional plans, policies, or regulations that identify any riparian habitat or other sensitive natural community at or near the project site, nor does the California Department of Fish and Wildlife identify any such habitat. A review of the U.S. Fish and Wildlife Service National Wetlands Inventory, Wetlands Mapper confirmed that the nearest body of water is the Eaton Wash. However, the concrete-lined Eaton Wash is classified as a *riverine* that is primarily used as a flood control channel and is not classified as a wetland with riparian value. No other wetlands are located within the City. As a result, no impacts on natural or riparian habitats will result from the proposed project's implementation.

**C.** *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.*

As previously mentioned, the 26 project areas are located in the midst of an urbanized setting and no wetlands are located within the City. The construction and operation of the proposed project will be limited to the project site and will not affect any wetlands. As a result, no impacts will occur.

**D.** *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? • No Impact.*

There are no areas of natural open space or areas of significant biological value within or adjacent to the proposed 26 areas. In addition, there are no bodies of water that could provide a habitat for migratory birds. Eaton Wash, which extends through the City. As indicated on the National Wetlands Inventory, the Eaton Wash is classified as a riverine but does not serve as a wetland in the City of El Monte.<sup>26</sup> The Eaton Wash is a concrete-lined flood control channel. The proposed development will not impact the existing flood control channel. Therefore, the proposed project Future development supported by the proposed project would not infringe upon any bodies of water or habitats. The project site does not function as a migratory corridor for the movement of native or migratory animals since there are no areas of natural open space within one mile of the project site. Constant disturbance (noise and vibration) from vehicles traveling on the adjacent roadways further limit the project site's utility as a migration corridor. As a result, the proposed project will not affect wildlife migration in the area or otherwise impede the use of native wildlife nursery sites. As a result, no impacts are anticipated.

**E.** *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • Less than Significant Impact.*

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<sup>26</sup> U.S. Fish and Wildlife Service. National Wetlands Inventory – V2. <https://www.fws.gov/Wetlands/data/Mapper.html>.

Chapter 14.03 of the El Monte Municipal Code “Tree Protection and Preservation” provides rules and regulations regarding the tampering, removal, maintenance, and protection of trees.<sup>27</sup> In addition, there are no other local policies or ordinances protecting other biological resources. Chapter 17.72.040 includes the following requirements:

- All existing and proposed landscaping areas, including those below the thresholds listed in Section 17.72.020 of this Chapter, shall comply with the following:
- Landscaping shall be maintained in an orderly and healthy condition in compliance with this Chapter. This includes proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, monitoring for pests and disease, replacement of plants when necessary and regular watering.
- Landscape and irrigation plans shall be prepared by a licensed landscape architect or other person qualified by education or experience as being capable of preparing such plans. Landscaping shall be planned as an integral part of the overall project design and not simply located in remanent spaces after buildings and parking areas have been designed. The installation shall be in accordance with the approved plans and shall be required prior to final occupancy.
- In addition to the minimum landscaping required in this Chapter, additional landscaping may be deemed necessary to relieve solid, unbroken elevations or soften continuous wall expanses. Additional landscaping may also be required to break up expansive parking areas, channelize traffic and screen trash enclosures, on-site utilities or other similar land uses or elements.
- Ground cover areas shall be planted with well rooted cuttings or container stock. Turf areas shall be planted with field-grown established sod or hydroseed.
- Artificial plant material shall be limited to 35 percent of street yard setbacks and there shall be no limitation in other areas.
- Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, shrubs and ground covering, with exception to approved paved driveways and walkways. The paved area of the front yard and required street side yard, including driveways and walkways, shall not exceed 40 percent.
- Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, Landscaping shall be distributed throughout the parking lot.
- Parking lots. A minimum five percent of parking lot areas shall be landscaped. This should be in addition to street setback areas.
- All areas of a project site that is not intended for a specific use, including pad sites held for future development, shall be landscaped.

With the implementation of the aforementioned landscaping protocols, the impacts will be less than significant.

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<sup>27</sup> El Monte, City of. *El Monte Tree Protection and Preservation Ordinance*.  
<http://www.elmonteca.gov/LinkClick.aspx?fileticket=mDNuyrd4rhE%3D&tabid=306>.

- F.** *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*
- *No Impact.*

The City is not located within an area governed by a habitat conservation or community conservation plan. As a result, no impacts on local, regional or State habitat conservation plans will result from the proposed project's implementation.

**MITIGATION MEASURES**

The analysis indicated that the proposed project would not result in any significant adverse impacts on biological resources. As a result, no mitigation measures are required.

### 3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✘
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			✘	
C. Would the project disturb any human remains, including those interred outside of formal cemeteries?			✘	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.*

The proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and all of the sites have undergone development.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property’s significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; and,
- A property achieving significance within the past 50 years if it is of exceptional importance.<sup>28</sup>

The State has established *California Historical Landmarks* that include sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. *California Points of Historical Interest* have a similar definition, except they are deemed of local significance. A search of the California Office of Historic Preservation online list of California Historical Landmarks yielded the following State-designated landmarks in the City:<sup>29</sup>

- *California Register of Historical Resources No. 975 - El Monte First Southern California Settlement by Immigrants from the United States.* This settlement was located on the banks of the San Gabriel River and played a significant role in California's early pioneer history. The settlement was initially an encampment along the Old Spanish Trail and was an extension of the trail from Missouri to Santa Fe. This historical site is located at Santa Fe Trail Historical Park, near the southwest corner of Valley Boulevard and Santa Anita Avenue.
- *California Point of Historical Interest No. LAN-047 – Old El Monte Jail, Pioneer Park.* The El Monte Jail was constructed by William Dodson and donated to the town in 1880. The original jail

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<sup>28</sup> U. S. Department of the Interior, National Park Service. *National Register of Historic Places*. <http://nrhp.focus.nps.gov>. 2010.

<sup>29</sup> California Department of Parks and Recreation. *California Historical Resources*. <http://ohp.parks.ca.gov/ListedResources>.

was a one room wooden structure and was utilized as a jail until 1922. This historical site is located at Pioneer Park, also near the southwest corner of Valley Boulevard and Santa Anita Avenue.

The project areas are not located in areas that meet any of the National or State criteria and are not listed on the National or State Historic Register.<sup>30</sup> In addition, the City's General Plan has not identified any of the 26 project areas as being historically significant. The proposed project will not affect any existing resources listed on any historical register or those identified as being eligible for listing on a historical register. Based on the analysis provided herein, no impacts will occur.

**B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact.***

The greater Los Angeles Basin was previously inhabited by the Gabrieleño people, named after the San Gabriel Mission. The Gabrieleño tribe has lived in this region for around 7,000 years.<sup>31</sup> Prior to Spanish contact, approximately 5,000 Gabrieleño people lived in villages throughout the Los Angeles Basin.<sup>32</sup> Villages were typically located near major rivers such as the San Gabriel, Rio Hondo, or Los Angeles Rivers. The grading and excavation will involve the clearance of the site, shallow excavation, and the installation of the new building footings and utility connections. No significant archaeological sites are likely to be discovered during excavation activities due to the previous disturbance and the limited degree of excavation that will be required. Although the project site has been subject to disturbance, the project site could potentially be situated in an area of high archaeological significance. As a result, a mitigation measure is provided in Section 3.18, Tribal Cultural Resources, to ensure that a tribal representative is present during construction-related ground-disturbing activities. In the event that the tribal representative identifies an archeological resource on-site during ground-disturbing activities, Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage.<sup>33</sup> The California Office of Historic Preservation states that avoidance and preservation in place are the preferable forms of mitigation for archeological sites. When avoidance is infeasible, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center.<sup>34</sup> If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.<sup>35</sup> Adherence to the abovementioned regulations will reduce potential impacts to levels that are less than significant.

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<sup>30</sup> U. S. Department of the Interior, National Park Service. *National Register of Historic Places*. <http://focus.nps.gov/nrhp>.  
Secondary Source: California Department of Parks and Recreation. *California Historical Resources*.  
<http://ohp.parks.ca.gov/ListedResources>.

<sup>31</sup> Tongva People of Sunland-Tujunga. *Introduction*. [http://www.lausd.k12.ca.us/Verdugo\\_HS/classes/multimedia/intro.html](http://www.lausd.k12.ca.us/Verdugo_HS/classes/multimedia/intro.html).

<sup>32</sup> Rancho Santa Ana Botanical Garden. *Tongva Village Site*. <http://www.rsabg.org/component/k2/item/453-tongva-village-site>.

<sup>33</sup> California, State of. *Title 14. California Code of Regulations. Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act*. as Amended 1998 (CEQA Guidelines). §15064.5.

<sup>34</sup> Ibid. §15126.4.

<sup>35</sup> Curation would involve the selection, organization and looking after of archeological items in a collection or exhibition.

- C.** *Would the project disturb any human remains, including those interred outside of formal cemeteries?*
- *Less than Significant Impact.*

There are no cemeteries located within or adjacent to the individual project areas. Notwithstanding, in the unlikely event that remains are uncovered by construction crews, all excavation activities shall be halted and the El Monte Police Department (EMPD) will be contacted (the EMPD will then contact the Los Angeles County Coroner). As a result, the proposed project is not anticipated to impact any interred human remains and the impacts are considered to be less than significant.

### **MITIGATION MEASURES**

The analysis of potential cultural resources impacts indicated that no significant impacts would result from the proposed project's adoption.

### 3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✘	
B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? • Less than Significant Impact.*

The proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are undeveloped sites. The proposed project will not directly result in any new development.

Chapter 17.50.090 is concerned with the use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure. As a result, the proposed project will not result in any significant adverse impacts on energy. The proposed project will be in accordance with the City’s Building Code requirements and with Part 6 and Part 11 of Title 24 of the California Code of Regulations. Future development will include new light standards and fixtures that will be used as operational and security lighting. This lighting will conform to all state and local building code and lighting regulations. As a result, the potential impacts are considered to be less than significant.

- B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • No Impact.*

The California Public Utilities Commission prepared an updated Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in Greenhouse Gases (GHG). Assembly Bill 1109, which was adopted in 2007, also serves as a framework for lighting efficiency. This bill would require the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency standards structured to reduce average statewide electrical energy consumption by not less than

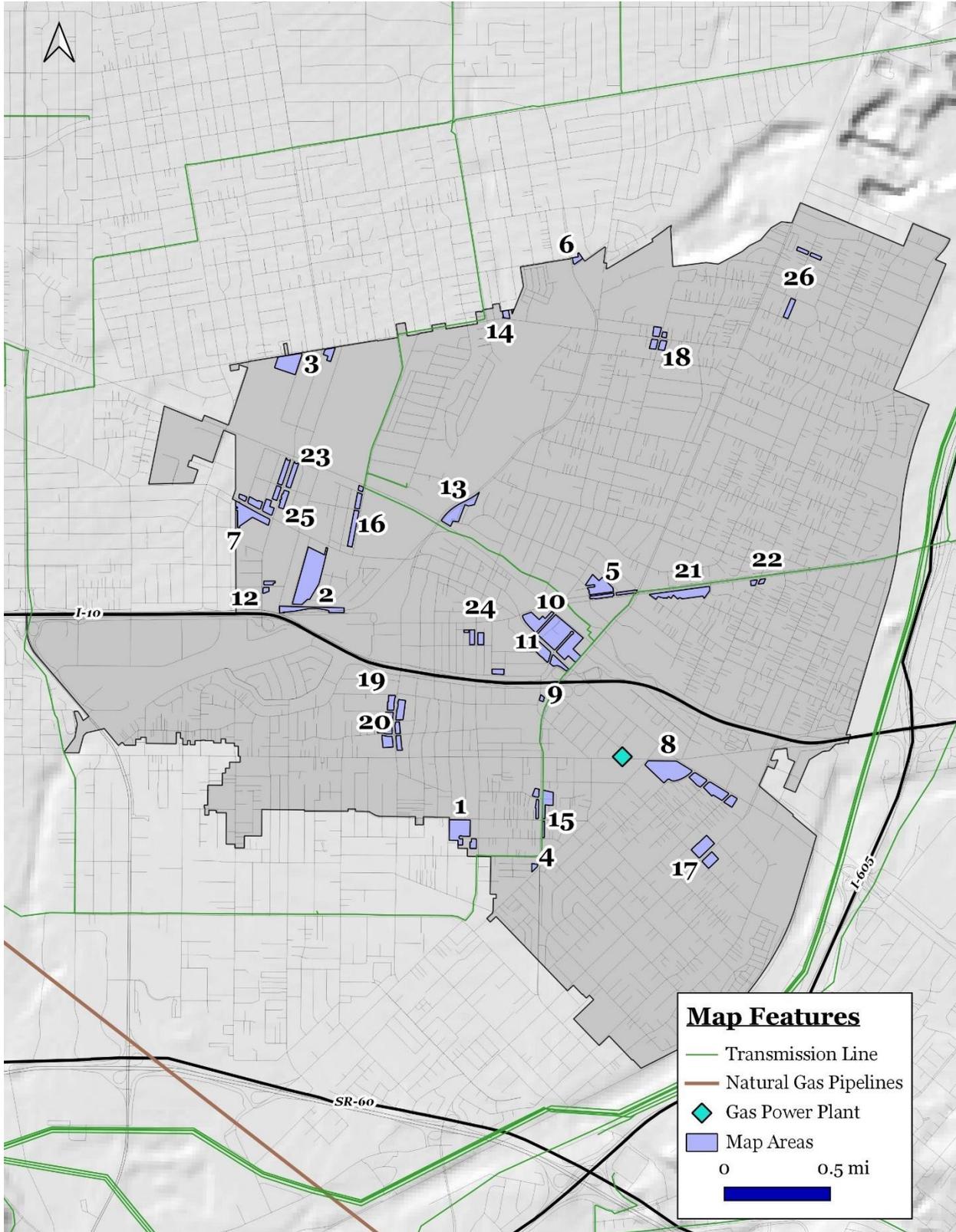
50% from the 2007 levels for indoor residential lighting and not less than 25% from the 2007 levels for indoor commercial and outdoor lighting by 2018. According to the Energy Efficiency Strategic Plan, lighting comprises approximately one-fourth of California’s electricity use while nonresidential sector exterior lighting (parking lot, area, walkway, and security lighting) usage comprises 1.4% of California’s total electricity use, much of which occurs during limited occupancy periods.<sup>36</sup> As indicated in the previous subsection, the project will not result in wasteful, inefficient, or unnecessary consumption of energy during construction or operation. Therefore, the proposed project will not conflict with or obstruct the state’s goal of promoting energy and lighting efficiency and no impacts will occur.

### **MITIGATION MEASURES**

The analysis determined that the proposed project will not result in significant impacts related to energy and mitigation measures are not required.

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<sup>36</sup> California Public Utilities Commission. *Energy Efficiency Strategic Plan*. Plan updated January 2011.



**EXHIBIT 3-2**  
**ENERGY MAP**  
SOURCE: CA ENERGY COMMISSION

### 3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides?			✘	
B. Would the project result in substantial soil erosion or the loss of topsoil?			✘	
C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✘	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✘	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✘
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✘	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides? • Less than Significant Impact.*

*Rupture of a known earthquake fault:*

The proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the

midst of urban development and there are undeveloped sites. The proposed project will not directly result in any new development.

The City of El Monte is located in a seismically active region and many major and minor local faults traverse the entire Southern California region. Major earthquake faults in the Los Angeles County area include the San Andreas Fault Zone, the Sierra Madre Fault Zone, the Newport-Inglewood Fault, the Norwalk Fault, and the Whittier Fault. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults.<sup>37</sup> A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The City of El Monte is not on the list.<sup>38</sup> There are no known active faults crossing any of the 26 distinct areas. The nearest known active regional fault is the Puente Hills-Elysian Park Fault, which is located approximately three miles south of the City.<sup>39</sup> The degree of ground-shaking is dependent on the location of the earthquake epicenter, the earthquake's intensity, and a number of other variables. For the project site, the degree of impact will not be significantly different from that anticipated for the surrounding areas. In addition, the proposed project will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant.

*Strong seismic ground shaking:* As previously mentioned, the City is not on the list of cities subject to the Alquist-Priolo Earthquake Fault Zones and the project site is not located within any fault zones.<sup>40</sup> In addition, the project site will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant.

*Seismic-related ground failure, including liquefaction, or landslides:* Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. Liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. Essentially, liquefaction is the process by which the ground soil loses strength due to an increase in water pressure following seismic activity.<sup>41</sup> According to the California Department of Conservation, California Geologic Survey, the project site, along with the majority of the City, is located within a potential liquefaction hazard zone and is not subject to the risk of landslides (refer to Exhibit 3-3).<sup>42</sup> All new development would be subject to the latest geotechnical and seismic design requirements. As a result, the potential impacts are less than significant.

**B. Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.**

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<sup>37</sup> California Department of Conservation. *What is the Alquist-Priolo Act.* <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx>.

<sup>38</sup> California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.* <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx>.

<sup>39</sup> Cal Land Engineering, Inc. *Report of Geotechnical Engineering Investigation, Proposed Commercial Development, 4304 Temple City Boulevard, APN: 8577-006-016, El Monte, California; QCI Project No.: 18-019-005GE.* July 2, 2019.

<sup>40</sup> Ibid.

<sup>41</sup> U.S. Geological Survey. *About Liquefaction.* <http://geomaps.wr.usgs.gov/sfgeo/liquefaction/aboutliq.html>.

<sup>42</sup> California Department of Conservation. *Regulatory Maps.* <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.

Given the paved and developed character of the project area, no impacts related to expansive soil erosion or loss of topsoil are anticipated. According to the soil maps prepared for Los Angeles County by the United States Department of Agriculture, the project site is underlain by soils comprised primarily of Urban Land, Pico and Metz soil associations. These soils have a slight erosion hazard; however, current development and the placement of landscaping have reduced the soil's erosion risk.<sup>43</sup> In addition, limited excavation will be required for the clearance of the site, shallow excavation, and the installation of the new building footings and utility connections. The proposed project will not present a new runoff or erosion risk because the project site is currently paved and the new buildings will not introduce new significant impermeable land cover to the project site.<sup>44</sup> As a result, the impacts are expected to be less than significant.

*C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? • Less than Significant Impact.*

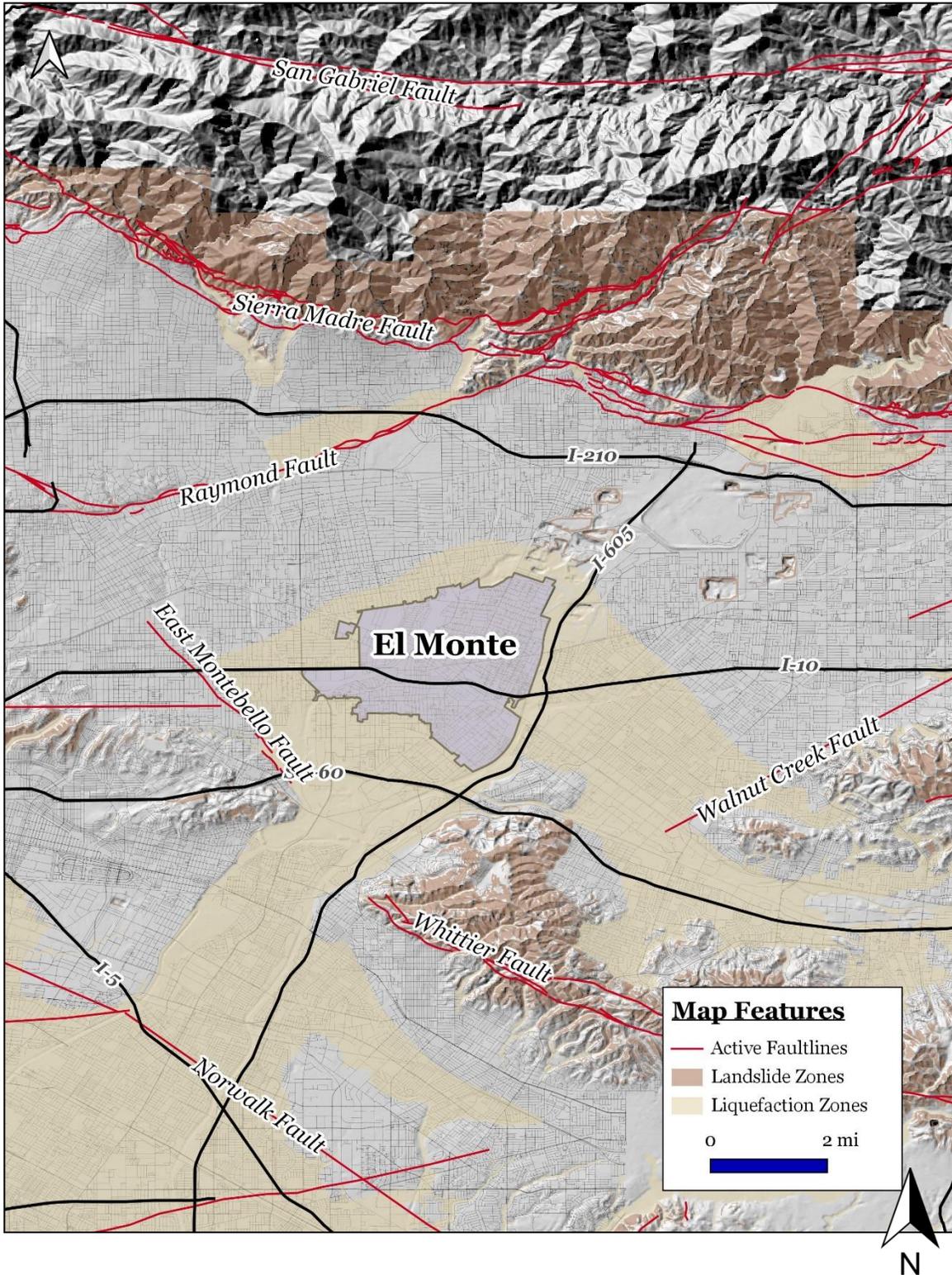
Lateral spreading is a phenomenon that is characterized by the horizontal, or lateral, movement of the ground. Lateral spreading could be liquefaction-induced or can be the result of excess moisture within the underlying soils. As previously mentioned, the entire City of El Monte is located within a potential liquefaction hazard zone (refer to Exhibit 3-3).<sup>45</sup> Subsidence occurs via soil shrinkage and is triggered by a significant reduction in an underlying groundwater table, thus causing the earth on top to sink. Shrinking and swelling is influenced by the amount of clay present in the underlying soils. The project site is underlain by soils of various soil associations, which have various levels of clay. As previously mentioned, the project site is underlain by soils comprised primarily of Urban Land, Pico and Metz soil associations. These soils are described as being used almost exclusively for residential and industrial development, as evident by the current level of urbanization present within the project area. Therefore, less than significant impacts related to unstable soils are expected.

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<sup>43</sup> United States Department of Agriculture Soil Conservation Service. *Report and General Soils Map Los Angeles County, California*. Revised 1969.

<sup>44</sup> United States Department of Agriculture. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

<sup>45</sup> California Department of Conservation. *Regulatory Maps*. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.



**EXHIBIT 3-3**  
**GEOLOGIC HAZARDS MAP**  
SOURCE: UNITED STATES GEOLOGICAL SURVEY

**D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.***

The shrinking and swelling of soils is influenced by the amount of clay present in the underlying soils.<sup>46</sup> If soils consist of expansive clay, damage to foundations and structures may occur. As previously mentioned, the project site is underlain by soils comprised primarily of Urban Land, Pico and Metz soil associations. These soils are described as being used almost exclusively for residential and industrial development, as evident by the current level of urbanization present within the project site and surrounding areas. The soils that underlie the project site consist of a very small percentage of clay.<sup>47</sup> The local and State regulations mentioned throughout this section (Section 3.7) will further minimize potential geologic impacts. Therefore, the potential impacts are expected to be less than significant.

**E. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? • No Impact.***

No septic tanks will be used in conjunction with any future development project. All future development will be required to connect with the sanitary sewer system. As a result, no impacts associated with the use of septic tanks or alternative wastewater disposal systems will occur as part of the proposed project.

**F. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • Less than Significant Impact.***

The likelihood of the discovery of paleontological resources or site or unique geologic features is considered to be low given the extensive ground disturbance that has occurred throughout the City. The limited grading and excavation will involve the clearance of the site, shallow excavation, and the installation of the new building footings and utility connections and are not likely to encounter any resources. The upper sediments that underlie the project area consist of younger Quaternary Alluvium, which have a low paleontological sensitivity. These younger sediments, however, overlie Older Quaternary Alluvium which is considered to be sensitive.<sup>48</sup> The likelihood of the discovery of paleontological materials will increase where the excavations will extend into the Older Quaternary Alluvium. In the event that intact paleontological resources are located within the project site, ground-disturbing activities associated with construction of the proposed project have the potential for destroying a unique paleontological resource or site. In the absence of mitigation, the potential damage to paleontological resources or sites during project construction would be a potentially significant impact. Therefore, the following standard condition is required:

- Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which

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<sup>46</sup> Natural Resources Conservation Service Arizona. *Soil Properties Shrink/Swell Potential*. [http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2\\_065083](http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2_065083).

<sup>47</sup> UC Davis. *SoilWeb: Soil Survey Browser*. <https://casoilresource.lawr.ucdavis.edu/gmap/>.

<sup>48</sup> Los Angeles, City of. *L.A. CEQA Thresholds Guide. Section D.1 Paleontological Resources*. <http://www.environmentla.org/programs/Thresholds/D-Cultural>.

could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

With the above standard condition, the potential impacts will be reduced to levels that are less than significant.

### **MITIGATION MEASURES**

In the absence of mitigation, the potential damage to paleontological resources or sites during project construction would be addressed with the following standard condition: Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

### 3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✘	
B. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✘

#### ENVIRONMENTAL ANALYSIS

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.*

The proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are undeveloped sites. The proposed project will not directly result in any new development.

The State of California requires CEQA documents include an evaluation of greenhouse gas (“GHG”) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. The passage of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, established the California target to achieve reductions in GHG to 1990 GHG emission levels by the year 2020.<sup>49</sup> The SCAQMD has established a single quantified threshold of 10,000 metric tons of CO<sub>2</sub>E (MTCO<sub>2</sub>E) per year for new commercial and industrial development.<sup>50</sup> Carbon dioxide equivalent, or CO<sub>2</sub>E, is a term that is used for describing different greenhouses gases in a common and collective unit. As indicated in Section 3.6, Energy, A, the proposed project will not result in wasteful, inefficient, or unnecessary consumption of energy during construction or operation.

B. *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of*

<sup>49</sup> California, State of. OPR Technical Advisory – CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review. June 19, 2008.

<sup>50</sup> SCAQMD. Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group Meeting #15. [https://planning.lacity.org/eir/8150Sunset/References/4.E.%20Greenhouse%20Gas%20Emissions/GHG.39\\_SCAQMD%20GHG%20Meeting%2015.pdf](https://planning.lacity.org/eir/8150Sunset/References/4.E.%20Greenhouse%20Gas%20Emissions/GHG.39_SCAQMD%20GHG%20Meeting%2015.pdf).

*reducing the emissions of greenhouse gases? • No Impact.*

The City of El Monte does not have an adopted Climate Action Plan. However, the City's General Plan includes Air Quality sections within the Public Health and Safety Element, and the Health and Wellness Element. In these sections, the following policies related to air quality and greenhouse gasses are identified:<sup>51</sup>

- *Goal PHS-3 (Public Health and Safety):* Clean and healthful air through the implementation of responsive land use practices, enhancement to the natural landscape, pollution reduction strategies, and cooperation with regional agencies.
- *PHS-3.1, Land Use:* As a condition for siting or expanding operations in El Monte, require air pollution emitters to evaluate and fully mitigate the impacts of their operations on schools, homes, medical facilities, child care centers, and other sensitive receptors.
- *PHS-3.2, Sensitive Receptors:* Utilize CARB recommendations to evaluate the siting of dry cleaners, chrome platers, large gas stations, freeways, and other high pollutant sources near residences, health care facilities, schools, and other sensitive land uses.
- *PHS-3.3, Community Forest:* As prescribed in the Parks and Recreation Element, enhance the City's community forest by planting trees along all roadways as a means to help filter air pollutants, clean the air, and provide other health benefits to the community.
- *PHS-3.4, Transportation:* Encourage alternative modes of travel to work and school by maximizing transit service, purchasing alternative fuel vehicles, completing all sidewalks, and creating a network of multiuse trails and bicycle paths.
- *PHS-3.6, Health Risk Assessment:* Require that projects for new industries or expansion of industries that produce air pollutants conduct a health risk assessment and establish appropriate mitigation prior to approval of new construction, rehabilitation, or expansion permits. In addition, require larger residential projects adjacent to the freeway or railroad conduct health risk assessment to confirm appropriate mitigation is in place.
- *Goal HW-12 (Health and Wellness):* Land use patterns reduce driving, enhance air quality, and improve respiratory health.
- *HW-12.1, Walking, Cycling, and Transit Use:* Promote land use patterns that reduce driving rates and promote walking, cycling and transit use.
- *HW-12.2, Truck Routes:* Discourage locating truck routes on primarily residential streets.
- *HW-12.5, Air Pollution Mitigation:* Use landscaping, ventilation systems, double paned windows, or other mitigation measures to achieve healthy indoor air quality and noise levels in sensitive land uses.
- *HW-12.8, Air Quality Policies:* Support policies that reduce emissions of pollutants from stationary and mobile sources such as industrial facilities, motor vehicles and trains.

The proposed project will not involve or require any variance from the aforementioned policies. Furthermore, the proposed project will not involve or require any other variance from the adopted plan, policy, or regulation governing GHG emissions. As indicated previously, the construction and operation of the proposed project will result in the generation of a limited amount of emissions that will be below the SCAQMD's thresholds. As indicated in Section 3.6, Energy, A, the proposed project will not result in

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<sup>51</sup> City of El Monte. *Vision El Monte General Plan*. <http://elmonteca.gov/LinkClick.aspx?fileticket=lynL7WLS6f4%3d&tabid=101>. June 2011.

wasteful, inefficient, or unnecessary consumption of energy during construction or operation. As a result, no impacts will occur.

### **MITIGATION MEASURES**

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✗	
B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✗	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✗
D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✗	
E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✗
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✗	
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✗

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* • *Less than Significant Impact.*

The proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to updates the certification of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are undeveloped sites. The proposed project will not directly result in any new development.

Chapter 17.50.100 (Hazardous Materials) includes the following new performance standards that govern hazardous materials:

- A Conditional Use Permit is required for the storage of hazardous materials in conjunction with an on-site primary use in the Light Manufacturing (M-1) and General Manufacturing (M-2) zoning districts.
- All businesses required by state law (per Chapter 6.95 of the California Health and Safety Code) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director.
- Underground storage of hazardous substances shall comply with all applicable requirements of state law (Chapter 6.7 of the California Health and Safety Code and Section 79.1 13(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall notify the Community Development Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
- Aboveground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.
- Any other use, handling, storage and distribution of hazardous materials shall comply with the applicable provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system, or into the ground.

The future tenant(s) that will occupy the new buildings that could occur as part of the Zoning Code's implementation, are not known at this time. If any of the proposed project's future tenants are involved in the transport, use, storage, and disposal of hazardous materials, the tenant would need to comply with Federal and State regulations regarding hazardous materials. The tenant would need to comply with the EPA's Hazardous Materials Transportation Act, Title 42, Section 11022 of the United States Code and Chapter 6.95 of the California Health and Safety Code which requires the reporting of hazardous materials when used or stored in certain quantities. Additionally, the future tenant will need to file a Hazardous Materials Disclosure Plan and a Business Emergency Plan to ensure the safety of the employees and citizens of El Monte. As a result, the impacts from the proposed project are expected to be less than significant.

**B.** *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?* • *Less than Significant Impact.*

The potential impacts from future development, with the implementation of the aforementioned new zoning regulations and/or requirements, will be reduced to levels that are less than significant.

**C.** *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* • *No Impact.*

The proposed project's implementation will not involve any changes to the surrounding environment which could result in the release of hazardous materials. With adherence to the new regulations as a result, no impacts will occur.

- D.** *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? • Less than Significant Impact.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List, maintained by the California Department of Toxic Substances Control. One Cortese site is located in the City of El Monte, which also encompasses the project site, and it is the San Gabriel Groundwater Basin.<sup>52</sup> The San Gabriel Valley has been under environmental investigation since 1979 when groundwater contaminated with volatile organic compounds (VOCs) was first identified. The groundwater contamination resulted from the historic use and improper handling and disposal of chlorinated solvents [such as tetrachloroethene (PCE) and trichloroethene (TCE)] and other chemicals (other VOCs, 1,4-dioxane, perchlorate, NDMA). The United States Environmental Protection Agency (USEPA) believes that the contamination initially stemmed from an increase in industrial activity during and after World War II. In May 1984, USEPA listed four broad areas of regional-scale groundwater contamination within the Basin on the National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Since listing the San Gabriel Valley Superfund Sites, USEPA has been working to address the groundwater contamination on a regional scale through installation and operation of groundwater extraction systems that control the contaminant migration. Extracted groundwater is treated to safe levels and, if feasible, is reused for drinking water supply. Although the groundwater cleanup activities started in the 1990's, and progress has been made, the groundwater contamination in the San Gabriel Valley is extensive and will require multiple decades to remediate. Therefore, no site-specific impacts will occur upon the implementation of the proposed project because the contamination is regional and under remediation. As a result, the impacts will be less than significant.

- E.** *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.*

Portions of the Gateway and Downtown Specific Plans are located within an airport land use plan. Building heights for areas within an airport plan will not increase. The airport will not be a source of excessive noise levels to people working at the project site because the proposed project will be an industrial use and the small aircraft flying to and from the airport are not a source of noise in the project area. The San Gabriel Valley Airport provides services for general civilian aviation, which are exclusive of scheduled passenger airlines. The majority of aircraft that utilize the San Gabriel Valley Airport are small civilian single engine airplanes, which are not a significant source of noise as compared to larger aircraft, such as turbo prop and turbo jet planes, which make up a very small percentage of airport's-based aircraft.<sup>53</sup> As a result, the proposed project would not present a safety hazard for people working in the project area. Therefore, no impacts will occur.

- F.** *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • Less than Significant Impact.*

At no time during project construction will adjacent streets be completely closed to traffic. The

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<sup>52</sup> California Department of Toxic Substances Control. *DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List)*. [http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm).

<sup>53</sup> Los Angeles County Department of Public Works, Los Angeles County Airports. *Operational Data*. <https://dpw.lacounty.gov/avi/airports/BrackettFieldOperational.aspx>.

construction plans must identify specific provisions for the regulation of construction vehicle access to the project sites during as a means to provide continued through-access and prevent street blockage or queuing. As a result, less than significant impacts are associated with the proposed project.

**G.** *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?* • *No Impact.*

The City of El Monte is urbanized and the majority of the parcels are developed. There are no areas of native vegetation found within the project site or in the surrounding areas that could provide a fuel source for a wildfire. As a result, there are no impacts associated with potential wildfires from off-site locations.

### **MITIGATION MEASURES**

The analysis of potential impacts related to hazards and hazardous materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✘	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✘	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows?				✘
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				✘
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.*

The proposed project is a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Tile 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification and to streamline the existing Code language. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The project Applicant is City of El Monte, Community and Economic Development Department, Planning Division, 11333 Valley Boulevard El Monte, California 91731. The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1 and are shown in Exhibit 2-2. Chapter 17.50.080 outlines the following requirement with respect to the discharges to water or public sewer system. Discharges to groundwater or waterways, whether direct or indirect, shall conform with all requirements of the EMMC, as well as requirements of the Regional Water Quality Control Boards, the California Department of Fish and Wildlife and any other regulatory agency with jurisdiction over the activity.

Future development projects will be required to implement storm water pollution control measures pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements. The Clean Water Act delineates a national permitting system for point discharges known as the NPDES. NPDES permits typically incorporate specific discharge limitations for point source discharges to ensure that dischargers meet permit conditions and protect State-defined water quality standards. The NPDES framework also regulates stormwater runoff originating from municipal and industrial sources. Building contractors will also be required to utilize Best Management Practices (BMPs) to control or reduce the discharge of pollutants to the maximum extent practicable over the life of the project. As part of the permitting process, the paving contractors will be required to adhere to all pertinent Clean Water Act regulations.

All future construction is regulated by the California Building Standards Code and the Building Regulations within Title 15 (Buildings and Construction) of the El Monte Municipal Code.<sup>54</sup> These building codes provide requirements for construction, grading, excavations, use of fill, and foundation work including type of materials, design, procedures, etc., which are intended to limit the probability of occurrence and the severity of consequences from sedimentation and erosion. In addition, Chapter 15.40 (Grading and Erosion Control) of the El Monte Municipal Code ensures compliance with grading and erosion control regulations.<sup>55</sup> Prior to issuance of any grading permit for the project that would result in soil disturbance of one or more acres of land, the Applicant will be required to demonstrate that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board, and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing shall be provided to the Chief Building Official and the City Engineer. In addition, the Applicant will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will be submitted to the Chief Building Official and City Engineer prior to the issuance of a grading permit. With the above-mentioned regulations, the impacts would be reduced to levels that are considered to be less than significant.

**B.** *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.*

The City of El Monte and the surrounding cities are underlain by the Central groundwater basin. Groundwater resources in the Central Basin consists of a body of shallow, unconfined and semi-perched water on the upper part of the alluvial deposits; the principal body of fresh groundwater within the Recent and Pleistocene deposits; and salt water under the freshwater resources. Water-bearing deposits are unconsolidated and semi-consolidated alluvial sediments that hold water and allow water to pass through and are referred to as aquifers. Non-water-bearing deposits are consolidated rocks and ground layers which provide limited water and form the boundaries between aquifers. According to the USEPA, the average depth to the bottom of the shallow groundwater zone is approximately 150 feet bgs.<sup>56</sup> Future development will be required to adhere to the applicable Best Management Practices (BMPs) for the construction site.

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<sup>54</sup> El Monte, City of. *Municipal Code*. Title 15, Buildings and Construction.

<sup>55</sup> El Monte, City of. *Municipal Code*. Title 15, Buildings and Construction, Chapter 15.40, Grading and Erosion Control.

<sup>56</sup> United States Environmental Protection Agency (USEPA). *San Gabriel Valley (Area 1) El Monte, South El Monte, Whittier Narrows*. <https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/cadf7f8d48234c98882574260073d787/e06c87d4a19ae069882576030004ab90!OpenDocument>.

Adherence to the required BMPs will restrict the discharge of contaminated runoff into the local storm drain system. As a result, the impacts are anticipated to be less than significant.

**C.** *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows? • No Impact.*

No natural drainage or riparian areas exist within the project areas. The nearest body of water is the concrete-lined Eaton Wash, which extends through the City though it is a flood control channel. Future development will not introduce new significant impermeable land cover to the project site. Therefore, the proposed project will not cause a significant increase in impermeable surfaces so as to significantly alter the existing drainage pattern, increase the risk of erosion or siltation, or increase the rate or amount of runoff within of any area within the City. Future development will be required to utilize BMPs that will filter contaminated runoff. These BMPs may facilitate percolation of runoff into the ground, result in the slow and controlled discharge of runoff into the City's storm drains or permit the retention of stormwater below ground. No excess runoff will be discharged off-site. As a result, the proposed project will not result in off-site erosion or flooding. In addition, the project will not create polluted runoff or runoff that would exceed the capacity of existing storm drains with implementation of the BMPs. As a result, no impacts will occur.

**D.** *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? • No Impact.*

According to the Los Angeles County Department of Public Works, the City of El Monte is not located within a designated 100-year flood hazard area, as defined by the Federal Emergency Management Agency (FEMA).<sup>57</sup> According to the FEMA flood insurance map obtained from the Los Angeles County Department of Public Works, the project site is located in Zone X. This flood zone has an annual probability of flooding of less than 0.2 percent and represents areas outside the 500-year flood plain. Thus, sites located in Zone X are not located within a 100-year flood plain.

The City is located approximately 23 miles inland from the Pacific Ocean. There are no hillsides located in the area that would result in mudslides. A seiche refers to an occasional and sudden oscillation of the water within a lake, bay, estuary, or other surface water body that may be caused by an earthquake. The nearest body of water is the concrete-lined Eaton Wash, which extends through the City and is fully channelized and is used as a flood control channel. A seiche in the Eaton Wash is not likely to happen due to the current level of channelization. As a result, no impacts are anticipated.

**E.** *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.*

Future development will result in minimal ground disturbance and will not lead to the introduction of a substantial amount of impervious surfaces. In addition, construction and activities within the project site

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<sup>57</sup> Los Angeles County Department of Public Works. *Flood Zone Determination Website.*  
<http://dpw.lacounty.gov/wmd/floodzone/>.

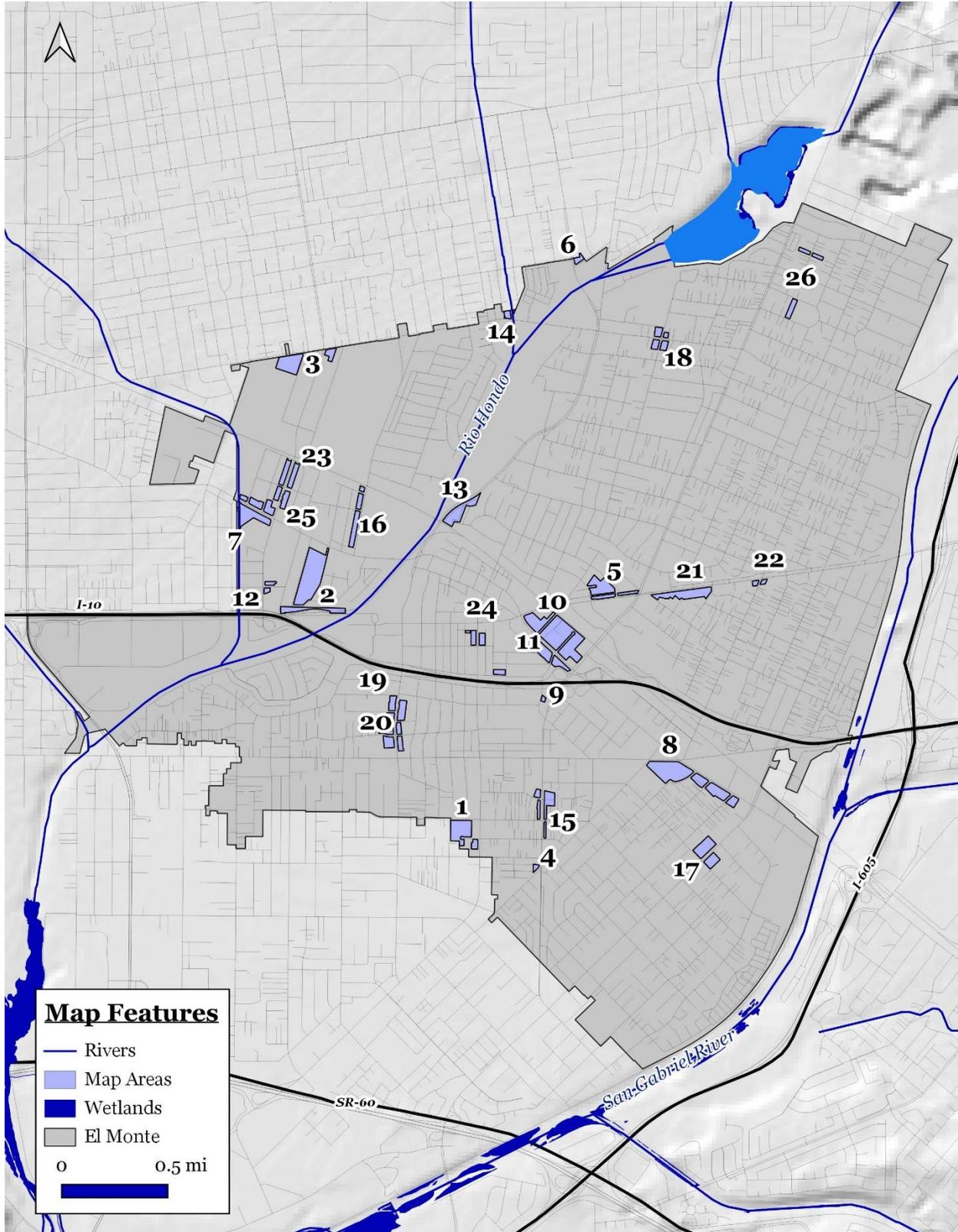
will not utilize any materials or equipment that could lead to surface water pollution. As previously mentioned, future development would facilitate storm water pollution control measures pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements. The Applicant would also be required to utilize Best Management Practices (BMPs) to control or reduce the discharge of pollutants to the maximum extent practicable over the life of the project. In addition, Chapter 15.40 (Grading and Erosion Control) of the El Monte Municipal Code ensures compliance with grading and erosion control regulations.<sup>58</sup> As a result, the proposed project will not result in a conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and no impacts will occur.

#### **MITIGATION MEASURES**

The analysis of potential impacts related to hydrology and water quality impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

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<sup>58</sup> El Monte, City of. *Municipal Code*. Title 15, Buildings and Construction, Chapter 15.40, Grading and Erosion Control.  
SECTION 3.10 • HYDROLOGY & WATER QUALITY



### 3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✘
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community?* • No Impact.

The proposed project is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1 and are shown in Exhibit 2-2. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. Those areas where a change in land use is proposed are summarized in Table 2-3. The locations of those areas where a change in the land use designation is proposed are shown in Exhibit 2-3.

**Table 2-3  
 Summary of Proposed Zoning Map Changes**

Area	Description	Land Use Designation Change
Area 1 (6.72 acres)	Area consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-2 to M-1.
Area 2 (18.24 acres)	Area 2 consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-2 to M-1.
Area 3 (6.64 acres)	Area 3 consists of two separate areas referred to as Areas A and Area B.	The zoning designation for both areas will change from M-1 to M-2.
Area 4 (0.44 acres)	Area 4 consists of Area A.	The zoning designation will change from C-1 to C-2.
Area 5 (6.48 acres)	Area 5 consists of Areas A, B and C.	The zoning designation will change from C-1 to C-2.
Area 6 (0.76 acres)	Area 6 consists of Area A.	The zoning designation will change from C-1 to C-2.
Area 7 (8.94 acres)	Area 7 consists of Areas A, B, C, D and E.	The zoning designation will change from C-4 to C-3.
	Area 7 consists of Area F.	The zoning designation will change from R-3 to C-3.
	Area 7 consists of Area F.	The general plan for property F will change from MDR to GC.
Area 8 (15.76 acres)	Area 8 consists of Areas A, B, C and D.	The zoning designation will change from C-4 to C-3.
Area 9 (0.31 acres)	Area 9 consists of Area A.	The zoning designation will change from C-4 to C-3.
Area 10 (18.91 acres)	Area 10 consists of Area A.	The zoning designation will change from C-1 to C-3.
	Area 10 consists of Area B.	The zoning designation will change from C-2 to C-3.
	Area 10 consists of Area C.	The zoning designation will change from C-4 to C-3.

**Table 2-3 (continued)**

<b>Area</b>	<b>Description</b>	<b>Land Use Designation Change</b>
Area 11 (4.7 acres)	Area 11 consists of Areas A and B.	The zoning designation will change from GC to NC.
Area 12 (0.99 acres)	Area 12 consists of Areas A and B.	The zoning designation will change from C-3 to R-4.
	Area 12 consists of Areas A and B.	The general plan will change from GC to MDR.
Area 13 (5.0 acres)	Area 13 consists of Area A.	The general plan will change from GC to NC.
Area 14 (0.74 acres)	Area 14 consists of Areas A and B.	The general plan will change from GC to MDR.
Area 15	Area 15 consists of Areas A, B, C and D.	The general plan will change from GC to NC.
Area 16 (3.84 acres)	Area 16 consists of Areas A, B and C.	The zoning designation will change from C-3 to C-2.
	Area 16 consists of Areas A, B and C.	The general plan will change from GC to NC.
Area 17 (5.4 acres)	Area 17 consists of Areas A and B.	The zoning designation will change from M-1 to M/MU.
	Area 17 consists of Areas A and B.	The general plan will change from I/BP to M/MU.
Area 18 (3.03 acres)	Area 18 consists of Areas A, B and C.	The zoning designation will change from R-3 to C-2.
	Area 18 consists of Areas A, B and C.	The general plan will change from MDR to NC.
	Area 18 consists of Areas D, E, F and G.	The general plan will change from MDR to NC.
Areas 19 (4.76 acres)	Area 19 consists of Areas A and B.	The zoning designation will change from C-1 to C-2.
	Area 19 consists of Areas C, D and E.	The zoning designation will change from C-1 to C-2.
	Area 19 consists of Areas C, D and E.	The general plan will change from OC to NC.
Area 20 (6.18 acres)	Area 20 consists of Area A.	The zoning change will change from R-1, R-3 and C-1 to M/MU.
	Area 20 consists of Area A.	The general plan will change from LDR, MDR and OC to M/MU.
	Area 20 consists of Areas B and C.	The zoning designation will change from C-1 to M/MU.
	Area 20 consists of Areas B and C.	The general plan will change from OC to M/MU.
Area 21 (5.89 acres)	Area 21 consists of Area A.	The zoning designation will change from C-3 to C-2.
	Area 21 consists of Area A.	The general plan will change from GC to NC.
	Area 21 consists of Area B.	The general plan will change from GC to NC.
Area 22 (0.75 acres)	Area 22 consists of Areas A and B.	The zoning designation will change from C-O to C-2.
Area 23 (3.54 acres)	Area 23 consists of Areas A and B.	The zoning designation will change from C-3 to R-4.
	Area 23 consists of Areas A and B.	The general plan will change from GC to HDR.
Area 24 (3.10 acres)	Area 24 consists of Area A.	The zoning designation for area A will change from C-3 to R-3.
	Area 24 consists of Area B.	The zoning designation will change from C-3 to C-2.
	Area 24 consists of Area C.	The zoning designation for Area C will change from R-1 and R4 to R3.
Area 25 (2.34 acres)	Area 25 consists of Area A.	The zoning designation will change from C-3 to C-2.
	Area 25 consists of Area A.	The general plan will change from GC to NC.
Area 26 (2.65 acres)	Area 26 consists of Areas A and B.	The zoning designation will change from R-1-C to R-1-B.

The proposed project will not lead to any division of an existing established neighborhood and no impacts will occur.

**B.** *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • No Impact.*

The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZC) totals 137.84 acres of land area. Those areas where a change in land use is proposed are summarized in Table 2-2. The locations of those areas where a change in the land use designation is proposed are shown in Exhibit 2-2. The project's implementation will require the following approvals:

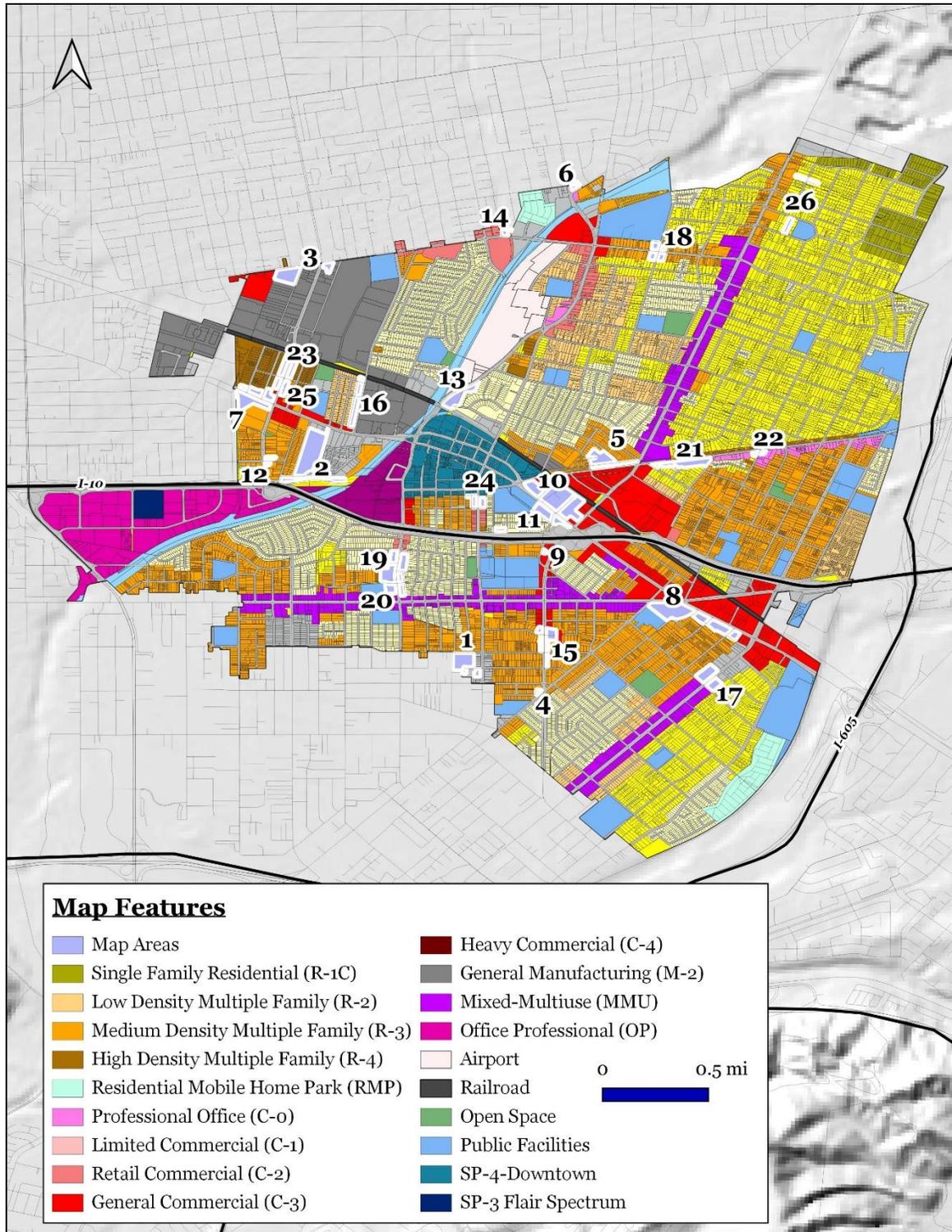
- General Plan Amendment (GPA) No. 01-22 applicable to certain areas of the City described herein in Table 2-2;
- Zone Change (ZC) No. 02-22 applicable to certain areas of the City described herein in Table 2-2;
- CA No. 800 to move Chapter 17.16 in Title 17 (Zoning) to Chapter 15.09 in Title 15 (Building and Safety) related to the certificate of occupancy process and to adopt the 2020 Los Angeles County Building Code in its entirety;
- CA No. 801 to Title 17 (Zoning) for a comprehensive update to the entire Title; and
- Specific Plan Amendment (SPA) No. 03-22 to update the Gateway Specific Plan and Downtown Specific Plan.

Other permits required as part of the ongoing development of individual development projects contemplated in the future. These permits may include but may not be limited to, proposed project will include, but may not be limited to, encroachment permits, grading permits, demolition permits, occupancy permits, building permits and permits for new utility connections.

Although the proposed project will seek the above discretionary actions, the proposed project will not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and no impacts will occur.

### **MITIGATION MEASURES**

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.



**EXHIBIT 3-4**  
**ZONING MAP**  
 Source: City of El Monte and QGIS

### 3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✘
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? • No Impact.*

The proposed project involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development.<sup>59</sup> There are no oil wells located within the affected areas. The California Geological Survey Mineral Resources Project provides information regarding mineral resources (metals, rare-earth elements, clays, limestone, gypsum, salt and dimension stone, and construction aggregate) and classifies lands throughout the State that contain regionally significant mineral resources. This classification is mandated by the Surface Mining and Reclamation Act (SMARA). The SMARA requires all cities to incorporate in their General Plans mapped designations approved by the State Mining and Geology Board. The State Geologist classifies mineral resource areas into Mineral Resource Zones (MRZs), Scientific Resource Zones (SZ), or Identified Resource Areas (IRAs).

The City of El Monte is located within the San Gabriel Production-Consumption Region. The northeastern portion of the City is identified as containing significant mineral deposits and is designated as a MRZ-2 zone. However, no County of Los Angeles-designated Mineral Resource Zones are located in El Monte. El Monte is completely urbanized and does not contain mining uses, nor does the City have land designated for mineral, aggregate, or sand production.<sup>60</sup> The project site is not located within a mineral resource zone nor is it located in an area with active mineral extraction activities. As a result, no impacts on existing mineral resources would result from the implementation of the proposed project.

<sup>59</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. Survey was completed on January 15, 2020.

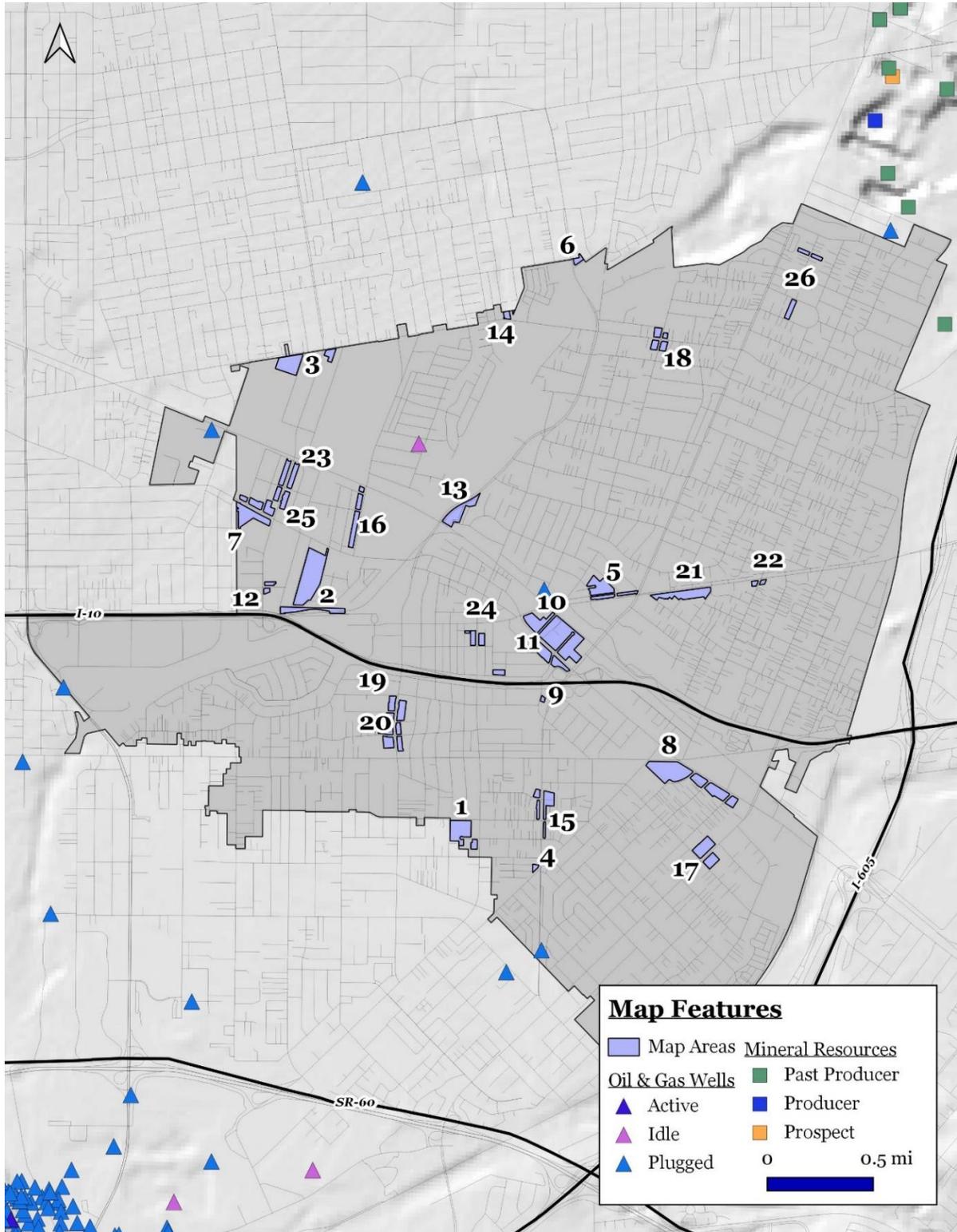
<sup>60</sup> City of El Monte (and Planning Center). *General Plan and Zoning Code Update and EIR Existing Conditions Report*. May 24, 2006.

- B.** *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? • No Impact.*

As mentioned in the previous section, the project areas do not involve active mineral extraction activities. Additionally, the resources and materials that will be utilized for the construction of the proposed project will not include any materials that are considered rare or unique. Thus, the proposed project will not result in any impacts on mineral resources in the region.

### **MITIGATION MEASURES**

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the proposed project. As a result, no mitigation measures are required.



**EXHIBIT 3-5**  
**MINERAL RESOURCES**  
 Source: California Dept. of Resources

### 3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✘	
B. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?			✘	
C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✘

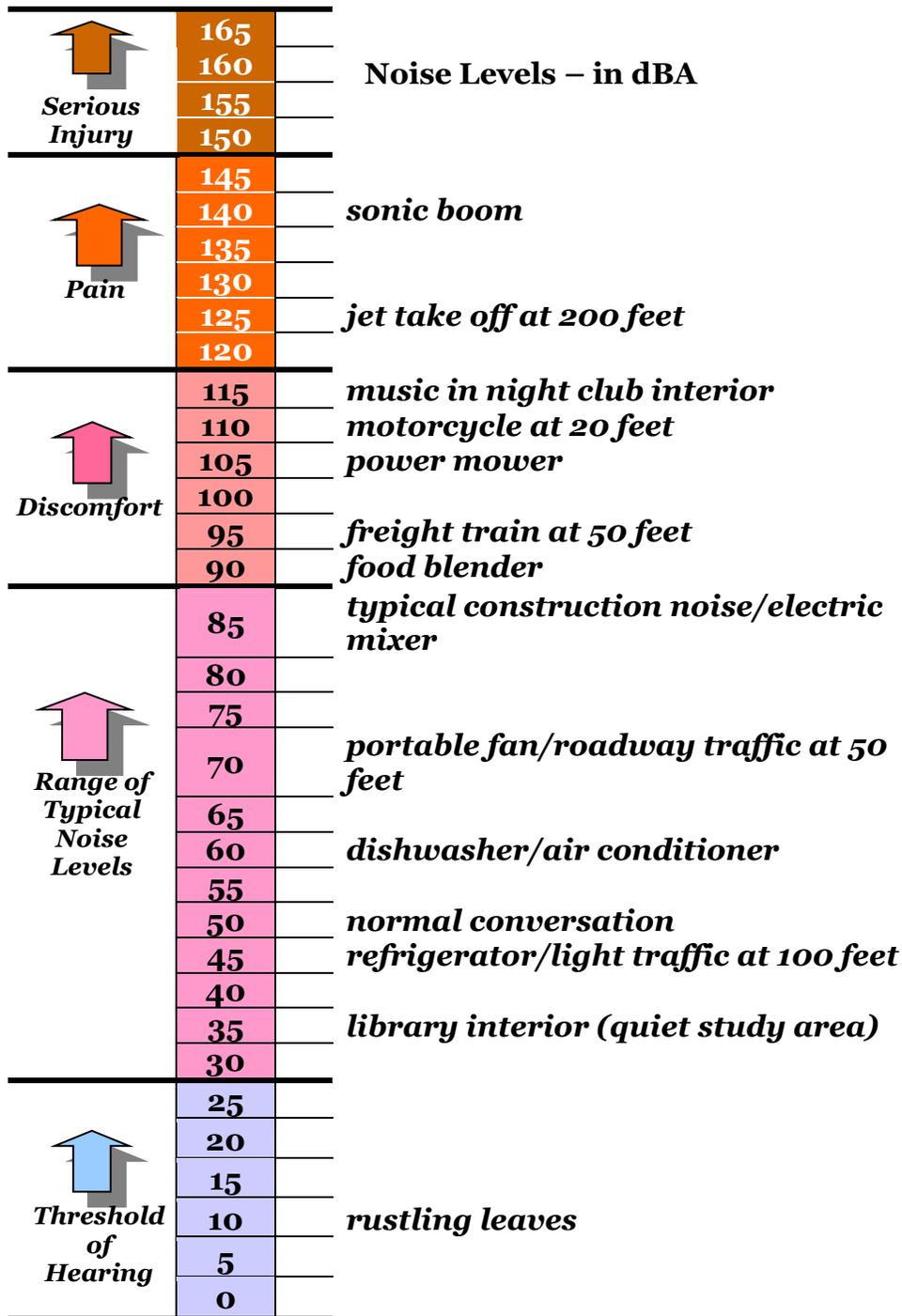
#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* • *Less than Significant Impact.*

The proposed project that involves a comprehensive amendment to the City of El Monte Zoning Ordinance. Other actions include updates to Title 15 (Building and Safety) to adopt the 2020 Los Angeles County Building Code in its entirety and to update the certificate of occupancy process. The proposed Amendments to the Zoning Ordinance and other updates focus on changing or adding new development standards for key land use categories. Other changes are designed to provide clarification or to streamline the existing Code language. The work effort also included a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map for 26 distinct areas of the City (refer to Table 2-2). These areas are noted herein in Section 2. The proposed changed areas are all located in the midst of urban development and there are no native or natural habitats are located within the project sites or within the surrounding areas.<sup>61</sup> The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.<sup>62</sup> Noise levels that are associated with common, everyday activities are illustrated in Exhibit 3-6. Composite construction noise is best characterized in a study prepared by Bolt, Beranek, and Newman. In the study, the noisiest phases of construction are anticipated to be 89 dBA as measured at a distance of 50 feet from the construction activity. Noise levels associated with various types of construction equipment are summarized in Exhibit 3-7. The noise levels are those that would be expected at a distance of 50 feet from the noise source.

<sup>61</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. Survey was completed on January 15, 2020.

<sup>62</sup> Bugliarello, et. al. *The Impact of Noise Pollution*, Chapter 127, 1975.



### EXHIBIT 3-6 TYPICAL NOISE SOURCES AND LOUDNESS SCALE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Typical noise levels in dBA 50 ft. from source

			70	80	90	100
<b>Equipment Powered by Internal Combustion Engines</b>	<b>Earth Moving Equipment</b>	Compactors (Rollers)				
		Front Loaders				
		Backhoes				
		Tractors				
		Scrapers, Graders				
		Pavers				
		Trucks				
	<b>Materials Handling Equipment</b>	Concrete Mixers				
		Concrete Pumps				
		Cranes (Movable)				
		Cranes (Derrick)				
	<b>Stationary Equipment</b>	Pumps				
		Generators				
		Compressors				
	<b>Impact Equipment</b>	Pneumatic Wrenches				
Jack Hammers						
Pile Drivers						
<b>Other Equipment</b>	Vibrators					
	Saws					

## EXHIBIT 3-7 TYPICAL CONSTRUCTION NOISE LEVELS

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

The new Section 17.50.110 further limits construction by prohibiting construct on Sundays for projects adjacent to residential zones. The limited duration of construction activities and the City’s construction-related noise control requirements will reduce the potential impacts to levels that are less than significant.

City has set the following additional provisions applicable to certain special noise sources:<sup>63</sup> *“It is unlawful for any person within the city to operate power construction tools or equipment in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area, except between the hours of six a.m. and seven p.m. Monday through Friday or between the hours of eight a.m. and seven p.m. on Saturday and Sunday.”* The aforementioned provisions related to construction will apply to the construction of the proposed project. As a result, the proposed project will result in less than significant impacts.

**B. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? • Less than Significant Impact.***

Future development will not significantly raise groundborne noise levels. In addition, there will not be a significant change in the traffic distribution over that which presently exists. However, slight increases in groundborne noise levels could occur during the nine-month construction period. The increase in noise during the construction phase will be difficult to distinguish due to the high ambient vehicle noise levels that will be present in the project site and surround areas. The limited duration of construction activities and the City’s construction-related noise control requirements will reduce the potential impacts to levels that are less than significant.

**C. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.***

None of the project areas are located within an airport land use plan. The San Gabriel Valley Airport is located within the City. The San Gabriel Valley Airport provides services for general civilian aviation, which are exclusive of scheduled passenger airlines. The majority of aircraft that utilize the San Gabriel Valley Airport are small civilian single engine airplanes, which are not a significant source of noise as compared to larger aircraft, such as turbo prop and turbo jet planes, which make up a very small percentage of airport’s-based aircraft.<sup>64</sup> As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses.

## **MITIGATION MEASURES**

The analysis of potential noise impacts indicated that no significant adverse impacts would result from the proposed project’s construction and operation. As a result, no mitigation measures are required.

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<sup>63</sup> El Monte, City of. *Municipal Code*. Title 8 Health and Safety, Chapter 8.36 Noise Control, 8.36.050 Special Noise Sources.

<sup>64</sup> Los Angeles County Department of Public Works, Los Angeles County Airports. *Operational Data*. <https://dpw.lacounty.gov/avi/airports/BrackettFieldOperational.aspx>.

### 3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✘	
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? • Less than Significant Impact.*

The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1 and are shown in Exhibit 2-2. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. Those areas where a change in land use is proposed are summarized in Table 2-3. The locations of those areas where a change in the land use designation is proposed are shown in Exhibit 2-3. In addition, the project includes updates to the Gateway and Downtown Specific Plans. Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- New development in an area presently undeveloped and economic factors which may influence development (all of the development sites are or were formerly developed);
- Extension of roadways and other transportation facilities (future roadways will serve the future developments within the individual development sites);
- Extension of infrastructure and other improvements (all of the potential development areas are served by water, sewer, or power lines);
- Major off-site public projects (treatment plants, etc. (no such facilities are located within any of the 26 areas); and,
- Short-term growth-inducing impacts related to the project’s construction (the proposed project’s adoption will not lead to any construction).

The proposed GPAs and ZCs for the 26 areas are designed to ensure conformity between land use policy and existing land uses in the City. As a result, no growth inducing impacts are anticipated.

**B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.**

. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. Those areas where a change in land use is proposed are summarized in Table 2-4. The locations of those areas where a change in the land use designation is proposed are shown in Exhibit 2-4. In addition, the project includes updates to the Gateway and Downtown Specific Plans. All of the areas are currently developed.

**Table 2-4  
 Summary of Proposed Zoning Map Changes Related to Residential Development**

<b>Area</b>	<b>Description</b>	<b>Land Use Designation Change</b>
Area 7 8.94 acres	Change from residential use to nonresidential use.	The zoning designation will change from R-3 to C-3.
		The general plan for property F will change from MDR to GC.
Area 12 (0.99 acres)	Change from nonresidential use to residential use.	The zoning designation will change from C-3 to R-4.
		The general plan will change from GC to HDR.
Area 17 (5.4 acres)	Change from nonresidential use to residential use.	The zoning designation will change from M-1 to M/MU.
		The general plan will change from I/BP to M/MU.
Area 18 (3.03 acres)	Change from residential use to nonresidential use.	The zoning designation will change from R-3 to C2.
		The general plan will change from MDR to NC.
Area 18 (3.03 acres)	Change from residential use to nonresidential use.	The general plan will change from MDR to NC.
Area 20 (6.18 acres)	Change from nonresidential use to residential use.	The zoning change will change from R-1, R-3 and C-1 to M/MU.
		The general plan will change from LDR, MDR and OC to M/MU.
Area 23 (3.54 acres)	Change from nonresidential use to residential use.	The zoning designation will change from C-3 to R-4.
		The general plan will change from GC to HDR.
Area 24 3.10 acres	Change (increase) in permitted densities.	The zoning designation will change from R-1A and R4 to R3.
Area 26 2.65 acres	Change (increase) in permitted densities.	The zoning designation will change from R-1C to R-1B.

The proposed project’s adoption will not lead to any housing displacement. As a result, impacts will occur.

**MITIGATION MEASURES**

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project’s approval and subsequent implementation.

### 3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p>A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities?</p>				<p>×</p>

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities? • No Impact.*

The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. In addition, the project includes updates to the Gateway and Downtown Specific Plans.

#### Fire Protection Services

The City of El Monte contracts with the Los Angeles County Fire Department (LACFD) for fire protection and emergency services. Response time county-wide is under five minutes.<sup>65</sup> The proposed project will not lead to any new development that would impact the level of service or otherwise affect the service demand of the LACFD. The proposed project will establish improved development and building code standards that will reduce the potential for fire hazards associated with poor property maintenance and substandard development. As a result, no impacts on the LACFD will result from the proposed project’s implementation.

#### Law Enforcement

Law enforcement services are provided by the City of El Monte Police Department (EMPD). The proposed project will not lead to any new development that would impact the level of service or otherwise affect the service demand of the EMPD. The proposed project will establish improved development and

<sup>65</sup> County of Los Angeles Fire Department. [www.fire.lacounty.gov/HometownFireStations/HometownFireStations.asp](http://www.fire.lacounty.gov/HometownFireStations/HometownFireStations.asp).

building code standards that will reduce the potential for blight associated with poor property maintenance and substandard development. As a result, no impacts on the EMPD will result from the proposed project's implementation.

### **School Services**

The adoption of the proposed project will not displace or otherwise physically impact any school facility. The proposed project will not involve any development and/or uses that could potentially affect school enrollments. Any new development will be required to pay the requisite school development fees to offset potential impacts related to increased enrollments. As a result, no impacts on school services will result from the proposed project's implementation.

### **Recreational Services**

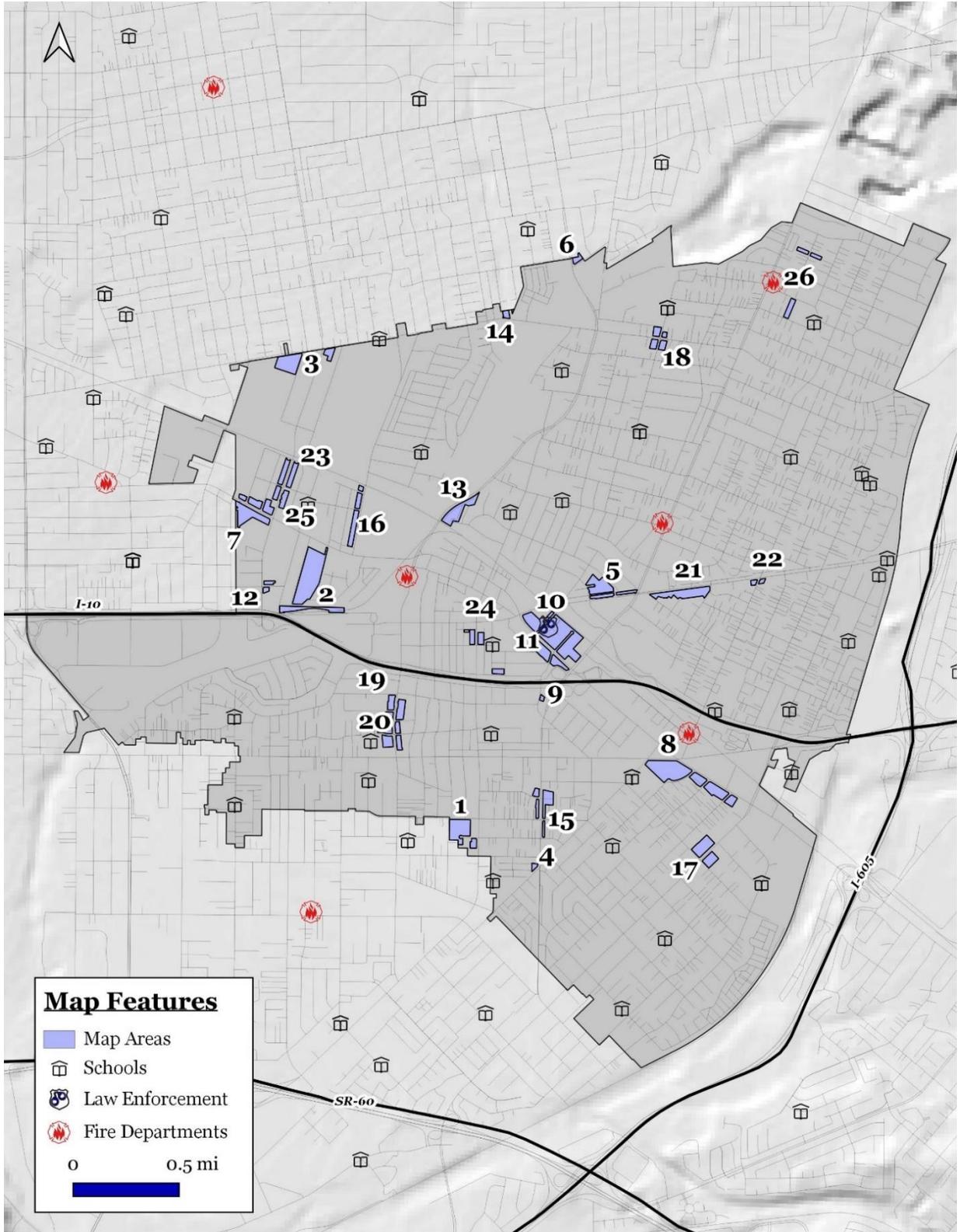
The adoption of the proposed project will not displace or otherwise physically impact any park facility. The proposed project will not involve any development and/or uses that could potentially affect park and/or recreational services. Any new development will be required to pay the requisite park development fees to offset potential impacts. As a result, no impacts will result from the proposed project's implementation.

### **Governmental Services**

No new governmental services will be needed due to the nature of the project. As a result, no impacts are anticipated.

### **MITIGATION MEASURES**

The analysis of public service impacts indicated that no significant adverse impacts are anticipated and no mitigation is required with the implementation of the proposed project.



**EXHIBIT 3-8**  
**PUBLIC FACILITIES**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

### 3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✘	
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • *Less than Significant Impact.*

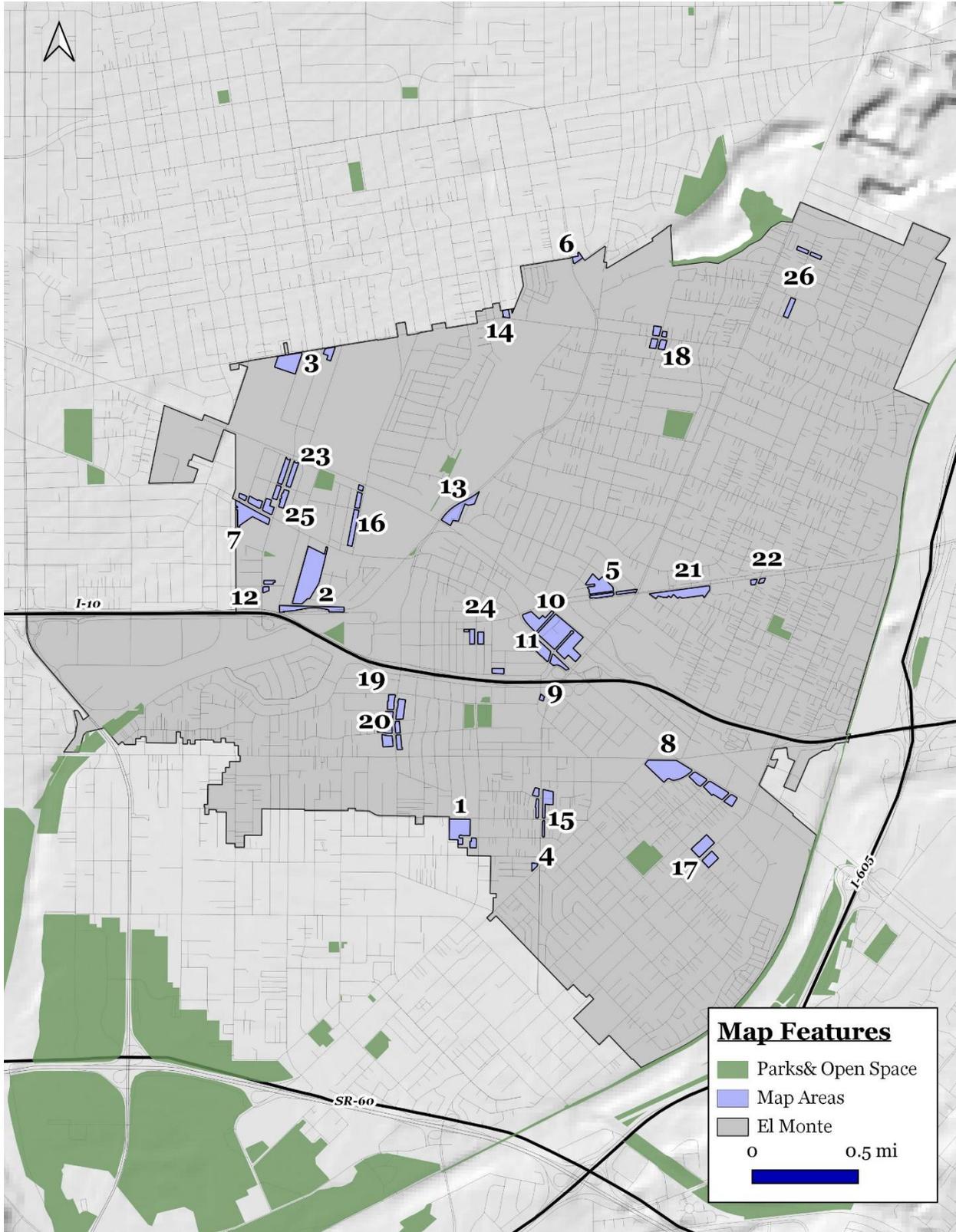
The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. In addition, the project includes updates to the Gateway and Downtown Specific Plans. The adoption of the proposed project will not displace or otherwise physically impact any park facility. The proposed project will not involve any residential development and/or uses that could potentially affect park and/or recreational services (refer to Exhibit 3-9). Any new development will be required to pay the requisite park development fees to offset potential impacts. As a result, no impacts on parks will result from the proposed project’s implementation.

- B. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* • *No Impact.*

The proposed project would not result in any development that would potentially increase the demand for recreational facilities and services. In addition, the project will not include recreational facilities or require the construction or expansion of recreational facilities. As a result, no impacts are anticipated.

#### MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project’s approval and subsequent implementation. As a result, no mitigation measures are required.



**EXHIBIT 3-9**  
**RECREATIONAL FACILITIES**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

### 3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✗
B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✗
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✗
D. Would the project result in inadequate emergency access?				✗

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • No Impact.*

The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area.

The project includes updates to the Gateway and Downtown Specific Plans. The implementation of the proposed project will not affect the performance of existing transit, roadway, bicycle and pedestrian facilities. Given the nature of the proposed project, there will not be any change in the traffic distribution over that which presently exists. As a result, no change in the operating levels of service at the area intersections is anticipated to result as part of the proposed project’s implementation and no impacts will occur.

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

According to CEQA Guidelines Section 15064.3 subdivision (b)(1), vehicle miles traveled (VMT) exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact. Due to the nature of the proposed project, a Zoning Code Amendment, there will not be any change in the traffic distribution over that which presently exists. CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The

proposed project involves an amendment to the Municipal Code and a zone change and is not a transportation project. CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. As previously mentioned in Subsection A, there will not be any change in the traffic circulation over that which presently exists

**C.** *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.*

The new development within the 26 areas will not require the construction of new roadways, thus eliminating the impacts related to sharp curves or dangerous intersections. The existing configuration of the existing exterior roadways located adjacent to the 26 project areas will not change.

**D.** *Would the project result in inadequate emergency access? • No Impact.*

The proposed project would not affect emergency access to any parcels. As a result, less than significant impacts are associated with the installation or relocation of any billboards.

### **MITIGATION MEASURES**

The analysis of potential impacts related to transportation impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.18 TRIBAL CULTURAL RESOURCES

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

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A.** *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? • No Impact.*

The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1. The work effort also includes a number of Zone Changes (ZC) and General Plan Amendments (GPAs) to the City’s Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZCs) totals 137.84 acres of land area. In addition, the project includes updates to the Gateway and Downtown Specific Plans.

Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage. The proposed project will not involve any development and/or uses that could potentially directly impact tribal cultural resources. Any new development will be required to adhere to any requisite consultation requirements outlined in AB-52. As result, no impacts are anticipated.

**B.** *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. • No Impact.*

The proposed project will not involve any development and/or uses that could potentially directly impact tribal cultural resources. Any new development will be required to adhere to any requisite consultation requirements outlined in AB-52. As result, no impacts are anticipated.

## **MITIGATION MEASURES**

The analysis of potential impacts related to tribal and cultural resources indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				✘
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✘
C. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✘
D. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✘
E. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? • No Impact.*

The *project* is the amendment to the City of El Monte Zoning Ordinance and the Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Map. The *project areas* refer to the 26 distinct areas that are subject to the proposed GPAs and/or ZCs which are identified in Table 2-1. The work effort also includes a number of Zone Changes (ZCs) and General Plan Amendments (GPAs) to the City's Zoning Map and General Plan Land Use Map. The 26 areas that would be subject to a General Plan Amendment (GPA) and/or a Zone Change (ZC) totals 137.84 acres of land area. In addition, the project includes updates to the Gateway and Downtown Specific Plans. The proposed project would not result in any development that would potentially increase the demand for energy and utility usage. The proposed revisions would result in more efficient development in the future which would have a beneficial impact overall. As a result, no impacts are anticipated.

B. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? • No Impact.*

The City of El Monte's water supply is primarily groundwater, extracted by production wells from the Main San Gabriel Groundwater Basin. The City's water system serves 20 percent of the City's land area, comprising 3,342 connections and 22,446 residents. The City's Water Department does not import water,

nor is it connected to a transmission pipeline of any water wholesaler. Six deep wells serve this water supply, while storage is provided by one 200,000-gallon elevated tank, and one-million-gallon ground-level tank. Potable water is delivered through 42 miles of pipeline, reservoirs, booster pumps, water wells, disinfection facilities, carbon filters, and emergency connections with neighboring water purveyors. The City of El Monte Water Department is responsible for providing water service to the project area. The existing water reservoirs that serve the area will continue to provide adequate supplies and pressure to serve future development. The proposed project would not result in any development that would potentially increase the demand for water usage. The proposed revisions would result in more efficient development in the future which would have a beneficial impact overall. In addition, the proposed Code revision continues to promote water efficiency. As a result, no impacts are anticipated.

**C.** *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.*

Wastewater collection facilities that serve the City are owned, operated, and maintained by the City of El Monte Public Works Department. The City's present wastewater system includes a total of 135 miles of pipeline, six pump stations, and 2,697 manholes. A limited number of residences are also on septic tanks. El Monte is one of 17 jurisdictions that are signatory to the Joint Outfall Agreement. The agreement provides for a regional interconnected system of facilities and an inter-jurisdictional agreement to own, operate, and maintain sewers, pumping plants, treatment plants, and other facilities collectively called the Joint Outfall System. Wastewater treatment is provided to El Monte by the Sanitation Districts of Los Angeles County (LACSD) at three treatment plants. The City's sewer system has sufficient capacity to accommodate future development. The proposed project would not result in any development that would potentially increase the generation of effluent. The proposed revisions would result in more efficient development in the future which would have a beneficial impact overall. In addition, the proposed Code revision continues to promote water efficiency. As a result, no impacts are anticipated.

**D.** *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? •No Impact.*

El Monte is served by four waste management companies through nonexclusive franchise agreements. All four waste haulers—American Reclamation, Phoenix Waste and Recycling, Valley Vista Services, and Waste Management—provide waste collection and recycling services for the commercial sector. Valley Vista and Phoenix Waste provide curbside residential collection and recycling services. American Reclamation and Phoenix Waste collect and recycle trash from the multiple family residential (apartments, town-homes, etc.) developments. Valley Vista and Waste Management provide temporary roll-off services.<sup>66</sup> In previous years, solid waste generated within the City of El Monte was disposed at the Puente Hills landfill prior to the landfill's closure on October 31, 2013. The proposed project would not result in any development that would potentially increase the generation of solid waste. As a result, no impacts are anticipated.

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<sup>66</sup> City of El Monte. *Model Water Efficient Landscape Ordinance (MWELO)*. <http://www.ci.el-monte.ca.us/DocumentCenter/View/1271>.

- E.** *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? • No Impact.*

The proposed project would not preclude recycling or waste reduction. As a result, no impacts will occur.

### **MITIGATION MEASURES**

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

### 3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✘
B. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✘
C. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✘
D. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

There is no risk from wildfire given the distance of the 26 areas from state responsibility areas or lands classified as very high fire hazard severity zones, As a result, no impacts will occur.

**B.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the distance from any area that may be at risk of a wildfire event (see Exhibit 3-10). In addition, the proposed project will not change the nature of the project site. As a result, no impacts will occur.

**C.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.*

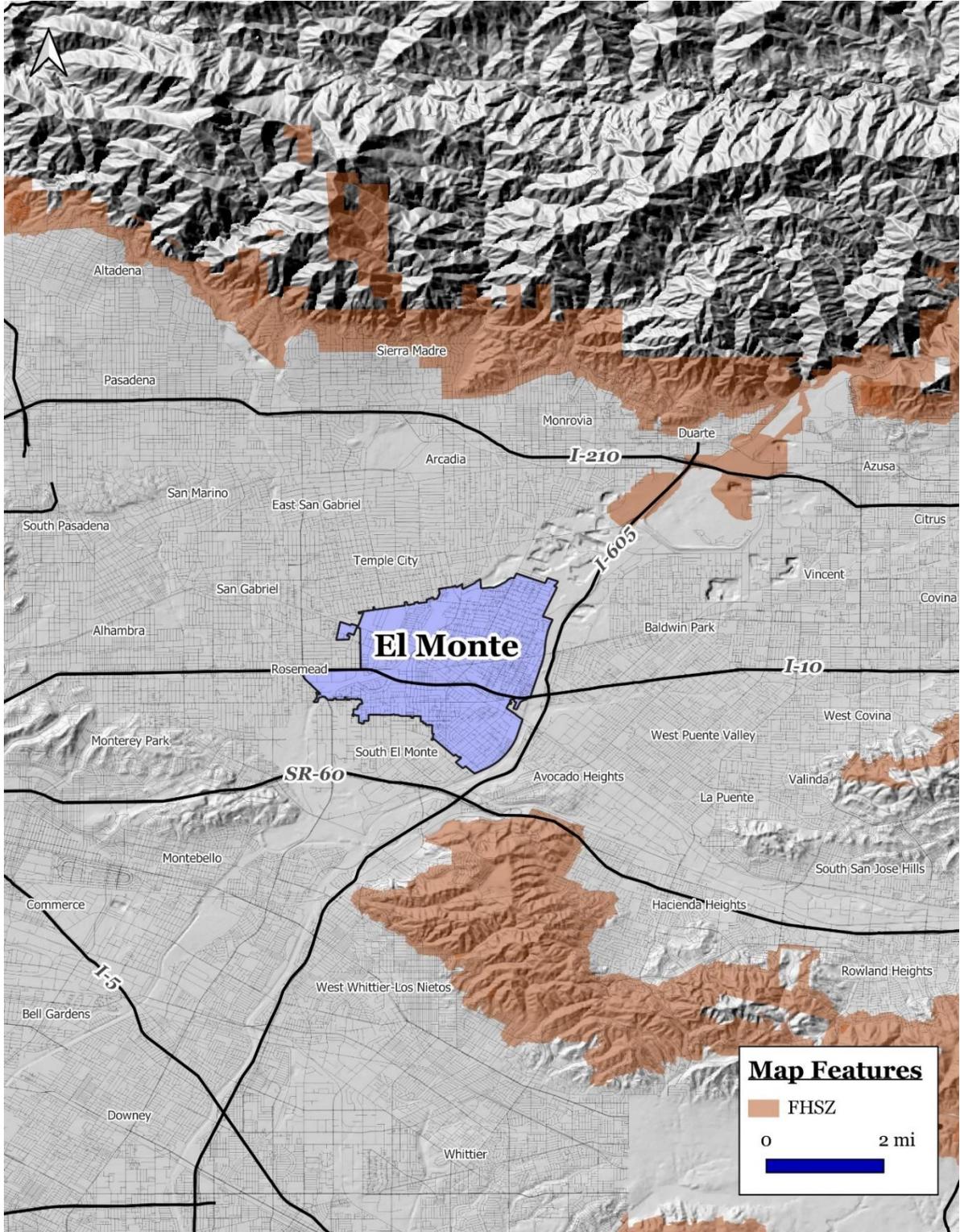
There is no risk from wildfire within the project areas given their distance from any area that may be at risk of a wildfire event. As a result, no impacts will occur.

**D.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the distance from any area that may be at risk of a wildfire event (refer to Exhibit 3-10). In addition, the surrounding areas are level. As a result, no impacts will occur.

### **MITIGATION MEASURES**

The analysis of wildfires impacts indicated that no impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.



**EXHIBIT 3-10**  
**WILDFIRE RISK**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

### **3.21 MANDATORY FINDINGS OF SIGNIFICANCE**

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

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## SECTION 4 CONCLUSIONS

### 4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.
- A Mitigation Reporting and Monitoring Program *will not be* required.

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## SECTION 5 REFERENCES

### 5.1 PREPARERS

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Hacienda Heights, CA 92240  
(626) 336-0033

Marc Blodgett, Project Principal  
Karla Nayakarathne, Project Planner

### 5.2 REFERENCES

Bugliarello, et. Al, *The Impact of Noise Pollution*, Chapter 127, 1975.

California Department of Conservation, *Regulatory Maps*.

California Department of Conservation, *State of California Williamson Act Contract Land*.

California Department of Conservation, *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010*.

California Department of Conservation, *Well Finder, DOGGR GIS*.

California Department of Fish and Wildlife, *Bios Viewer*.

California Department of Parks and Recreation, *California Historical Landmarks*, 2014.

California Department of Toxic Substances Control, *DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List)*.

California Public Resources Code Division 13, *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069*, 2012.

California Water Boards, *GAMA, Groundwater Information System*.

El Monte, City of, *City of El Monte General Plan, Vision El Monte*, June 2011.

El Monte, City of, *El Monte Tree Protection and Preservation Ordinance*.

El Monte, City of, *Municipal Code*.

Google Earth.

Los Angeles County Department of Public Works, *Flood Zone Determination Website*.

South Coast Air Quality Management District, *CEQA Air Quality Handbook*, April 1993.

South Coast Air Quality Management District, *Final 2016 Air Quality Plan*, adopted March 2017.

South Coast Air Quality Management District, *Rule 403, Fugitive Dust*, as amended June 3, 2005.

United States Department of Agriculture, *Web Soil Survey*.

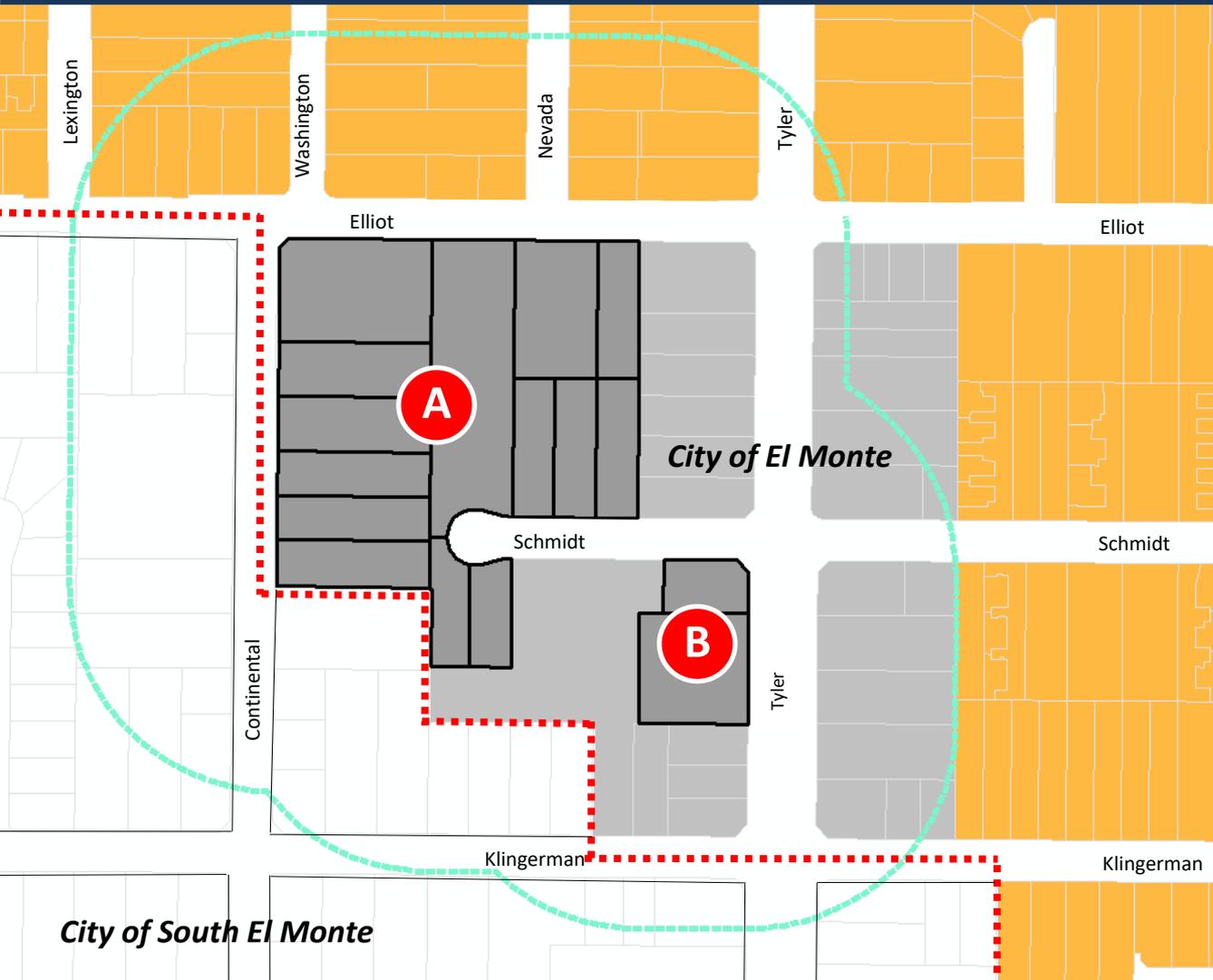
United States Department of the Interior, National Park Service, *National Register of Historic Places*, 2010.

United States Environmental Protection Agency, *Envirofacts-Multisystem Search*.

United States Fish and Wildlife Service, National Wetlands Inventory – V2.



# CITY OF EL MONTE MAP AREA #1



## ZONING DISTRICTS:

-  R-3: Multi-Family Residential
-  M-1: Light Manufacturing
-  M-2: General Manufacturing

 300 ft. radius

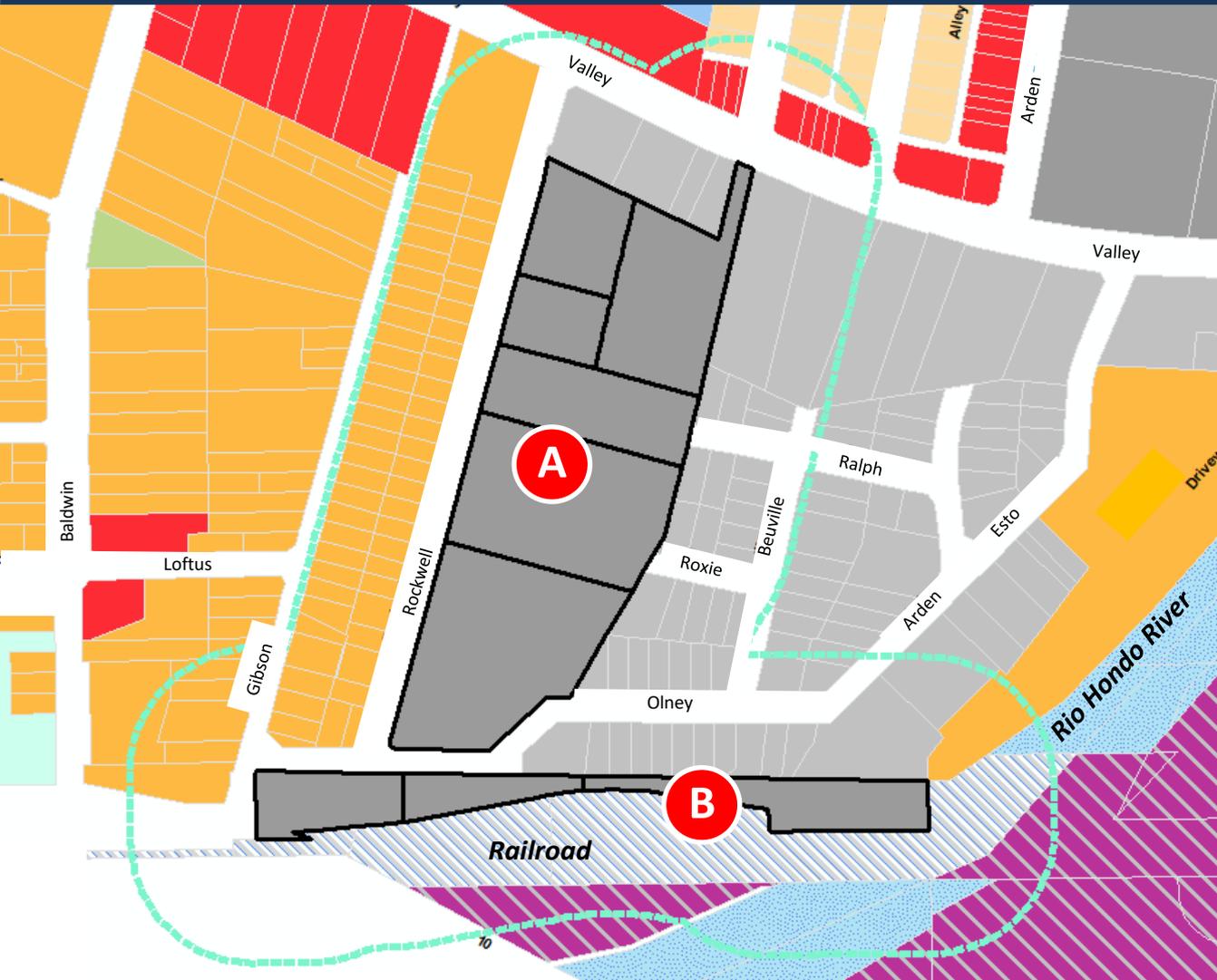
 City boundary

## PROPOSED ZONING CHANGES:

- Change Properties A & B from M-2 to M-1.



# CITY OF EL MONTE MAP AREA #2



## ZONING DISTRICTS:

-  R-2: Two-Family Residential
-  R-3: Multi-Family Residential
-  C-3: General Commercial
-  M-1: Light Manufacturing
-  M-2: General Manufacturing
-  SP-1: Gateway Specific Plan

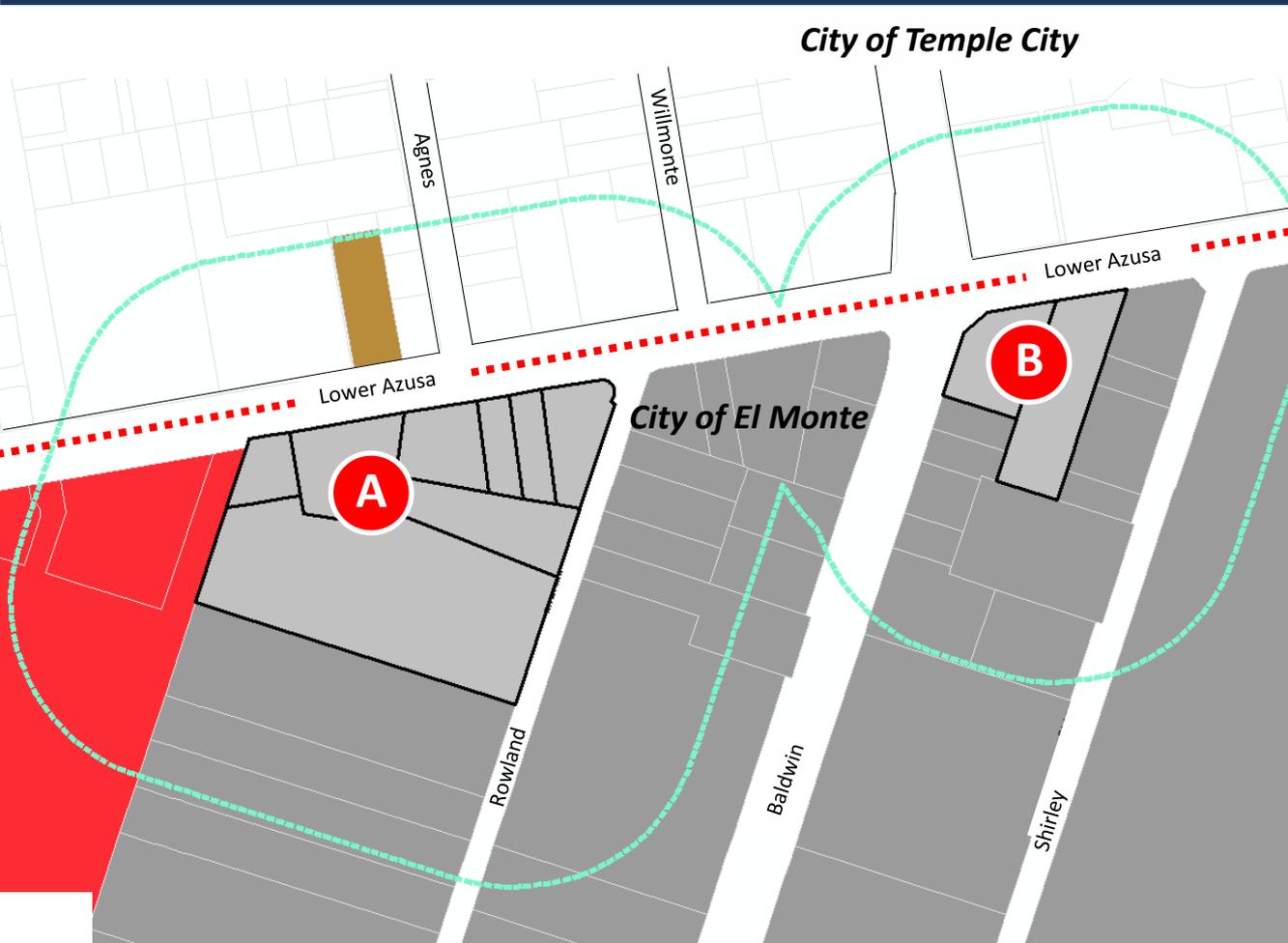
 300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Properties A & B from M-2 to M-1.



# CITY OF EL MONTE MAP AREA #3



## ZONING DISTRICTS:

-  R-4: Multi-Family High Density
-  C-3: General Commercial
-  M-1: Light Manufacturing
-  M-2: General Manufacturing

 300 ft. radius

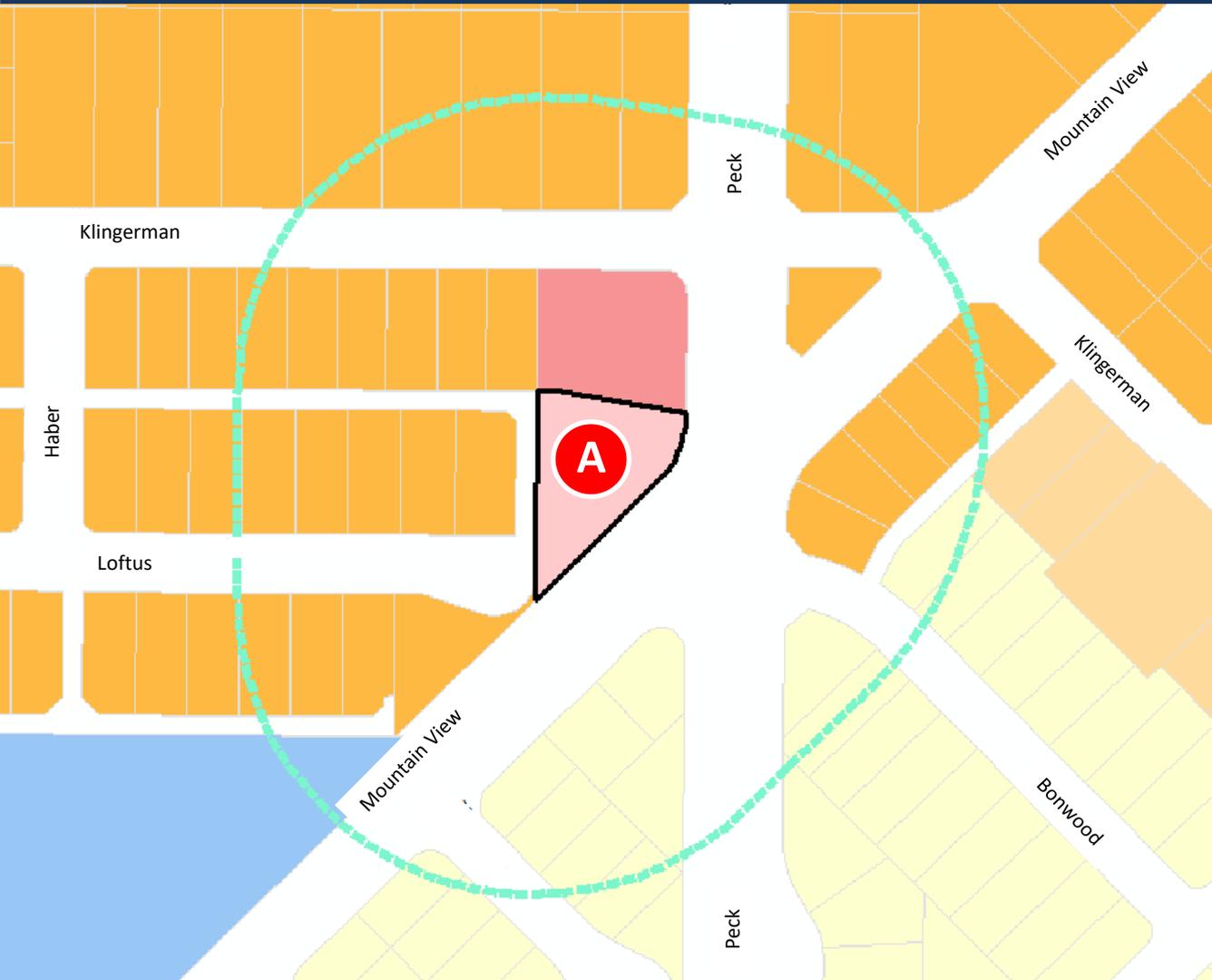
 City boundary

## PROPOSED ZONING CHANGES:

- Change Properties A & B from M-1 to M-2.



# CITY OF EL MONTE MAP AREA #4



## ZONING DISTRICTS:

-  R-1: Single-Family Residential
-  R-2: Two-Family Residential
-  R-3: Multi-Family Residential
-  C-1: Limited Commercial
-  C-2: Retail Commercial
-  PF: Public Facilities

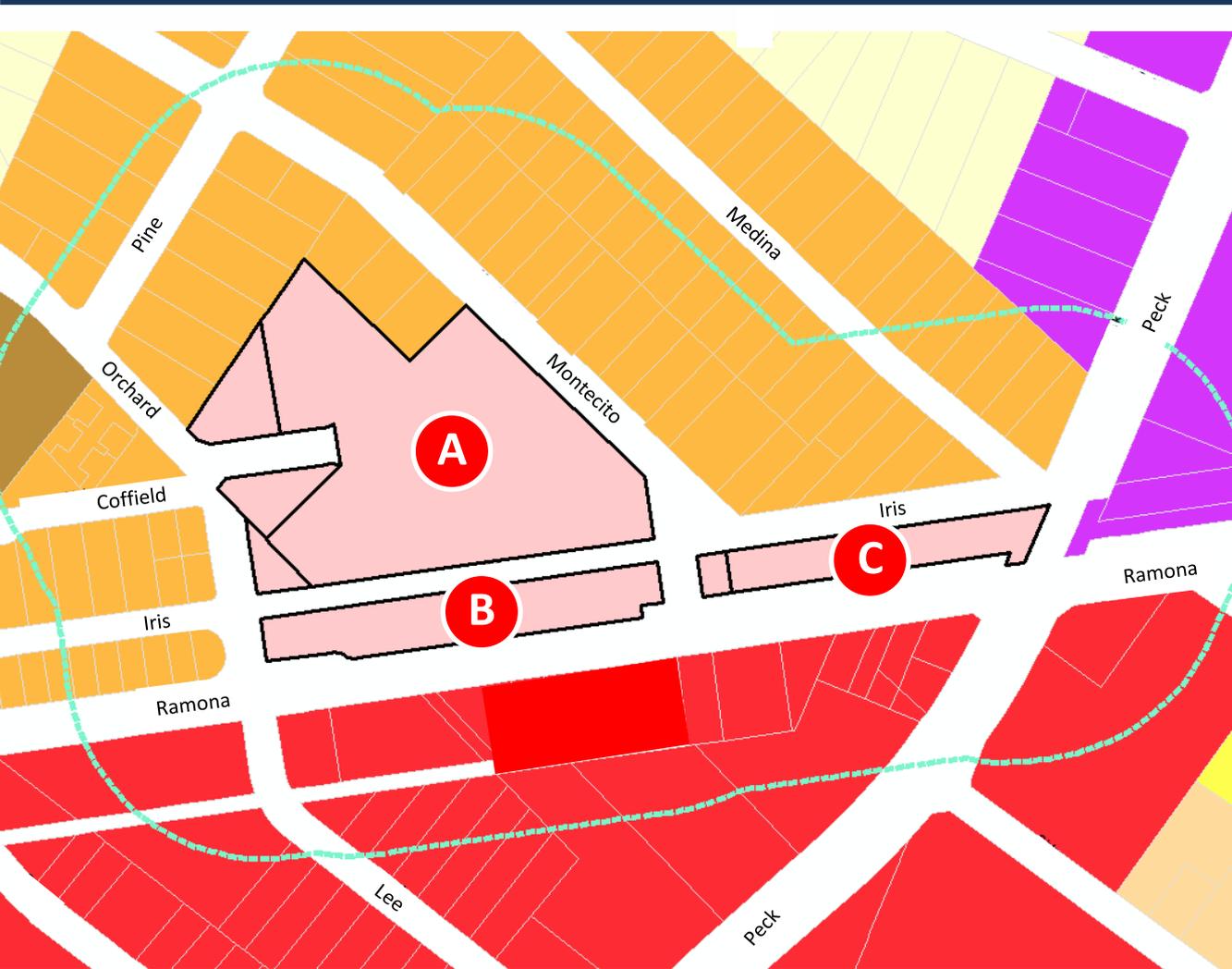
 300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Property A from C-1 to C-2.



# CITY OF EL MONTE MAP AREA #5



## ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Medium Density
	R-4: Multi-Family High Density
	C-1: Limited Commercial
	C-2: Retail Commercial
	C-3: General Commercial
	MMU: Mixed/Multi-Use

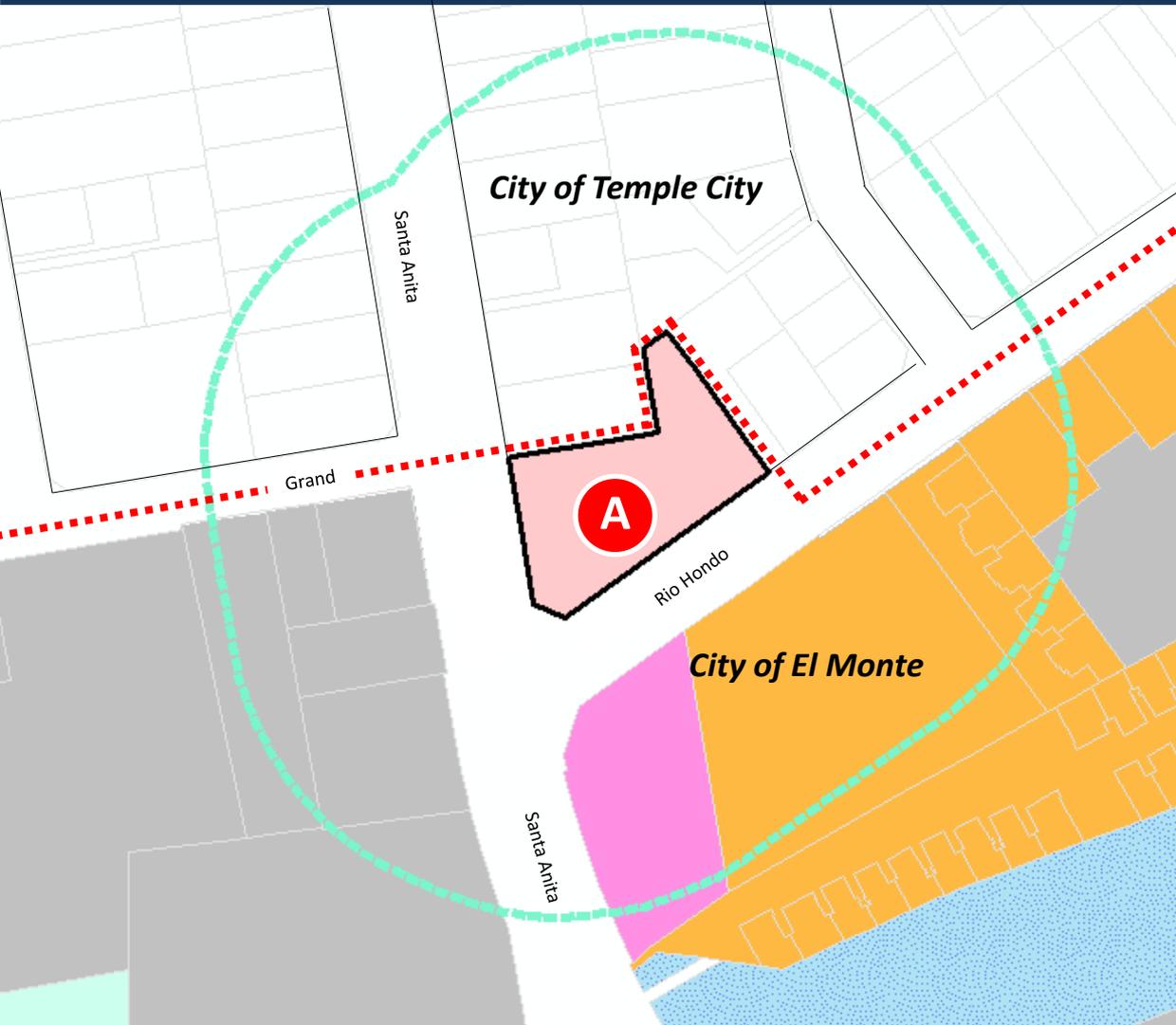
300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Properties A , B & C – from C-1 to C-2.



# CITY OF EL MONTE MAP AREA #6



## ZONING DISTRICTS:

- R-3: Multi-Family Residential
- C-O: Professional Office
- C-1: Limited Commercial
- C-2: Retail Commercial
- M-1: Light Manufacturing

 300 ft. radius

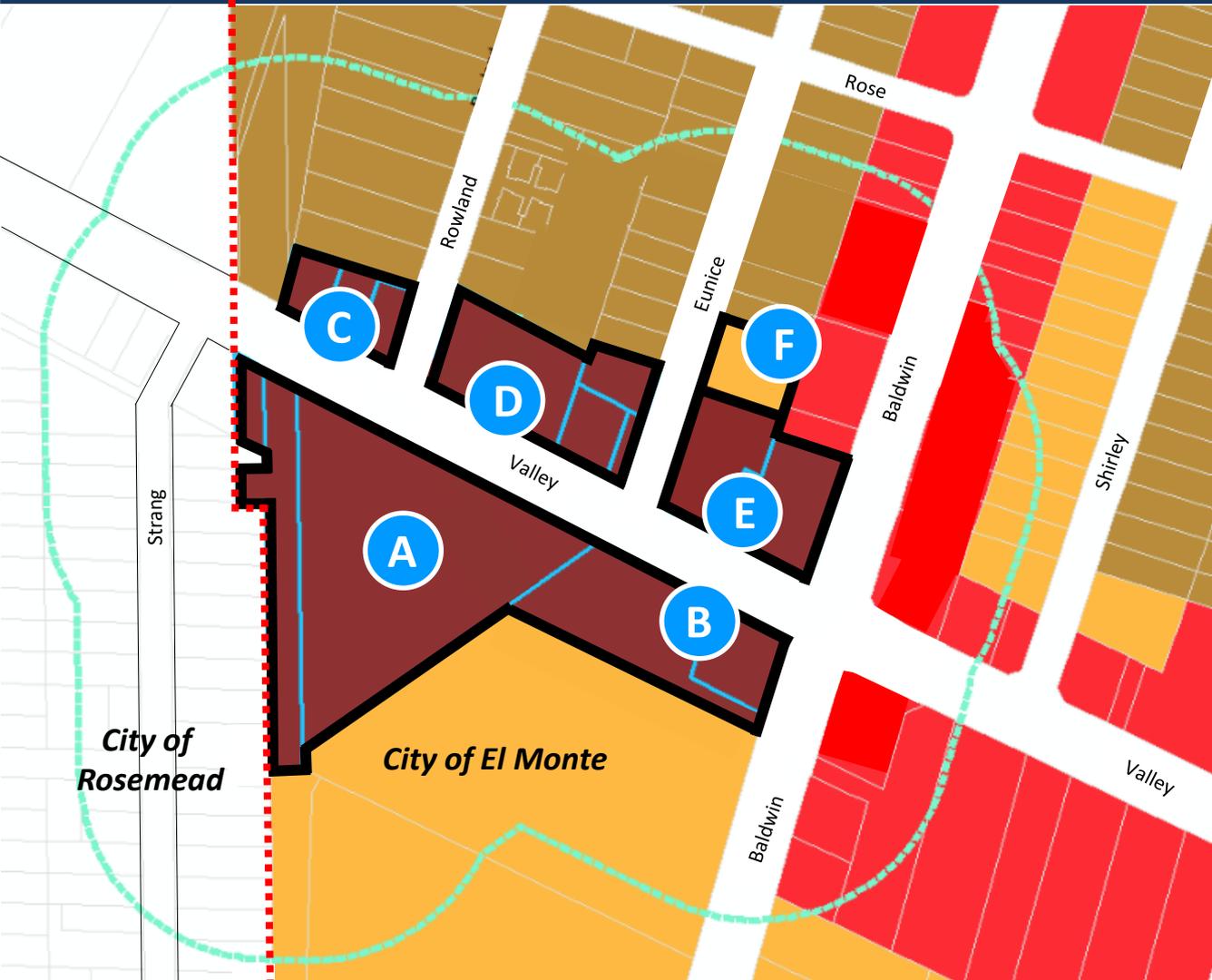
 City boundary

## PROPOSED CHANGES FOR PROPERTY A:

- Zone Change from C-1 to C-2.



# CITY OF EL MONTE MAP AREA #7



## ZONING DISTRICTS:

- R-3: Medium Density Res.
- R-4: High Density Residential
- C-3: General Commercial
- C-4: Heavy Commercial

## GENERAL PLAN

### LAND USE DESIGNATION:

- MDR: Medium Density Res.
- GC: General Commercial

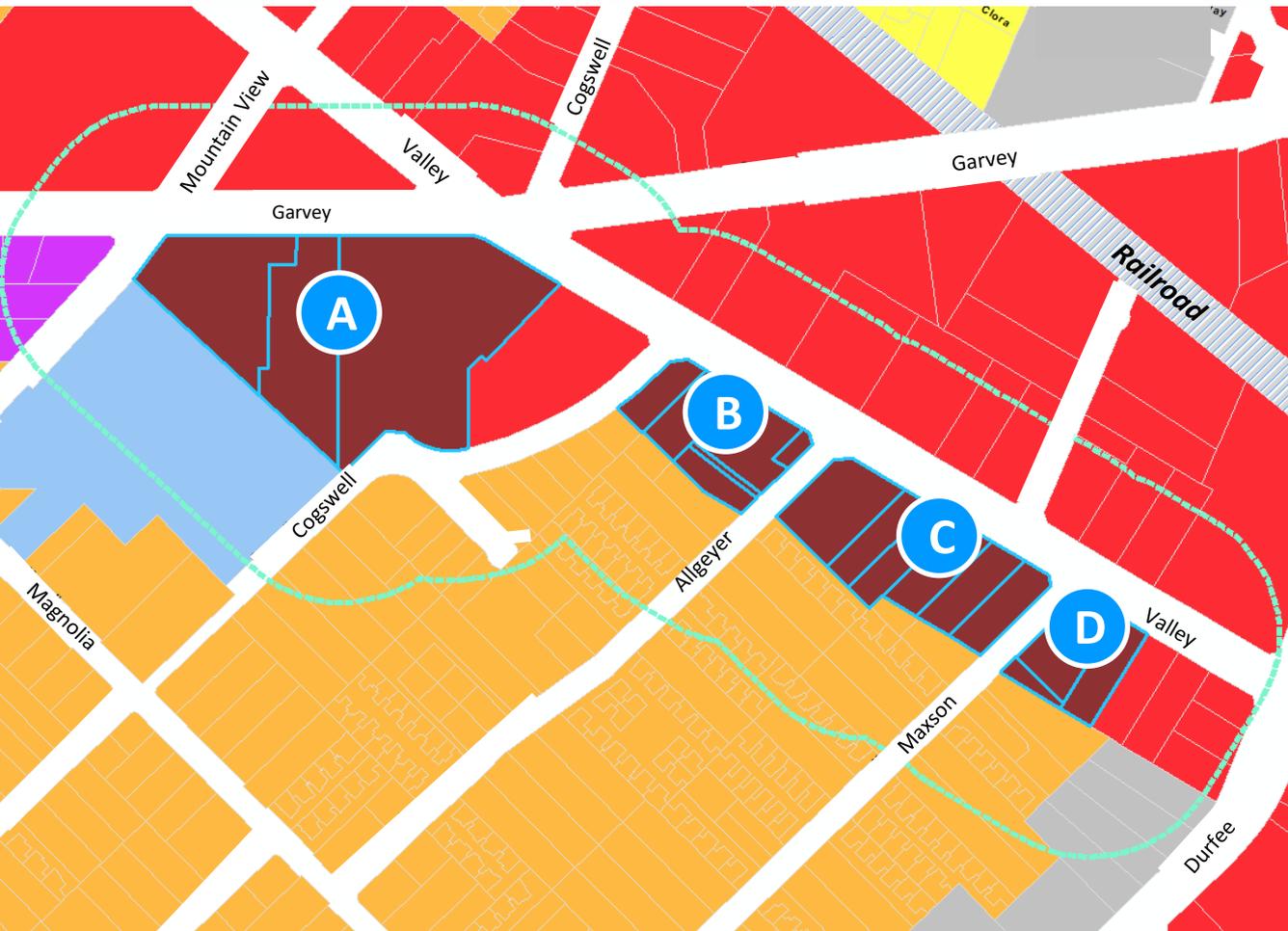
- 300 ft. radius
- City boundary

## PROPOSED CHANGES:

- Zone Change for Properties A, B, C, D & E – from C-4 to C-3.
- Zone Change for Property F from – R-3 to C-3.
- General Plan Change for Property F from – MDR to CG.



# CITY OF EL MONTE MAP AREA #8



## ZONING DISTRICTS:

- R-1: Single-Family Residential
- R-2: Two-Family Residential
- R-3: Multi-Family Residential
- C-3: General Commercial
- C-4: Heavy Commercial
- MMU: Mixed/Multi-Use
- M-1: Light Manufacturing
- PF: Public Facilities

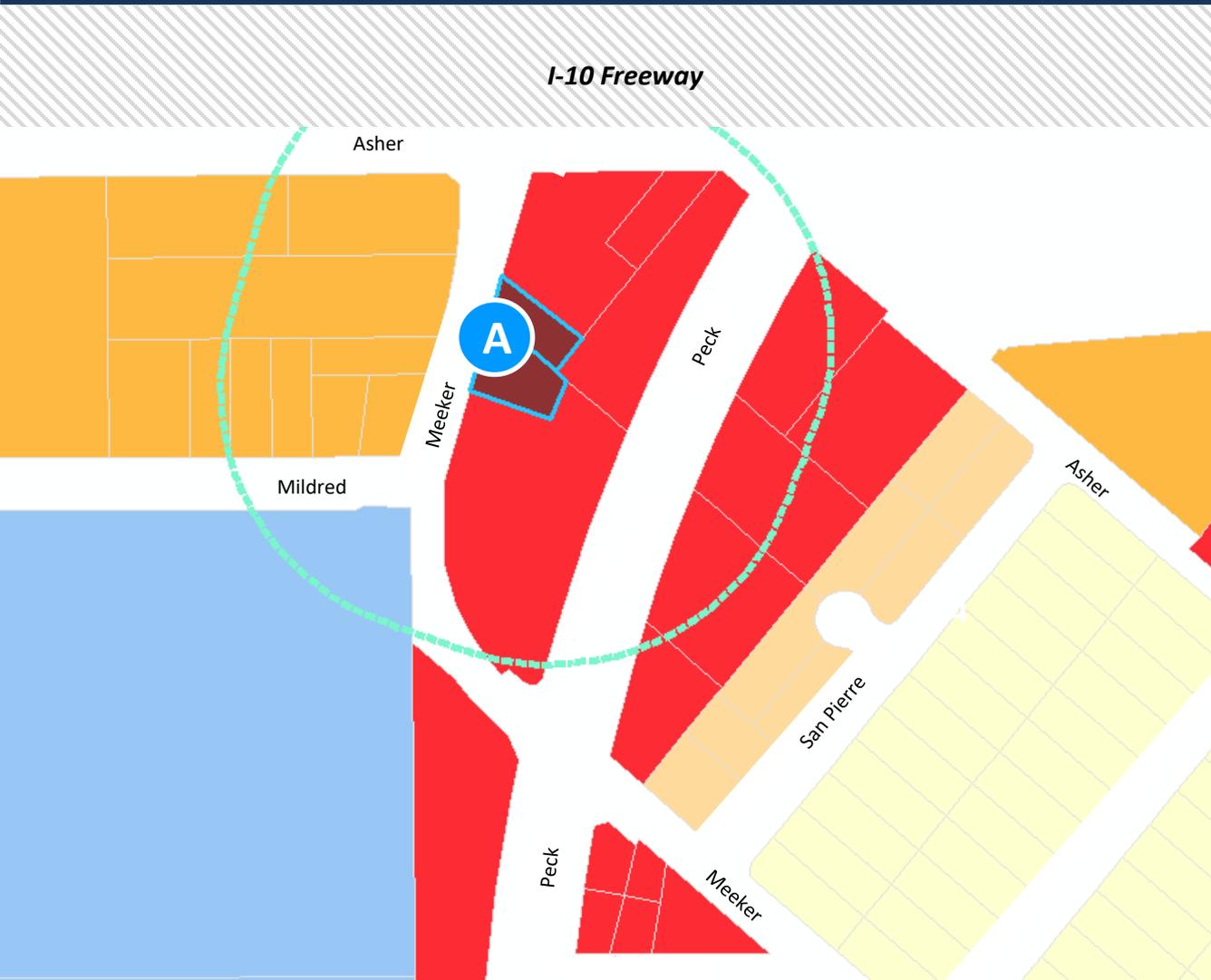
300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Properties A , B, C & D – from C-4 to C-3.



# CITY OF EL MONTE MAP AREA #9



## ZONING DISTRICTS:

-  R-1: Single-Family Residential
-  R-2: Two-Family Residential
-  R-3: Multi-Family Residential
-  C-3: General Commercial
-  C-4: Heavy Commercial
-  PF: Public Facilities

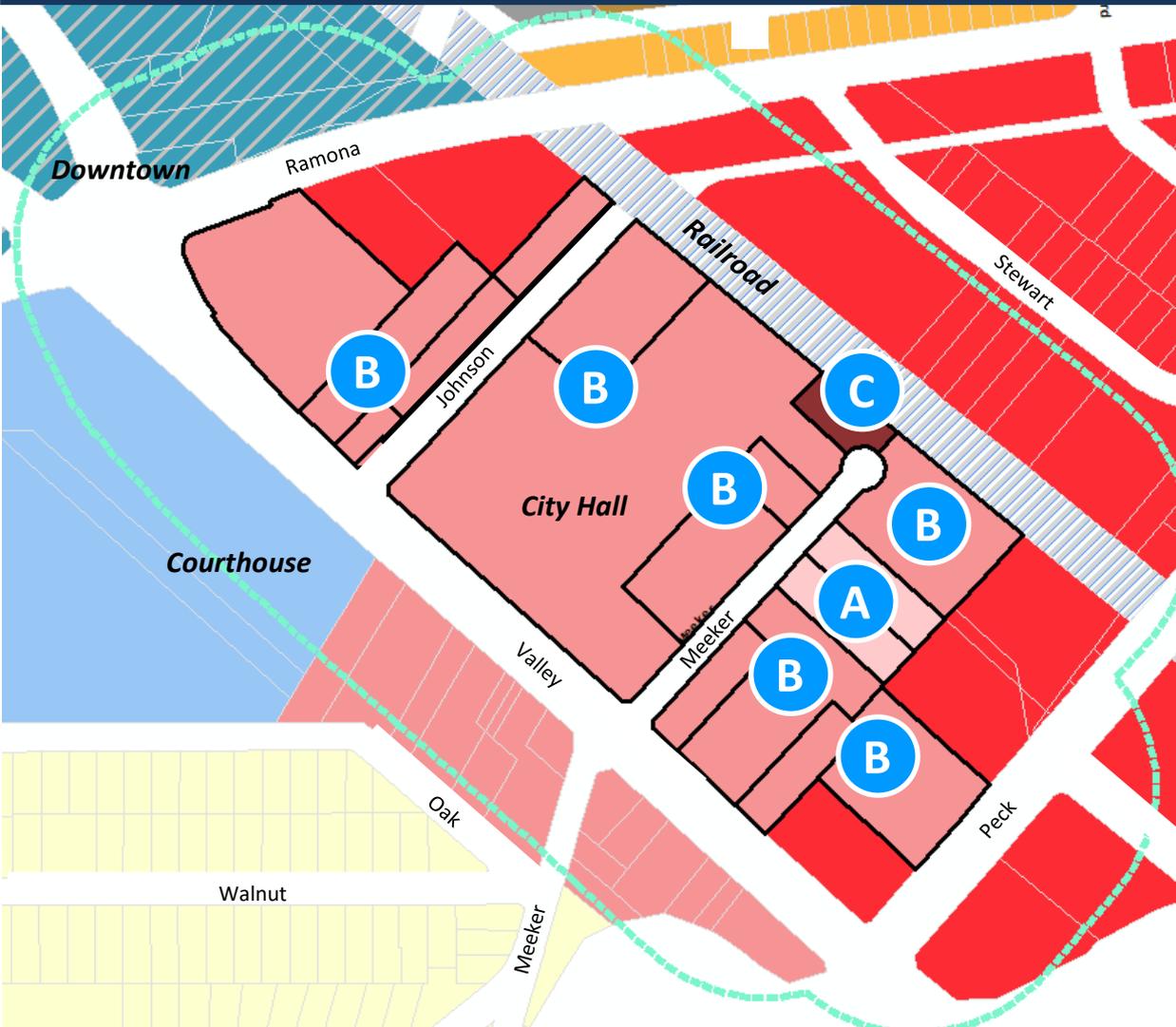
 300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Properties A from C-4 to C-3.



# CITY OF EL MONTE MAP AREA #10



## ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-1: Limited Commercial
	C-2: Retail Commercial
	C-3: General Commercial
	C-4: Heavy Commercial
	PF: Public Facilities
	SP-4: Downtown Specific Plan

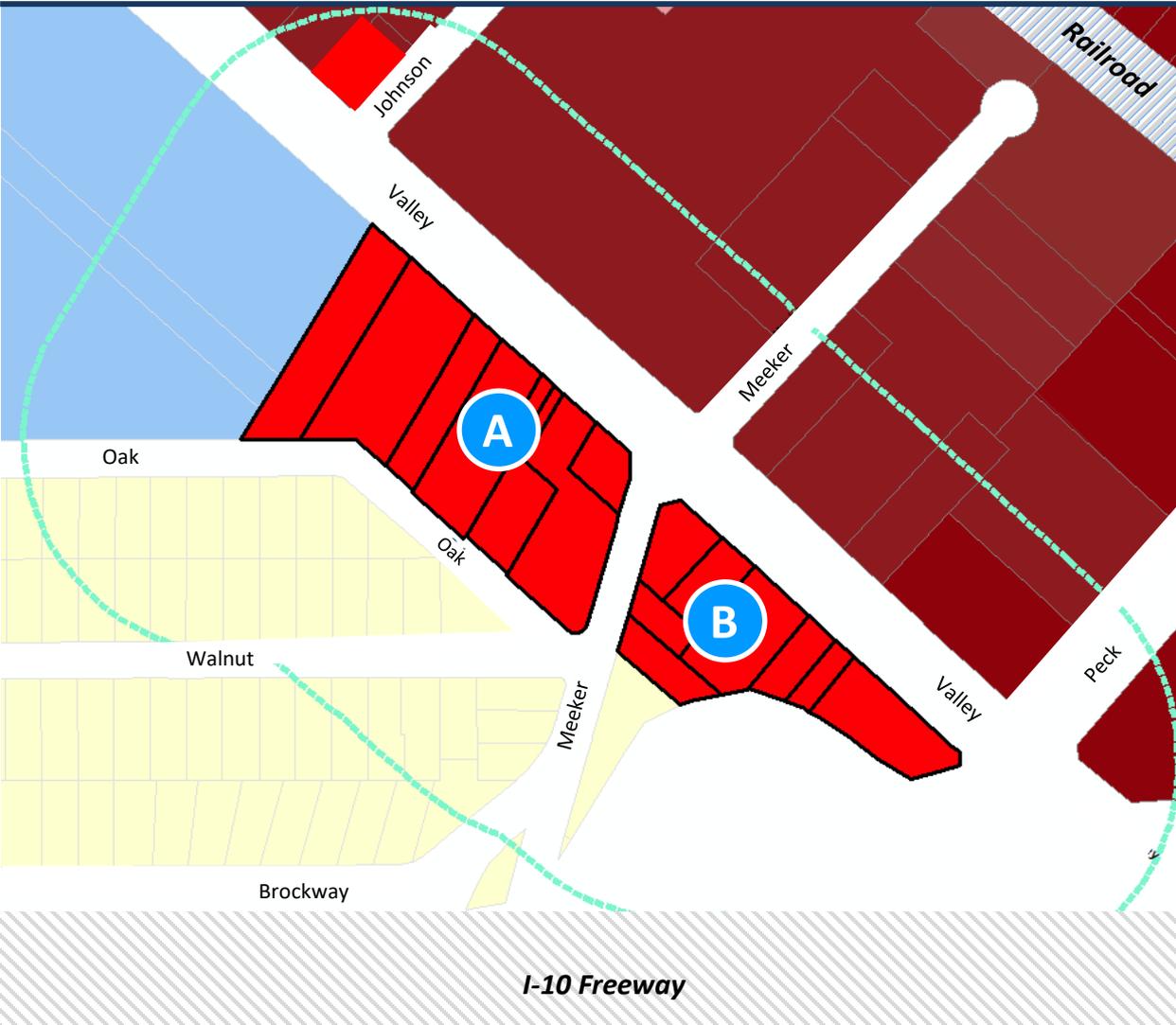
300 ft. radius

## PROPOSED ZONING CHANGES:

- Change Properties A from C-1 to C-3.
- Change Properties B from C-2 to C-3.
- Change Property C from C-4 to C-3.
- These will make the properties consistent with their General Plan Land Use Designation of Regional Commercial (RC).



# CITY OF EL MONTE MAP AREA #11



## GENERAL PLAN LAND USE DESIGNATIONS:



 300 ft. radius

## PROPOSED GENERAL PLAN DESIGNATION CHANGES:

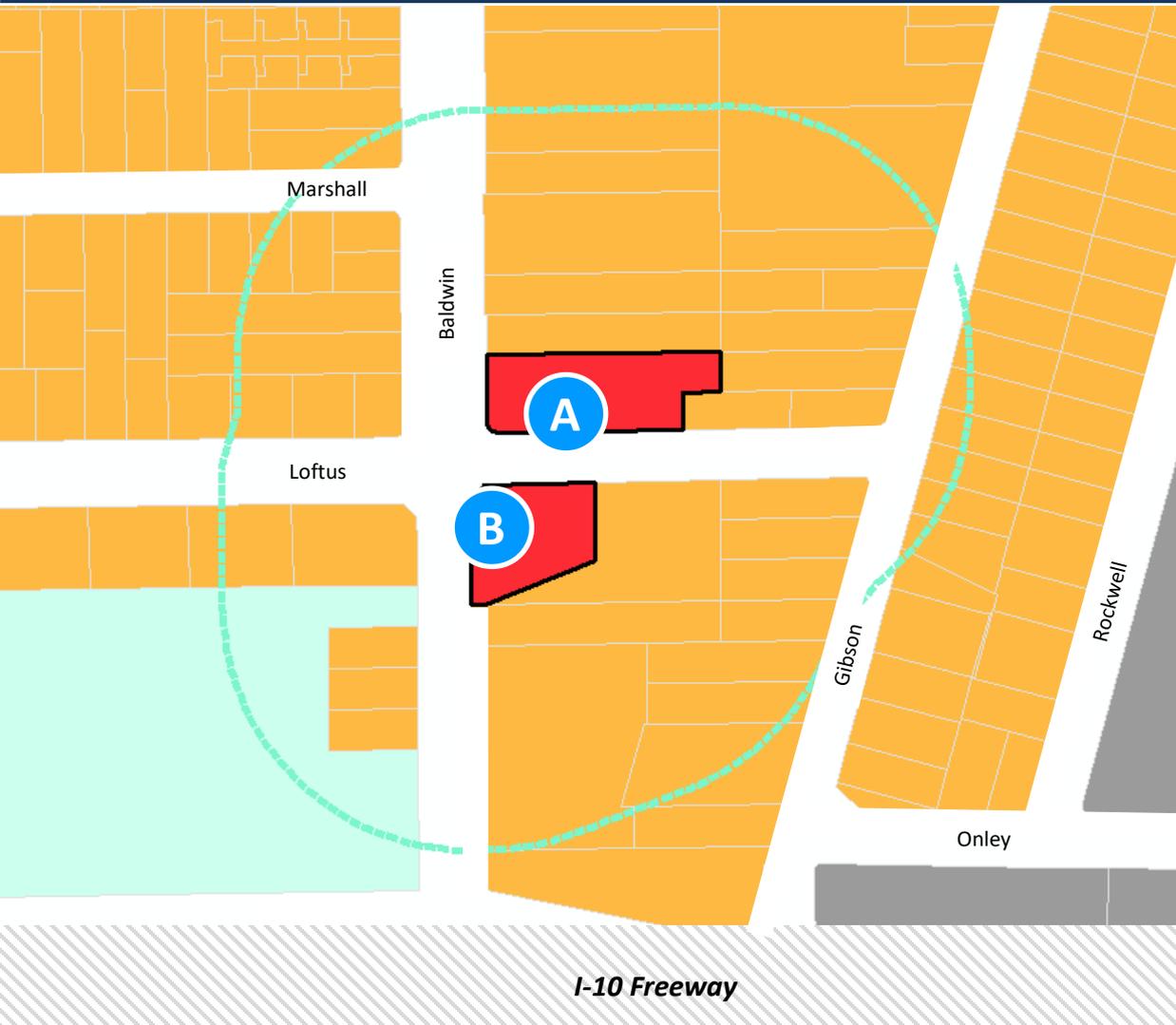
- Change Properties A & B from GC to NC.
- This will make the properties consistent with their existing Zoning of Retail Commercial (C-2).



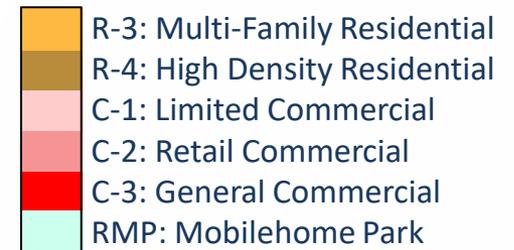
# CITY OF EL MONTE

## MAP AREA #12

(Updated 02-23-2022)



### ZONING DISTRICTS:



### GENERAL PLAN

### LAND USE DESIGNATIONS:



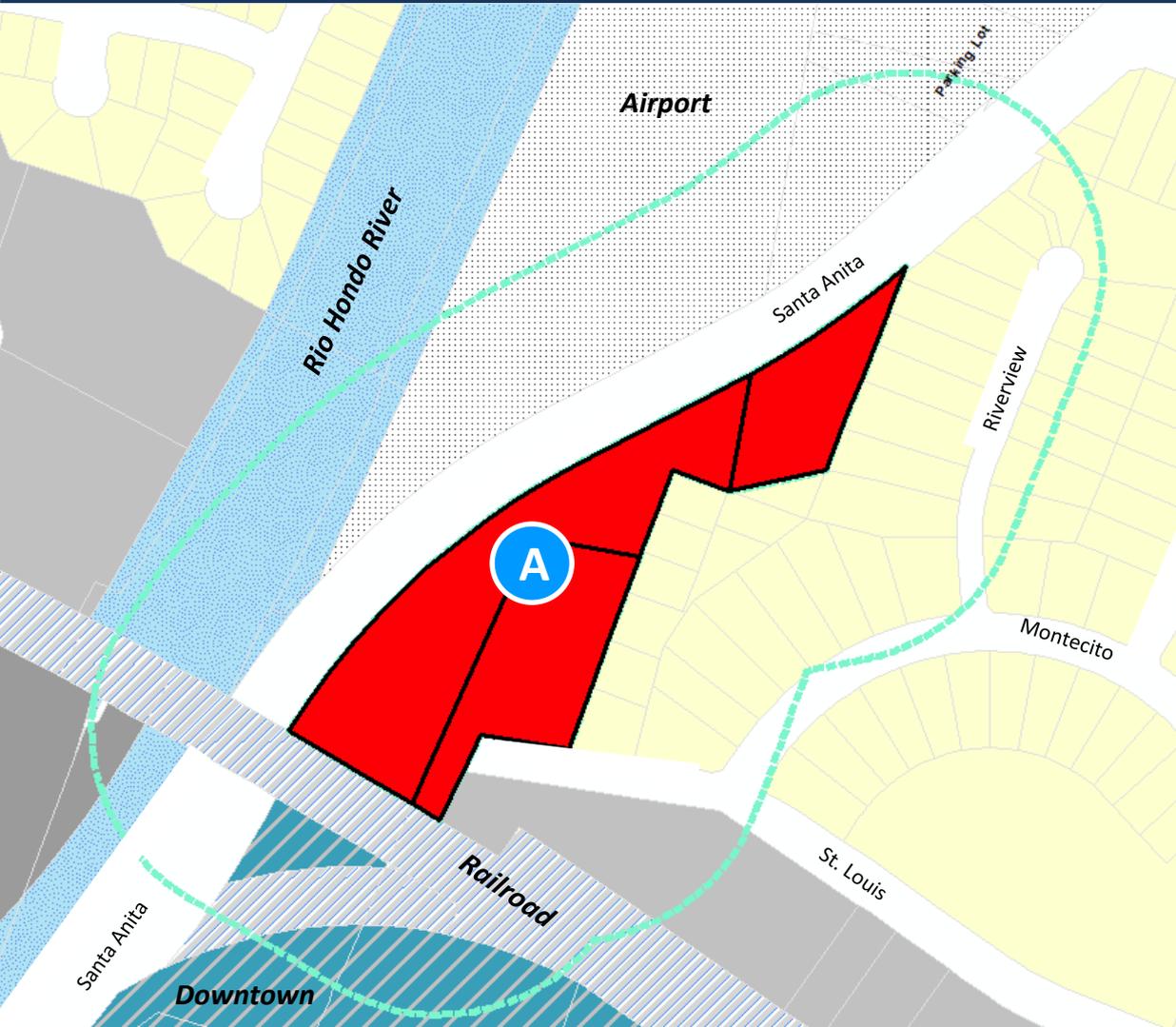
 300 ft. radius

### PROPOSED CHANGES FOR PROPERTIES A & B:

- Zone Change from C-3 to R-4.
- General Plan Change from GC to HDR.



# CITY OF EL MONTE MAP AREA #13



## GENERAL PLAN LAND USE DESIGNATIONS:

	LDR: Low Density Residential
	OC: Office Commercial
	NC: Neighborhood Commercial
	GC: General Commercial
	I/BP: Industrial/ Business Park

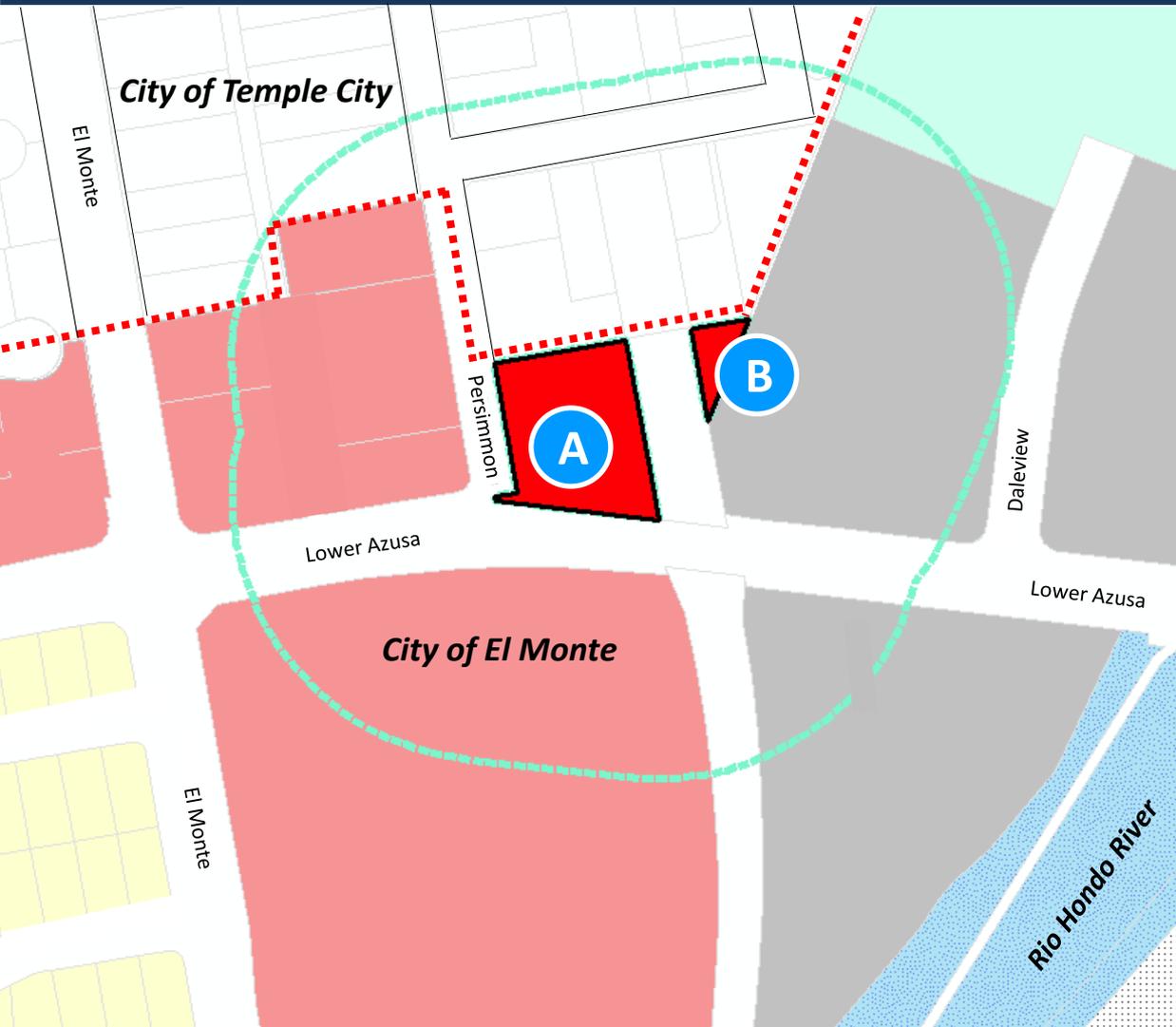
300 ft. radius

## PROPOSED CHANGES FOR PROPERTIES IN AREA A:

- General Plan Change from GC to NC.
- This will make the properties consistent with their existing Zoning of Retail Commercial (C-2).



# CITY OF EL MONTE MAP AREA #14



## GENERAL PLAN LAND USE DESIGNATIONS:

	LDR: Low Density Residential
	NC: Neighborhood Commercial
	GC: General Commercial
	I/BP: Industrial/ Business Park
	MHP: Mobilehome Park

 300 ft. radius

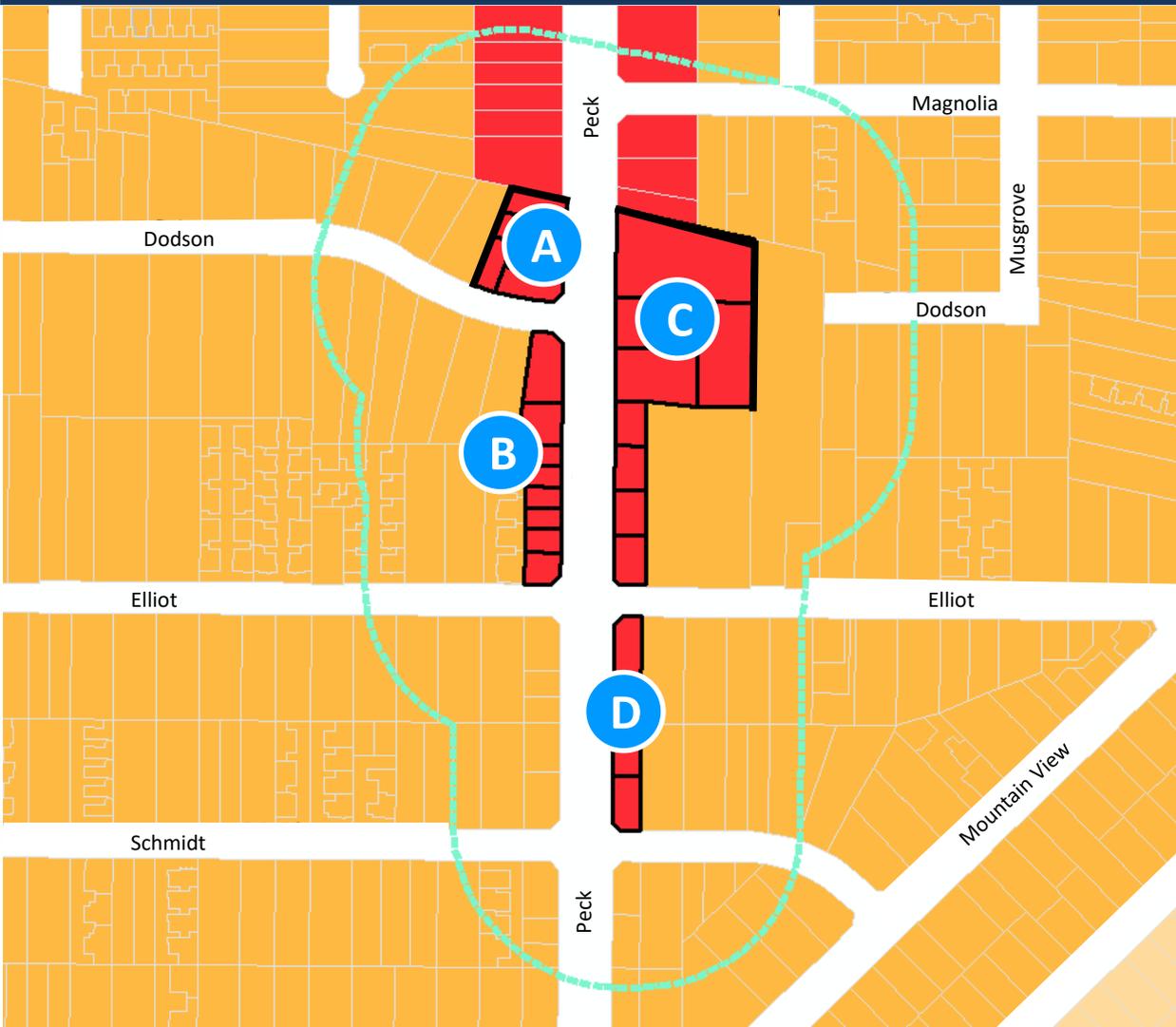
 City boundary

## PROPOSED CHANGES FOR PROPERTIES A & B:

- General Plan Change from GC to NC.
- This will make the properties consistent with their existing Zoning of Retail Commercial (C-2).



# CITY OF EL MONTE MAP AREA #15



## ZONING DISTRICTS:

	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-2: Retail Commercial
	C-3: General Commercial

## GENERAL PLAN

### LAND USE DESIGNATION:

	NC: Neighborhood Commercial
	GC: General Commercial

 300 ft. radius

## PROPOSED CHANGES FOR PROPERTIES A, B, C & D:

- Zone Change from C-3 to C-2.
- General Plan Change from GC to NC.



# CITY OF EL MONTE

## MAP AREA #16



### ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Medium Density
	R-4: Multi-Family High Density
	C-2: Retail Commercial
	C-3: General Commercial
	M-1: Light Manufacturing
	M-2: General Manufacturing
	PF: Public Facilities
	Open Space

### GENERAL PLAN

#### LAND USE DESIGNATION:

	NC: Neighborhood Commercial
	GC: General Commercial

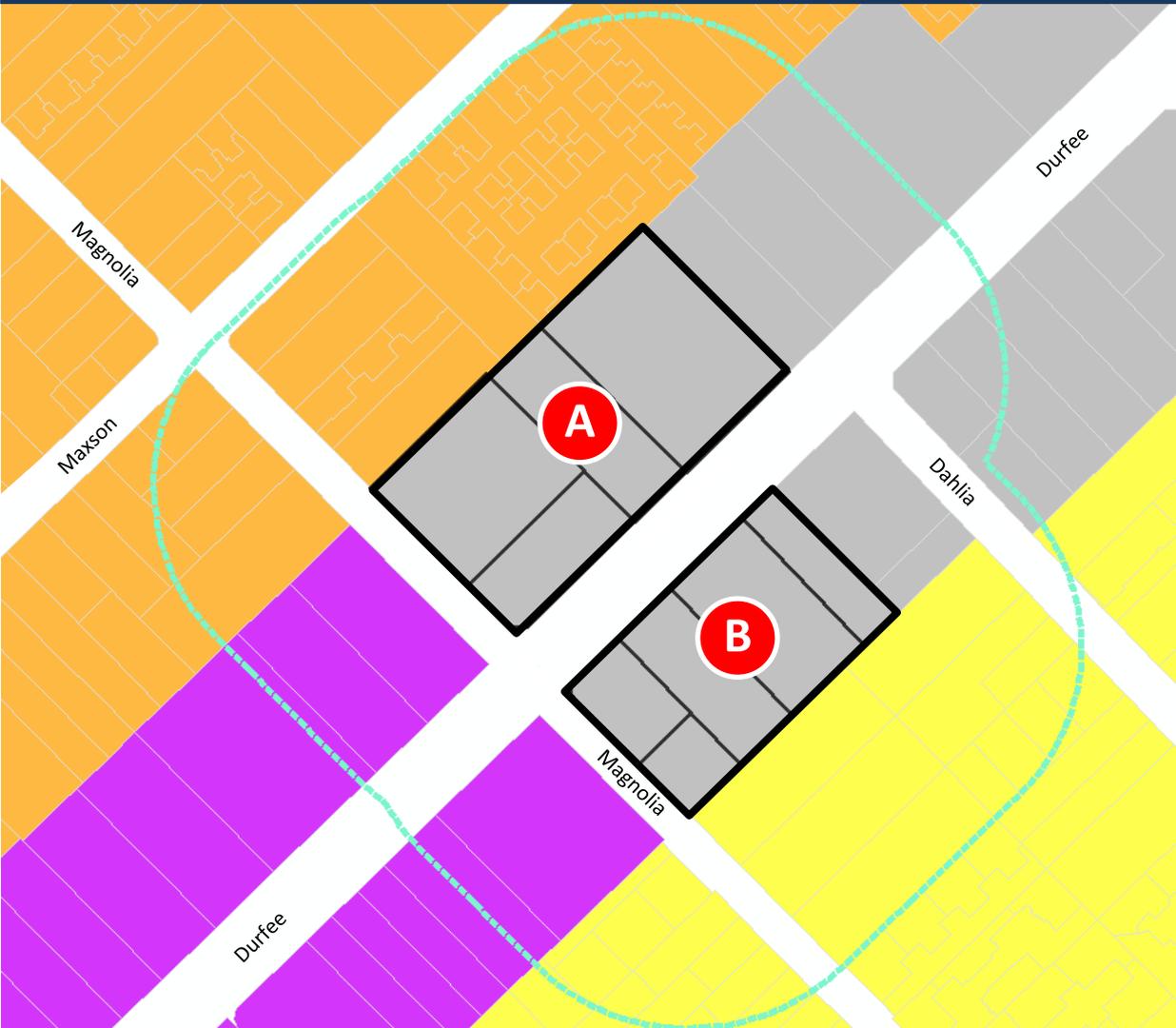
300 ft. radius

### PROPOSED CHANGES FOR PROPERTIES A, B & C:

- Zone Change from C-3 to C-2.
- General Plan Change from GC to NC.



# CITY OF EL MONTE MAP AREA #17



## ZONING DISTRICTS:

-  R-1: Single-Family Residential
-  R-2: Two-Family Residential
-  R-3: Multi-Family Residential
-  MMU: Mixed/Multi-Use
-  M-1: Light Manufacturing

## GENERAL PLAN

### LAND USE DESIGNATION:

-  LDR: Low Density Residential
-  LMDR: Low-Medium Density Residential
-  MDR: Medium Density Res.
-  MMU: Mixed/Multi-Use
-  I/BP: Industrial/ Business Park

 300 ft. radius

## PROPOSED CHANGES FOR PROPERTIES A & B:

- Zone Change from M-1 to MMU.
- General Plan Change from I/BP to MMU.



# CITY OF EL MONTE

## MAP AREA #18



### ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-2: Retail Commercial
	PF: Public Facilities

### GENERAL PLAN LAND USE DESIGNATION:

	LDR: Low Density Residential
	LMDR: Low-Medium Density Residential
	MDR: Medium Density Residential
	NC: Neighborhood Commercial
	PF: Public Facilities

300 ft. radius

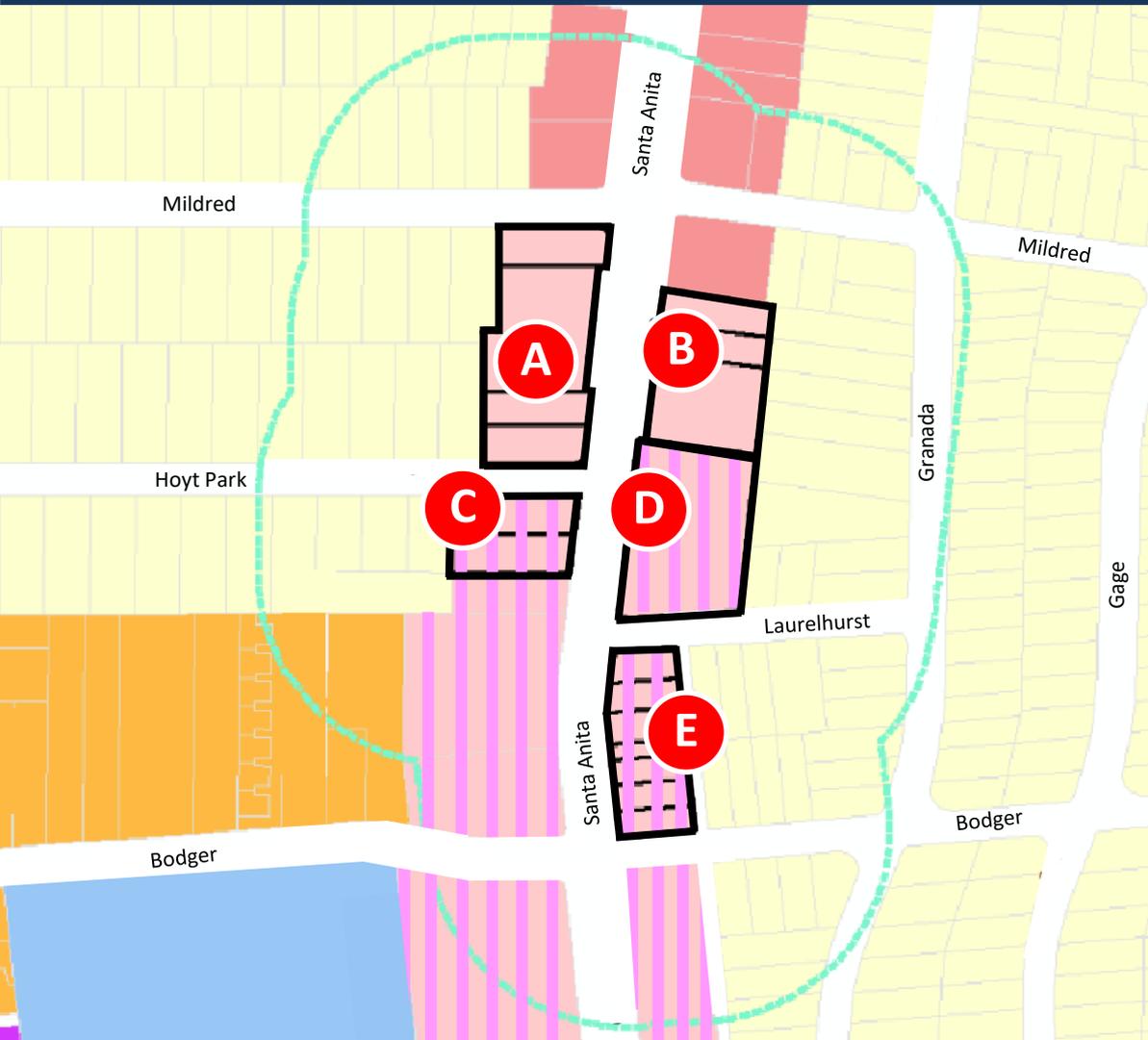
### PROPOSED CHANGES:

- Zone Change for Properties A, B & C – from R-3 to C-2.
- General Plan Change for Properties A, B & C – from MDR to NC.
- General Plan Change for Properties D, E, F & G – from MDR to NC. This will make the General Plan consistent with the existing Zoning of C-2.



# CITY OF EL MONTE

## MAP AREA #19



### ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-O: Professional Office
	C-1: Limited Commercial
	C-2: Retail Commercial
	PF: Public Facilities

### GENERAL PLAN LAND USE DESIGNATION:

	LDR: Low Density Residential
	MLDR: Medium-Low Density Residential
	MDR: Medium Density Residential
	OC: Office Commercial
	NC: Neighborhood Commercial
	PF: Public Facilities
	300 ft. radius

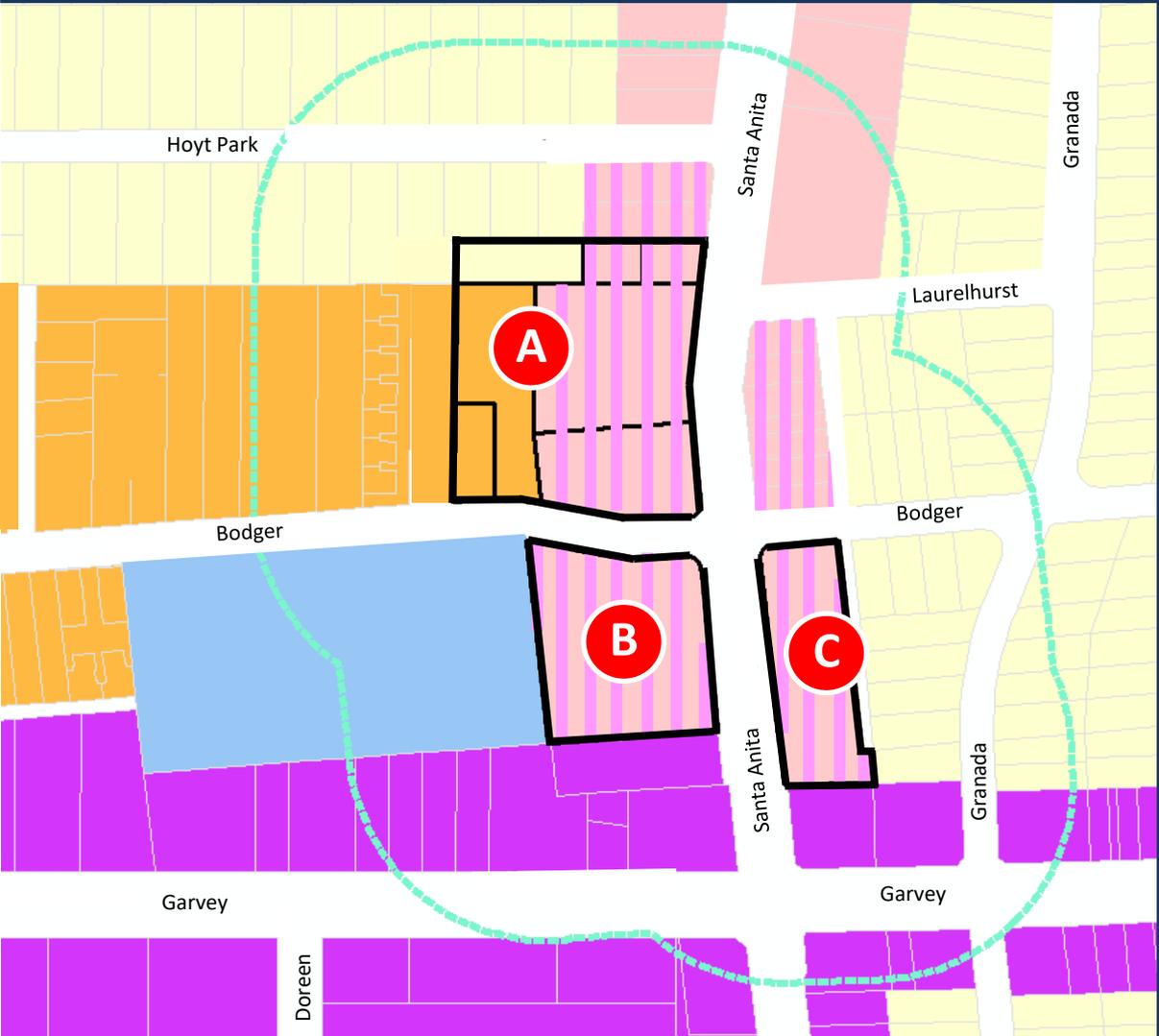
### PROPOSED CHANGES:

- Zone Change for Properties A & B – from C-1 to C-2. This will make the properties consistent with their General Plan of NC.
- Zone Change for Properties C, D & E – from C-1 to C-2.
- General Plan for Properties C, D & E – from OC to NC.



# CITY OF EL MONTE

## MAP AREA #20



### ZONING DISTRICTS:

	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-1: Limited Commercial
	MMU: Mixed/Multi-Use
	PF: Public Facilities

### GENERAL PLAN LAND USE DESIGNATION:

	LDR: Low Density Residential
	MLDR: Medium-Low Density Residential
	MDR: Medium Density Residential
	OC: Office Commercial
	NC: Neighborhood Commercial
	MMU: Mixed/Multi-Use
	300 ft. radius

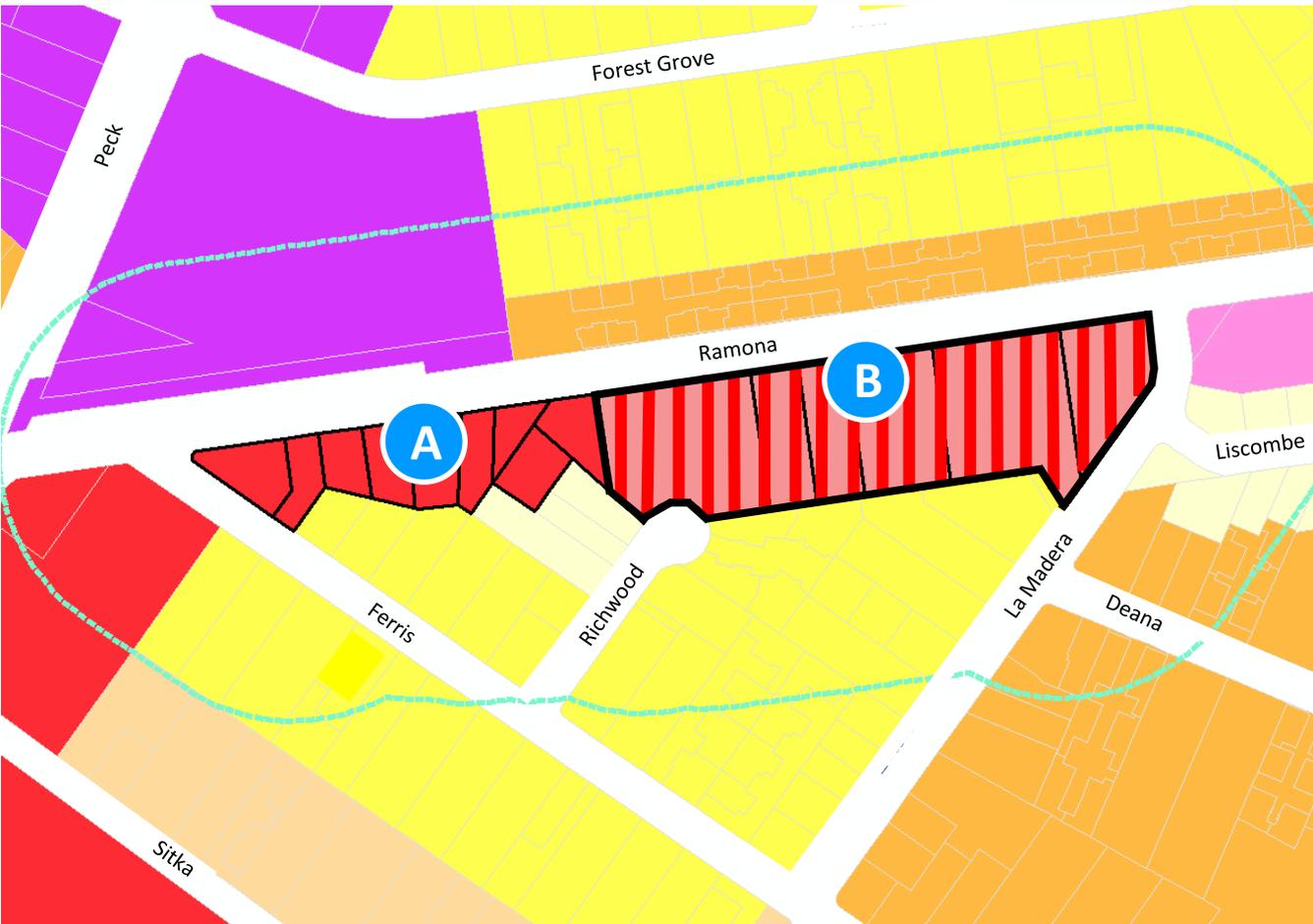
### PROPOSED CHANGES:

- Zone Change for Properties A – from R-1, R-3 & C-1 to MMU.
- General Plan for Properties A – from LDR, MDR and OC to MMU.
- Zone Change for Properties B & C – from C-1 to MMU.
- General Plan for Properties B & C – from OC to MMU.



# CITY OF EL MONTE

## MAP AREA #21



### ZONING DISTRICTS:

-  R-1: Single-Family Residential
-  R-3: Multi-Family Residential
-  C-O: Professional Office
-  C-1: Limited Commercial
-  C-2: Retail Commercial
-  C-3: General Commercial
-  MMU: Mixed/Multi-Use

### GENERAL PLAN

#### LAND USE DESIGNATION:

-  NC: Neighborhood Commercial
-  GC: General Commercial
-  MMU: Mixed/Multi-Use

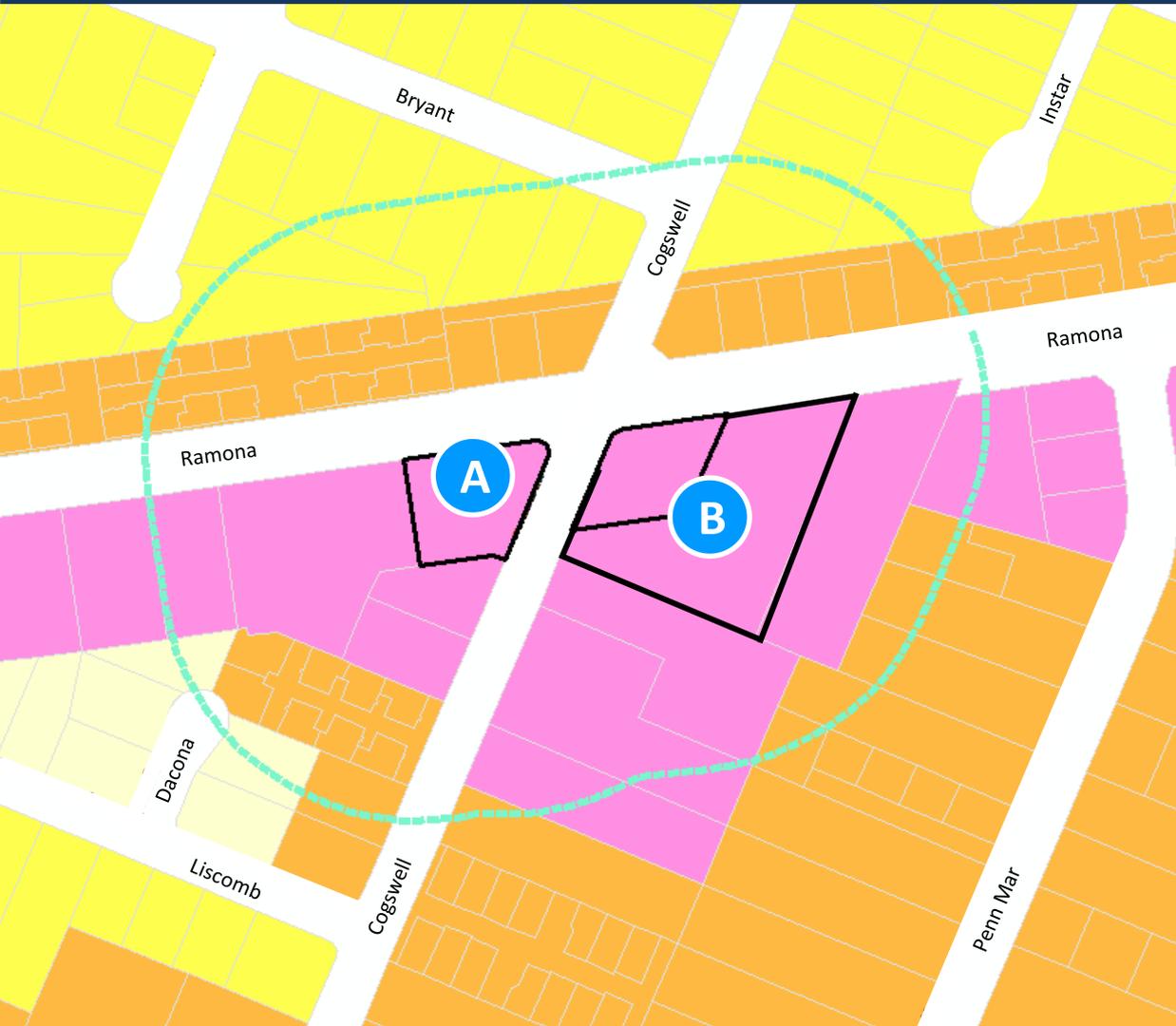
 300 ft. radius

### PROPOSED CHANGES:

- Zone Change for Properties A – from C-3 to C-2.
- General Plan for Properties A – from GC to NC.
- General Plan for Properties B – from GC to NC.



# CITY OF EL MONTE MAP AREA #22



## ZONING DISTRICTS:

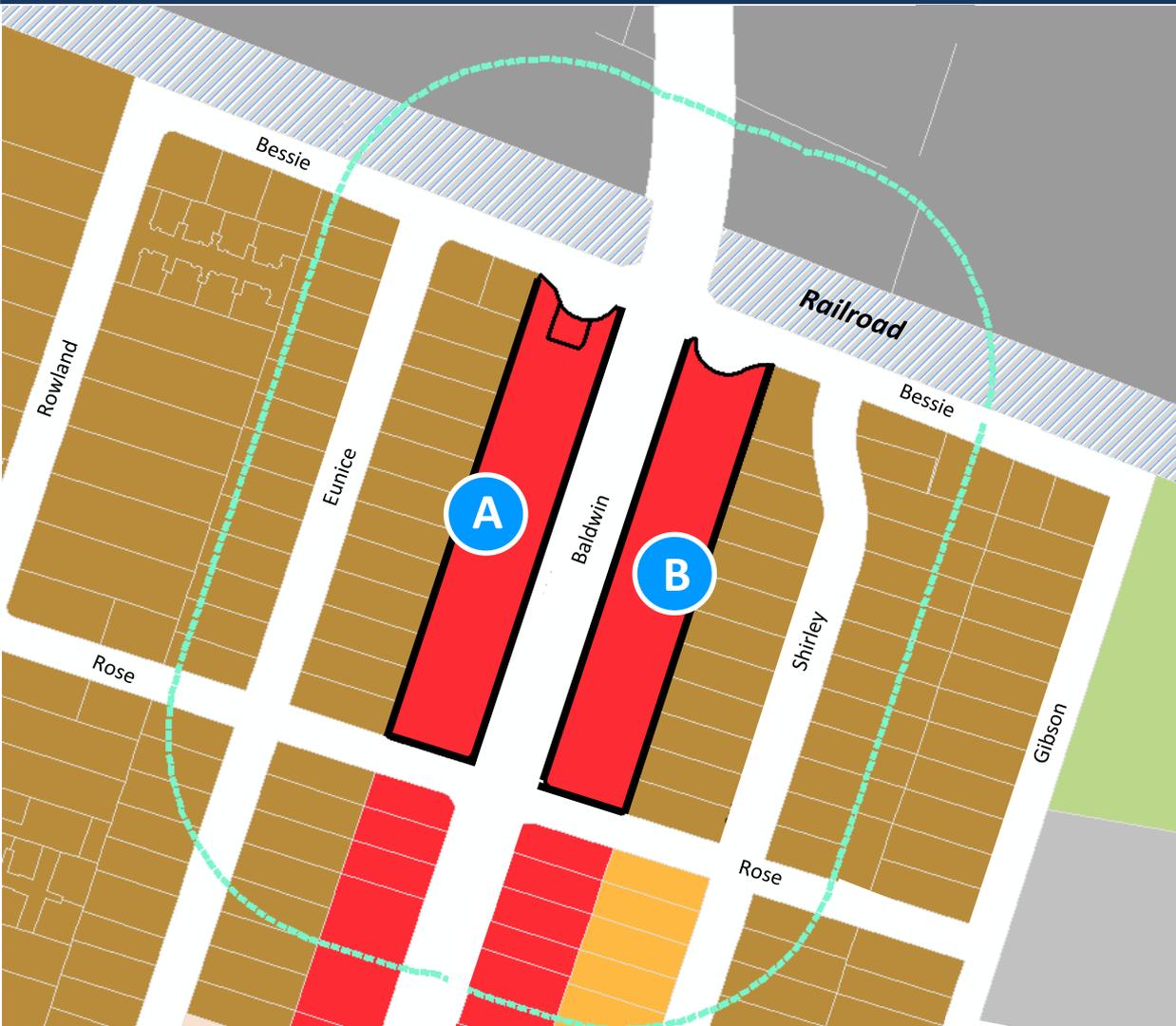
	R-1: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	C-O: Professional Office
	C-1: Limited Commercial
	C-2: Retail Commercial

## PROPOSED CHANGES FOR PROPERTIES A & B:

- Zone Change from C-O to C-2.
- This will make the properties consistent with their existing General Plan Land Use Designation of Neighborhood Commercial (NC).



# CITY OF EL MONTE MAP AREA #23



## ZONING DISTRICTS:

	R-3: Multi-Family Medium Density
	R-4: Multi-Family High Density
	C-3: General Commercial
	M-1: Light Manufacturing
	M-2: General Manufacturing
	OS: Open Space

## GENERAL PLAN LAND USE DESIGNATION:

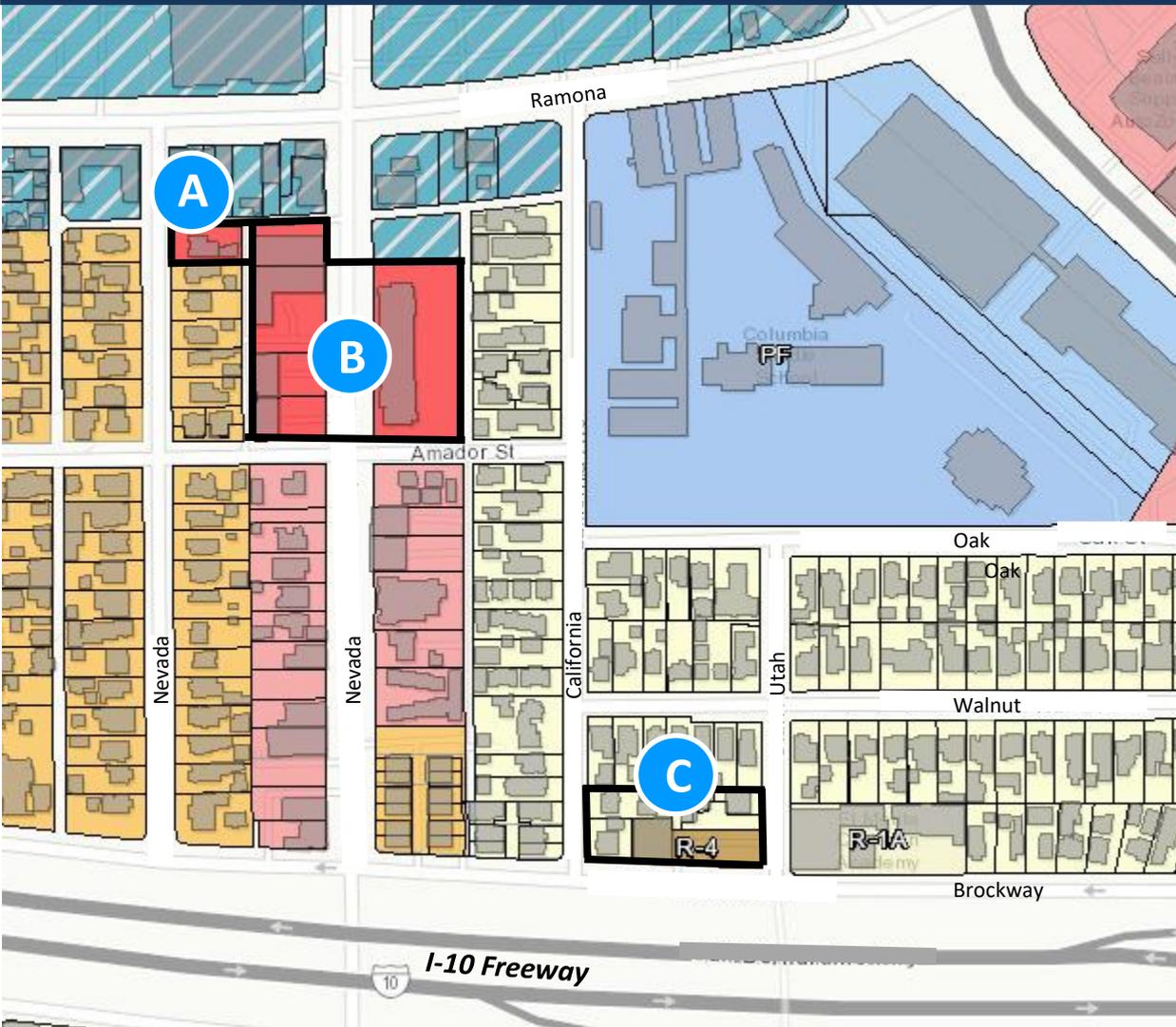
	MDR: Medium Density Residential
	HDR: High Density Residential
	GC: General Commercial
	300 ft. radius

## PROPOSED CHANGES FOR PROPERTIES A & B:

- Zone Change from C-3 to R-4.
- General Plan from GC to HDR.
- This will make the Zoning and General Plan consistent with the existing use of multiple-family residential.



# CITY OF EL MONTE MAP AREA #24



## ZONING DISTRICTS:

	R-1: One-Family Low Density
	R-3: Multi-Family Medium Density
	R-4: Multi-Family High Density
	C-2: Retail Commercial
	C-3: General Commercial
	PF: Public Facilities

## PROPOSED CHANGE FOR PROPERTY A:

- Zone Change from C-3 to R-3.
- This will make the zoning consistent with the existing use.

## PROPOSED CHANGE FOR PROPERTIES B:

- Zone Change from C-3 to C-2.
- This will make the zoning consistent with the existing use.

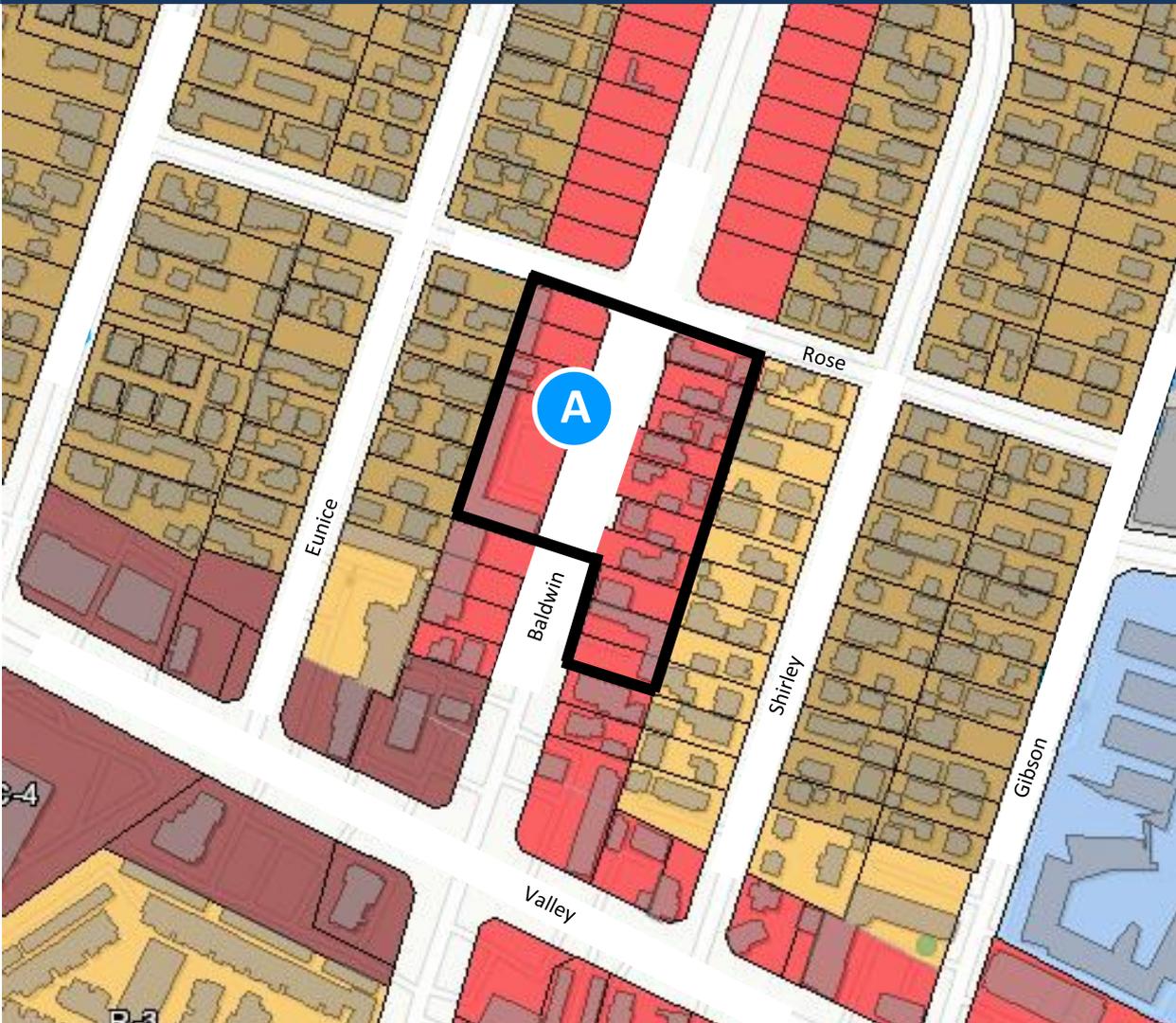
## PROPOSED CHANGE FOR PROPERTIES C:

- Zone Change from R-1A and R-4 to R-3.
- This will make the zoning consistent with the existing use.



# CITY OF EL MONTE

## MAP AREA #25



### ZONING DISTRICTS:

-  R-3: Multi-Family Medium Density
-  R-4: Multi-Family High Density
-  C-2: Retail Commercial
-  C-3: General Commercial
-  PF: Public Facilities

### GENERAL PLAN LAND USE DESIGNATION:

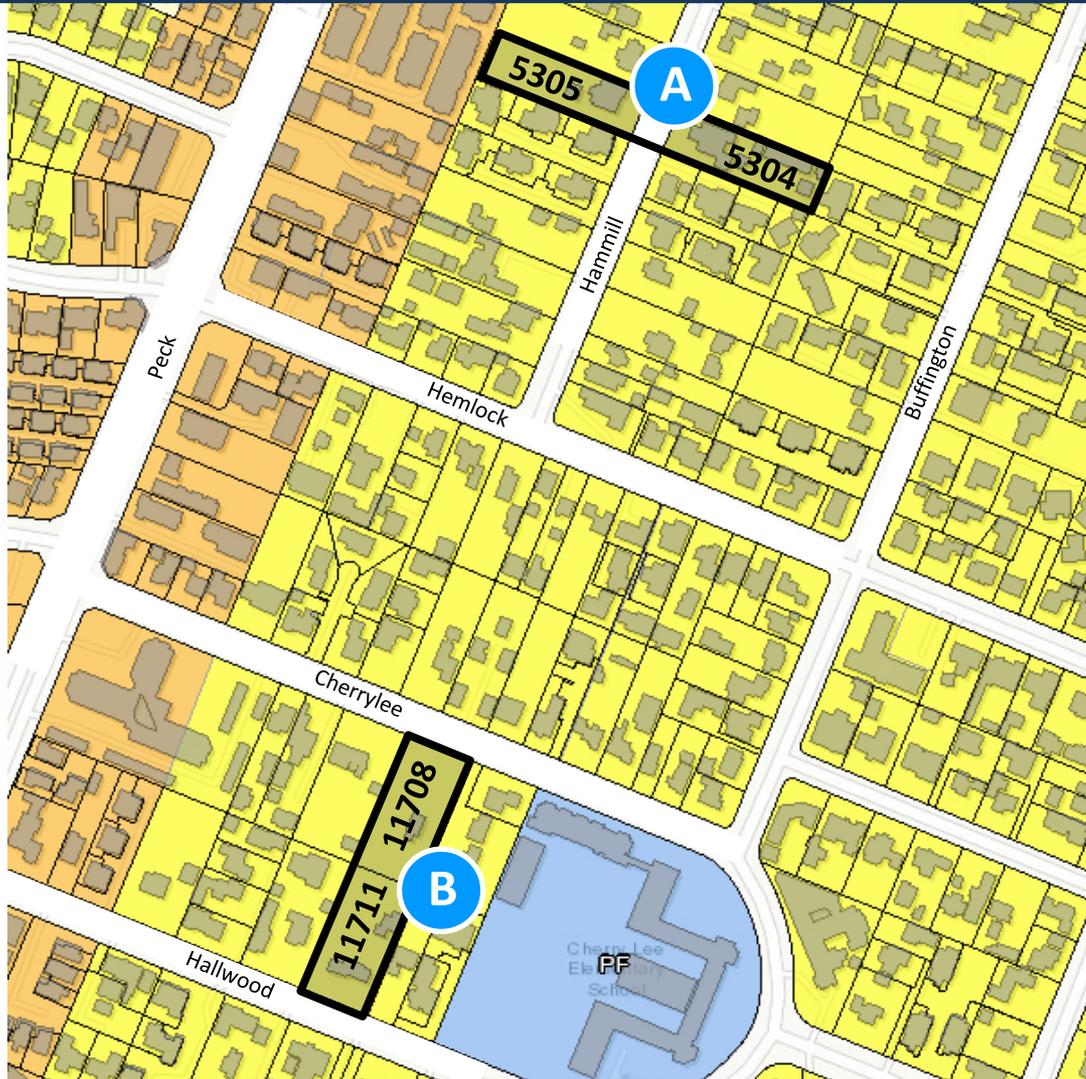
-  MDR: Multi-Family Medium Density
-  HDR: Multi-Family High Density
-  NC: Neighborhood Commercial
-  GC: General Commercial

### PROPOSED CHANGES FOR PROPERTY A:

- Zone Change from C-3 to C-2.
- General Plan from GC to NC.



# CITY OF EL MONTE MAP AREA #26



## ZONING DISTRICTS:

	R-1B: Single-Family Residential
	R-1C: Single-Family Residential
	R-2: Two-Family Residential
	R-3: Multi-Family Residential
	PF: Public Facilities

## PROPOSED CHANGES FOR PROPERTIES A & B:

- Zone Change from R-1C to R-1B.
- Will make zoning consistent with surrounding R-1B zoned properties.

# CITY OF EL MONTE MUNICIPAL CODE – TITLE 17

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## ZONING CODE

### **DIVISION A**

17-A – Citywide Matrix of Permitted Uses.

### **DIVISION 1 – INTRODUCTION**

17.10 – General Regulations.

17.12 – Rules and Measurements.

17.14 – Zoning Classifications and Map.

17.16 – Nonconforming Provisions.

17.18 – *Reserved.*

### **DIVISION 2 – RESIDENTIAL ZONES**

17.20 – One-Family Dwelling Residential Zones.

17.22 – Rurban Homesteads Overlay District.

17.24 – Multiple-Family Dwelling Residential Zones.

17.26 to 17.28 – *Reserved.*

### **DIVISION 3 – MULTIUSE ZONES**

17.30 – Mixed/Multiuse Zone.

17.32 – *Reserved for the Urban/Multiuse Zone (Garvey-Five Points).*

17.34 – *Reserved for Office/Multiuse Zone (Flair Park).*

17.36 to 17.38 – *Reserved.*

### **DIVISION 4 – COMMERCIAL AND MANUFACTURING ZONES**

17.40 – Commercial Zones.

17.42 – Manufacturing Zones.

17.44 – Public and Quasi-Public Zones.

17.46 to 17.48 – *Reserved.*

### **DIVISION 5 – PERFORMANCE STANDARDS**

17.50 – Performance Standards:

17.50.010 – Purpose.

17.50.020 – Applicability and Exempt Uses.

17.50.030 – General Standards and Specific Conditions.

17.50.040 – Documenting Compliance.

- 17.50 – Performance Standards (continued):
  - 17.50.050 – Air Quality.
  - 17.50.060 – Cold, Heat and Humidity.
  - 17.50.070 – Construction Related.
  - 17.50.080 – Discharges to Water and Public Sewer System.
  - 17.50.090 – Energy Conservation.
  - 17.50.100 – Hazardous Materials.
  - 17.50.110 – Noise.
  - 17.50.120 – Property Maintenance.
  - 17.50.130 – Reflective Surfaces.
  - 17.50.140 – Vibration.
- 17.52 to 17.58 – Reserved.*

#### **DIVISION 6 – GENERAL PROPERTY DEVELOPMENT STANDARDS**

- 17.60 – General Property Development Standards:
  - 17.60.010 – Purpose and Applicability.
  - 17.60.020 – Flag Lots.
  - 17.60.030 – Height Exceptions and Restrictions.
  - 17.60.040 – Outdoor Display and Storage.
  - 17.60.050 – Outdoor Lighting.
  - 17.60.060 – Physical Cart Containment Measures.
  - 17.60.070 – Private Streets and Driveways.
  - 17.60.080 – Refuse Storage Facilities.
  - 17.60.090 – Satellite Dish Antennas.
  - 17.60.100 – Screening.
  - 17.60.110 – Security Bars.
  - 17.60.120 – Walls, Fences and Hedges.
  - 17.60.130 – Yard Encroachments.
- 17.62 to 17.68 – Reserved.*

#### **DIVISION 7 – PARKING AND LANDSCAPING REGULATIONS**

- 17.70 – Parking Regulations.
- 17.72 – Landscape Regulations.
- 17.74 – Landscape Water Efficiency.
- 17.76 to 17.78 – Reserved.*

#### **DIVISION 8 – SIGNAGE AND BILLBOARD REGULATIONS**

- 17.80 – Signage Regulations.
- 17.82 – Billboard Overlay Zone.
- 17.84 – Outdoor Advertising Structures.
- 17.84 to 17.88 – Reserved.*

## **DIVISION 9 – WIRELESS REGULATIONS**

17.90 – Wireless – New and Substantially Changed.

17.92 – Wireless – Eligible Facilities Request.

17.94 to 17.98 – *Reserved.*

## **DIVISION 10 – AFFORDABLE HOUSING REGULATIONS**

17.100 – Density Bonus Provisions.

17.102 – *Reserved for Inclusionary Housing.*

17.104 to 17.108 – *Reserved.*

## **DIVISION 11 – REGULATIONS APPLICABLE FOR SPECIFIC USES**

17.110 – Standards for Residential Uses:

17.110.010 – Purpose.

17.110.020 – Accessory Buildings.

17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.

17.110.040 – Home Occupation Permits.

17.110.050 – Live/Work Units.

17.110.060 – Mixed-Use – Vertical or Horizontal.

17.110.070 – *Reserved for Religious Institutions, Housing Developments.*

17.110.080 – Single Room Occupancy (SRO).

17.112.090 – Transitional Uses.

17.110.100 – Urban Dwellings.

17.110.110 – Urban Lot Splits.

17.110.120 – Urban Housing.

17.112 – Standards for Nonresidential Uses:

17.112.010 – Purpose.

17.112.020 – Adult Entertainment Establishments.

17.112.030 – Alcohol Sales (Off-Sale).

17.112.040 – Alternative Financial Services.

17.112.050 – Automated Teller Machine (ATM) Facilities.

17.112.060 – Collection Containers.

17.112.070 – Correctional Facilities.

17.112.080 – Drive-thru Business.

17.112.090 – Emergency Shelters and Low Barrier Navigation Centers.

17.112.100 – Hotels and Motels.

17.112.110 – Multiple-Tenant Centers.

17.112.120 – Outdoor Dining.

17.112.130 – Pawnbroker or pawnshop.

17.112.140 – Personal Service Uses (General, Restricted and Massage).

17.112.150 – Recycling Facilities.

17.112.160 – Secondhand Vendor.

17.112.170 – Significant Tobacco Retailer.

17.112 – Standards for Nonresidential Uses (continued):

17.112.180 – Vehicle Sales and Lease.

17.112.190 – Vehicle Repair Facilities.

17.112.200 – Vehicle Service Stations.

17.112.210 – Vehicle Washing Facilities.

17.114 to 17.118 – Reserved.

## **DIVISION 12 – ADMINISTRATION OF APPLICATIONS AND PERMITS**

17.120 – Zoning Clearance (ZCL) and Administrative Permit (AP).

17.121 – Initial Plan Review (IPR).

17.122 – Design and Minor Design Review (DR and MDR).

17.123 – Conditional and Minor Use Permit (CUP and MUP).

17.124 – *Temporary Use Permit (TUP) – Reserved.*

17.125 – Variance and Minor Variance (V and MV).

17.126 – Modification for an Individual with a Disability (MD).

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# CITY OF EL MONTE MUNICIPAL CODE – TITLE 15

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## **CHAPTER 15.01 BUILDING CODE<sup>1</sup>**

### **15.01.010 – Adoption of 2020 Los Angeles County Building Code.**

- A. The 2020 Los Angeles County Building Code is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.01, the 2020 Los Angeles County Building Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 and its appendices as adopted herein may be referred to collectively as the "El Monte Building Code" or "this code."
- B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of El Monte and certain equipment specifically regulated herein.

### **15.01.020 – Definitions.**

Except as otherwise provided in this Chapter, the words used in the El Monte Building Code shall have the meanings ascribed to them within the El Monte Building Code. The foregoing notwithstanding, the following terms shall have the meanings set forth below for purposes of this Chapter and the El Monte Building Code:

- A. Whenever the term "**municipality**," "**City**," "**County**" or "**City of El Monte**" is used, it shall mean the City of El Monte or the appropriate department, division, or agency of said City as the context may reasonably require.
- B. Whenever the term "**Legislative Body**," "**Board of Supervisors**," or "**City Council**" is used, it shall mean the City Council of the City of El Monte, California.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official of the City of El Monte.
- D. Whenever the term "**Building Department**" is used, it shall refer to the Building and Safety Division of the Community and Economic Development Department of the City of El Monte.
- E. If any term used in the El Monte Building Code refers to an office, officer, board, commission or other public body not established by, or having jurisdiction over or within, the City of El Monte, the term shall be deemed to refer to such office, officer, board, commission or other public body as shall in fact be charged with the responsibility of performing the duty intended to be performed by said office, officer, board, commission or other public body.

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<sup>1</sup> Editor's note(s)—Ord. No. 2963, § 11Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.01Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.01Editor's note(s)—, §§ 15.01.010Editor's note(s)——15.01.150, 15.01.510Editor's note(s)——15.01.600, pertained to similar subject matter and derived from Ord. No. 2710, § 5Editor's note(s)—(part), 2007; and Ord. No. 2756, § 5Editor's note(s)—, adopted Oct. 19, 2010.

- F. The terms "Los Angeles County Title 26 Building Code," "2020 Los Angeles County Building Code," "California Building Code," or "California Building Code, 2019 Edition" as used in the El Monte Municipal Code shall mean and refer to the El Monte Building Code as adopted and incorporated by reference under this Chapter.

**15.01.030 – Amendment of Section 114 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.**

Adoption of the California Building Code, 2019 Edition and the 2020 Los Angeles County Building Code shall be subject to the addition of the following Subsection 114.5 (Municipal Code Violations) to the text of Section 114 (Violations) of Chapter 1, Division II (Scope and Administration) of said Code:

Any person who violates any provision of the El Monte Building Code shall be punished as provided under Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

**15.01.040 – Amendment of Subsection 105.2 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.**

Adoption of the 2020 Los Angeles County Building Code shall be subject to the following amendments to Subsection 105.2 (Work Exempt from Permit-Building) of Section 105 (Permits) of Chapter 1, Division II (Scope and Administration):

Item "1" shall state the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the highest point of the roof does not exceed 15 feet 0 inches above adjacent grade. The accessory structure shall comply with the City Zoning Code regardless whether a permit for said structure is required or not.

Item "2" shall state the following:

2. Wood, wrought iron and similar fences not over 6 feet high and masonry, concrete and similar garden or pilaster fences not over 3 feet high. Fences shall comply with the City's Zoning Code regardless whether a permit is required or not.

Item "4" shall state the following:

4. Retaining walls not over 3 feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge. Retaining walls shall comply with the City's Zoning Code regardless whether a permit is required or not.

**15.01.050 Amendment of Subsection 107.2.5 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.**

Adoption of the 2020 Los Angeles County Building Code shall be subject to the addition of item 107.2.5.2 (Future Property Line) to Subsection 107.2.6 (Site plan) of Section 107 (Submittal Documents) of Chapter 1, Division II (Scope and Administration). This added item 107.2.6.2 shall state the following:

### **107.2.6.2 Future Property Line.**

- (a) It is contemplated that certain streets within the territorial boundaries of the City of El Monte may be widened in the future in compliance with the circulation elements of the City's updated General Plan. When such streets are proposed for future widening such information shall be shown on the official zoning maps in Title 17 of the El Monte Municipal Code.
- (b) Whenever building permits are issued for a structure on a lot having a future property line shown thereon in the official zoning maps, such future property line shall be considered to be the official lot line(s) for purposes of establishing building locations relative to set-backs, yard areas, open yards and the like.

### **15.01.060 – Amendment of Subsection 105.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.**

Adoption of the 2020 Los Angeles County Building Code shall be subject to the following amendments to Subsection 105.3 (Application for Permit) of Section 105 (Permits) of Chapter 1, Division II (Scope and Administration). This added item 105.3.3 shall state the following:

#### **105.3.3 Demolition Permits.**

- (a) Demolition permits may be issued to raze buildings and structures when the following pre-conditions have been satisfied:
  - 1. The permit applicant provides the Building Official with a reasonably detailed written description of the subject property as well as a legal description.
  - 2. The permit applicant provides the Building Official with the date the contemplated demolition will begin.
  - 3. The terms and conditions, if any, upon which each permit is granted are written upon the permit application or appended in writing thereto.
  - 4. The permit applicant, or his/her/its authorized agent, posts a cash/surety bond or a depositor's cash book assignment in an amount equal to the estimated cost, plus ten (10) percent of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.
  - 5. The permit applicant provides the Building Official with proof of compliance with the rules and regulations of the South Coast Air Quality Management District.
- (b) The Building Official may waive the requirement for a bond or deposit at his/her discretion when the demolition is included as part of the permit for a new structure on the same site.
- (c) Each bond posted or deposit made pursuant to the provisions of this Chapter 1, Division II (Scope and Administration) shall expressly require that each and every term and/or condition associated with a demolition permit be complied with to the satisfaction of the Building Official.

- (d) If a demolition permit does not set forth a specific completion date, the work authorized shall be completed within 60 days after the date of the issuance of the demolition permit, unless otherwise set forth by the written order of the Building Official in his/her discretion.
- (e) Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, the Building Official shall give written notice thereof to the permittee. In such notice of default, the Building Official shall state the work to be done, the estimated costs thereof, and the period of time determined by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified by the Building Official, the Building Official, without delay and without further notice or proceeding, shall proceed to use any cash/surety bond or depositor's cash book or any portion of such instrument, to cause the required work to be done by contract or otherwise. The balance, if any, of such instrument upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus ten percent (10%) thereof.
- (f) When a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this Chapter.
- (g) In the event of any default in the performance of any term or condition of the demolition permit, the Building Official, or any duly authorized person employed or engaged by the City, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, or his representatives, successors, or assignees, or any other person who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of El Monte engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in the performance of the terms or conditions thereof shall be guilty of a violation punishable in accordance with Title 1 (General Provisions), Chapter 1.24 (General Penalty) of the El Monte Municipal Code.
- (h) In addition to the demolition permit, permits for encroachments of public rights-of-way, the construction of protective canopies, electrical wiring, and the like, shall be obtained when required by the El Monte Municipal Code.
- (i) The requirements for pedestrian protection shall be those set forth under Chapter 33 (Safeguards During Construction) of the El Monte Building Code as adopted herein. Except as otherwise provided under the El Monte Building Code, any use of the public right-of-way shall conform to the requirements of the El Monte Department of Public Works.

- (j) The requirements, restrictions and procedures for the filling of abandoned cesspools and the capping of abandoned sewer lines shall be those set forth under the El Monte Plumbing Code as adopted pursuant to Chapter 15.02 of the El Monte Municipal Code.
- (k) All rubble, including footings and slabs, and debris shall be removed from the premises and the premises shall be left in a clean and orderly condition. The Building Official may approve alternate methods upon a written request by the applicant.
- (l) A permit applicant for any of the following varieties of projects, activities or undertakings shall also comply with the provisions of Chapter 8.20 (Solid Waste - Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code: (i) any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit; (ii) any renovation and repair projects performed at all varieties of premises (including, but not limited to, roof tear-offs); (iii) any premises clean-outs (including, but not limited to, apartment clean-outs); (iv) any warehouse clean-ups; (v) nuisance and/or weed abatement clean-ups; or (vi) any street/road maintenance clean-ups.

**15.01.070 – Amendment of Subsections 109.1, 109.2 and 109.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.**

Adoption of the 2020 Los Angeles County Building Code shall be subject to the amendment of Subsections 109.1, 109.2 and 109.3 of Chapter 1, Division II (Scope and Administration) in their entirety. As amended, Subsections 109.1, 109.2 and 109.3 shall now read as follows:

**109.1 General.**

All fees or service charges established in connection with this Chapter shall be paid to the Building Official c/o El Monte Licensing Division. Permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges established by resolution of the El Monte City Council and fees and services charges may be amended, modified and/or updated from time to time by City Council resolution.

**109.2 Permit Fees.**

The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this Chapter, shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

**109.3 Plan Review Fees.**

- (a) When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this Chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed so as to require additional plan review (recheck), a recheck fee shall be paid at

the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council. The plan review fees specified in this Section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged as set forth in the adopted fee schedule.

**15.01.080 – Amendment of Section 202 of Chapter 2 (Definitions) of the 2020 Los Angeles County Building Code.**

Adoption of the 2020 Los Angeles County Building Code shall be subject to amendment of Section 202 of Chapter 2 (Definitions) of the California Building Code, 2019 Edition by the addition of the following defined term to the list of defined terms set forth therein:

GARAGE, PRIVATE, is a building or portion of a building in which motor vehicles are kept or stored, and which has three sides fully enclosed with approved materials. The fourth side shall be provided with a door or doors providing ingress and egress for the motor vehicles to be kept therein.

**15.01.090 Reserved.**

**15.01.100 Reserved.**

**15.01.110 – Adoption of Appendices.**

The following appendices that are part of the 2020 Los Angeles County Building Code are adopted in their entirety:

- A. Appendix I, Patio Covers; and
- B. Appendix J, Grading.

(Ord. No. 2963, § 11, 12-17-2019)

**15.01.120 – Amendment of Appendix "J" (Grading) of the 2020 Los Angeles County Building Code.**

- A. Appendix "J" (Grading) of the 2020 Los Angeles County Building Code is amended by amending Section J109 in its entirety to state the following:

**Section J109.1 Drainage.** All drainage facilities shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the City Engineer.

Drainage waters shall not flow over a public sidewalk or parkway, but shall be deposited in a concrete receptor, located outside the driveway and parking area where possible, and approved for the purpose, and then carried under the sidewalk or parkway, through the curb into the gutter in a manner approved by the City Engineer.

EXCEPTION: Group U Occupancies and R-3 Occupancies, other than townhouses, may flow over a public sidewalk or parkway.

Surface waters entrapped on adjacent properties by reason of any fill shall be drained by the installation of pipes, conduits, culverts, or flumes in keeping with good engineering practices and design, to the nearest street, storm drain, or natural watercourse, as approved by the Director of Public Works and shall be the responsibility of the owner of the property on which the fill is placed.

No slope of any kind shall drain surface waters onto adjoining property limits and where fill exceeds 12 inches in depth.

**15.01.130 – Adoption of Additional Related Codes.**

Except as hereinafter changed or modified, the following parts of the California Code of Regulations are adopted in their entirety:

- A. Part 8, 2019 California Historical Building Code; and
- B. Part 12, 2019 California Referenced Standards Code (Ord. No. 2963, § 11, 12-17-2019)

**15.01.140 – Exclusion of Other Appendices.**

Any additional appendices which may happen to be contained within the same book volume as the California Building Code, 2019 Edition, are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

**15.01.510 – Adoption of 2020 Los Angeles County Residential Code.**

- A. The 2020 Los Angeles County Residential Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019, is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.01, the 2020 Los Angeles County Residential Code as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 and its appendices as adopted herein may be referred to collectively as the "El Monte Residential Code" or "this code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of El Monte and certain equipment specifically regulated herein.
- C. For clarification purposes, the 2020 Los Angeles County Residential Code contains Chapters 1 through 10 and 44, as the state adoption of the 2018 International Building Code excluded Chapters 11 through 43.

**15.01.520 – Definitions.**

Except as otherwise provided in this Chapter, the words used in the El Monte Residential Code shall have the meanings ascribed to them within the El Monte Residential Code. The foregoing notwithstanding, the following terms shall have the meanings set forth below for purposes of this Chapter and the El Monte Residential Code:

- A. Whenever the term "**municipality**," "**City**," "**county**," or "**City of El Monte**" is used, it shall mean the City of El Monte or the appropriate department, division, or agency of said City as the context may reasonably require.
- B. Whenever the term "**Board of Supervisors**," "**legislative body**" or "**City Council**" is used, it shall mean the City Council of the City of El Monte, California.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official of the City of El Monte.
- D. Whenever the term "**Building Department**" is used, it shall refer to the Building and Safety Division of the Community and Economic Development Department of the City of El Monte.
- E. If any term used in the El Monte Residential Code refers to an office, officer, board, commission or other public body not established by, or having jurisdiction over or within, the City of El Monte, the term shall be deemed to refer to such office, officer, board, commission or other public body as shall in fact be charged with the responsibility of performing the duty intended to be performed by said office, officer, board, commission or other public body.
- F. The terms "**Los Angeles County Title 30 Residential Code**," "**2020 Los Angeles County Residential Code**," "**California Residential Code**" or "**California Residential Code, 2019 Edition**" as used in El Monte Municipal Code shall mean and refer to the El Monte Residential Code as adopted and incorporated by reference under this Chapter.

**15.01.530 – Amendment of Section R113 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the addition of the following Subsection R113.5 (Municipal Code Violations) to the text of Section R113 (Violations) of Chapter 1, Division II (Scope and Administration) of said Code:

Any person who violates any provision of the El Monte Building Code shall be punishable as provided under Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

**15.01.540 – Amendment of Subsection R105.2 of Chapter 1, Division II (Scope and Administration) of 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the following amendments to Subsection R105.2 (Work Exempt from Permit) of Section R105 (Permits) of Chapter 1, Division II (Scope and Administration):

Item "1" shall state the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the highest point of the roof does not exceed 15 feet 0 inches above adjacent grade. The accessory structure shall comply with the City Zoning Code regardless whether a permit for said structure is required or not.

Item "2" shall state the following:

2. Wood, wrought iron and similar fences not over 6 feet high and masonry, concrete and similar garden or pilaster fences not over 3 feet high. Fences shall comply with the City's Zoning Code regardless whether a permit is required or not.

Item "3" shall state the following:

3. Retaining walls not over 3 feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge. Retaining walls shall comply with the City's Zoning Code regardless whether a permit is required or not.

**15.01.550 – Amendment of Subsection R106.2 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the addition of item R106.2.1 (Future Property Line) to Subsection R106.2 (Site Plan or Plot Plan) of Section R106 (Construction Documents) of Chapter 1, Division II (Scope and Administration). This added item R106.2.1 shall state the following:

**R106.2.1 Future Property Line.**

- (a) It is contemplated that certain streets within the territorial boundaries of the City of El Monte may be widened in the future in compliance with the circulation elements of the City's updated General Plan. When such streets are proposed for future widening such information shall be shown on the official zoning maps in Title 17 of the El Monte Municipal Code.
- (b) Whenever building permits are issued for a structure on a lot having a future property line shown thereon in the official zoning maps, such future property line shall be considered to be the official lot line(s) for purposes of establishing building locations relative to set-backs, yard areas, open yards and the like.

**15.01.560 – Amendment of Subsection R105.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the following amendments to Subsection R105.3 (Application for Permit) of Section R105 (Permits) of Chapter 1, Division II (Scope and Administration). This added item R105.3.3 shall state the following:

**R105.3.3 Demolition Permits.**

- (a) Demolition permits may be issued to raze buildings and structures when the following pre-conditions have been satisfied:
  1. The permit applicant provides the Building Official with a reasonably detailed written description of the subject property as well as a legal description.
  2. The permit applicant provides the Building Official with the date the contemplated demolition will begin.
  3. The terms and conditions, if any, upon which each permit is granted are written upon the permit application or appended in writing thereto.

4. The permit applicant, or his/her/its authorized agent, posts a cash/surety bond or a depositor's cash book assignment in an amount equal to the estimated cost, plus ten (10) percent of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.
  5. The permit applicant provides the Building Official with proof of compliance with the rules and regulations of the South Coast Air Quality Management District.
- (b) The Building Official may waive the requirement for a bond or deposit at his/her discretion when the demolition is included as part of the permit for a new structure on the same site.
  - (c) Each bond posted or deposit made pursuant to the provisions of this Chapter 1, Division II (Scope and Administration) shall expressly require that each and every term and/or condition associated with a demolition permit be complied with to the satisfaction of the Building Official.
  - (d) If a demolition permit does not set forth a specific completion date, the work authorized shall be completed within 60 days after the date of the issuance of the demolition permit, unless otherwise set forth by the written order of the Building Official in his/her discretion.
  - (e) Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, the Building Official shall give written notice thereof to the permittee. In such notice of default, the Building Official shall state the work to be done, the estimated costs thereof, and the period of time determined by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified by the Building Official, the Building Official, without delay and without further notice or proceeding, shall proceed to use any cash/surety bond or depositor's cash book or any portion of such instrument, to cause the required work to be done by contract or otherwise. The balance, if any, of such instrument upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus ten (10) percent thereof.
  - (f) When a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this Chapter.
  - (g) In the event of any default in the performance of any term or condition of the demolition permit, the Building Official, or any duly authorized person employed or engaged by the City, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, or his representatives, successors, or assignees, or any other person who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of El Monte engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in

the performance of the terms or conditions thereof shall be guilty of a violation punishable in accordance with Title 1 (General Provisions), Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

- (h) In addition to the demolition permit, permits for encroachments of public rights-of-way, the construction of protective canopies, electrical wiring, and the like, shall be obtained when required by the El Monte Municipal Code.
- (i) The requirements for pedestrian protection shall be those set forth under Chapter 33 (Safeguards During Construction) of the California Building Code as adopted herein. Except as otherwise provided under the El Monte Building Code, any use of the public right-of-way shall conform to the requirements of the El Monte Department of Public Works.
- (j) The requirements, restrictions and procedures for the filling of abandoned cesspools and the capping of abandoned sewer lines shall be those set forth under the El Monte Plumbing Code as adopted pursuant to Chapter 15.02 of the El Monte Municipal Code.
- (k) All rubble, including footings and slabs, and debris shall be removed from the premises and the premises shall be left in a clean and orderly condition. The Building Official may approve alternate methods upon a written request by the applicant.
- (l) A permit applicant for any of the following varieties of projects, activities or undertakings shall also comply with the provisions of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code: (i) any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit; (ii) any renovation and repair projects performed at all varieties of premises (including, but not limited to, roof tear-offs); (iii) any premises clean-outs (including, but not limited to, apartment clean-outs); (iv) any warehouse clean-ups; (v) nuisance and/or weed abatement clean-ups; or (vi) any street/road maintenance clean-ups.

**15.01.570 – Amendment of Subsections R108.1, R108.2 and R108.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the amendment of Subsections 108.1, 108.2 and 108.3 of Chapter 1, Division II (Scope and Administration) in their entirety. As amended, Subsections 108.1, 108.2 and 108.3 shall now read as follows:

**R108.1 General.**

All fees or service charges established in connection with this Chapter shall be paid to the Building Official c/o the El Monte Licensing Division. Permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

**R108.2 Permit Fees.**

The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this Chapter, shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

**R108.3 Plan Review Fees.**

(a) When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this Chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed so as to require additional plan review (recheck), a recheck fee shall be paid at the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council.

**15.01.580 – Amendment of Section R202 of Chapter 2 (Definitions) of the 2020 Los Angeles County Residential Code.**

Adoption of the 2020 Los Angeles County Residential Code shall be subject to amendment of Section R202 of Chapter 2 (Definitions) of the California Residential Code, 2019 Edition, by the addition of the following defined term to the list of defined terms set forth therein:

GARAGE, PRIVATE, is a building or portion of a building in which motor vehicles are kept or stored, and which has three sides fully enclosed with approved materials. The fourth side shall be provided with a door or doors providing ingress and egress for the motor vehicles to be kept therein.

**15.01.590 – Adoption of Appendices.**

The following appendix that is part of the 2020 Los Angeles County Residential Code is adopted in its entirety:

Appendix "H," Patio Covers

**15.01.600 Exclusion of Other Appendices.**

Any additional Appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Title 30 Residential Code (California Residential Code, 2019 Edition), are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

## **CHAPTER 15.02 – PLUMBING CODE<sup>2</sup>**

### **15.02.010 – Adoption of 2020 Los Angeles County Plumbing Code.**

- A. The 2020 Los Angeles County Plumbing Code as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.02, the 2020 Los Angeles County Plumbing Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 as adopted herein may be referred to as the "El Monte Plumbing Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing system within the City of El Monte.

### **15.02.020 – Administrative authority.**

Adoption of the 2020 Los Angeles County Plumbing Code shall be subject to the addition of the following sentence to Subsection 103.1 (General) of Section 103.0 (Duties and Powers of the Authority Having Jurisdiction) of Chapter 1, Division II (Administration):

Whenever the terms "administrative authority" or "authority having jurisdiction" is used in this Code or its appendices, it shall mean and refer to the Chief Building Official of the City of El Monte or designee.

### **15.02.030 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Plumbing Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees or service charges of the City of El Monte unless changed by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

(Ord. No. 2963, § 12, 12-17-2019)

### **15.02.040 – Adoption of Appendices.**

- A. The following appendices that are part of 2020 Los Angeles County Plumbing Code are adopted in their entirety:

Appendices "A," "B," "D," "G," "I," and "K."

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<sup>2</sup> Editor's note(s)—Ord. No. 2963, § 12Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.02Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.02Editor's note(s)—, §§ 15.02.010Editor's note(s)—15.02.050, pertained to similar subject matter and derived from Ord. No. 2706, § 5Editor's note(s)—(part), 2007; and Ord. No. 2759, § 4Editor's note(s)—, adopted Oct. 19, 2010.

- B. Adoption of the 2020 Los Angeles County Plumbing Code shall be subject to the adoption and incorporation of an additional Appendix N (Swimming Pools). As adopted, Appendix N (Swimming Pools) shall state and provide the following:

APPENDIX N

Swimming Pools

Basic Provisions: Appendix N (Swimming Pools) is hereby added for the purpose of providing basic plumbing regulations with respect to swimming pools.

N1 - Swimming pool wastewater shall be disposed of as hereinafter set forth in this Section and the type of disposal proposed shall be approved by the Administrative Authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface run-off shall be established to the satisfaction of the Administrative Authority.

N2 - The following are legal methods of swimming pool wastewater disposal:

1. To a public sewer.
2. On the property if the property is large enough to ensure that runoff will not encroach on abutting property.
3. To a tank truck.

N3 - No direct connection shall be made between any sewer, drainage system, drywell or subsoil irrigation line and any line connected to a swimming pool.

N4 - Wastewater from any filter, scum gutter overflow, pool emptying line or similar apparatus or appurtenance when discharged to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

N5 - Except as provided in N6, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the flood rim of the receptor.

N6 - No scum gutter drain, overflow drain, back wash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain, or overflow inlets are at least six (6) inches (152.4 mm) above the surface rim of the receptor.

N7 - A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 6 of the California Plumbing Code.

N8 - Plans for other than private swimming pools shall be approved by the Los Angeles County Health Department.

**15.02.050 – Exclusion of Other Appendices.**

Any additional appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Plumbing Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

## **CHAPTER 15.03 – MECHANICAL CODE<sup>3</sup>**

### **15.03.010 – Adoption of 2020 Los Angeles County Mechanical Code.**

- A. The 2020 Los Angeles County Mechanical Code is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.03, the 2020 Los Angeles County Mechanical Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 as adopted herein may be referred to as the "El Monte Mechanical Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, location, operation and maintenance or use of heating, ventilation, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City of El Monte.

### **15.03.020 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Mechanical Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless established by changed by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

### **15.02.030 – Adoption of Appendices.**

The following appendices that are part of the 2020 Los Angeles County Mechanical Code are adopted in their entirety:

Appendices "B," "C," and "D."

### **15.03.040 – Exclusion of Other Appendices.**

Any additional Appendices which may happen to be contained within the same book volume as the California Mechanical Code, 2019 Edition, are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

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<sup>3</sup> Editor's note(s)—Ord. No. 2963, § 15Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.03Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.03Editor's note(s)—, §§ 15.03.010Editor's note(s)— and 15.03.040Editor's note(s)—, pertained to similar subject matter and derived from Ord. No. 2668, § 2Editor's note(s)—(part), 2006; and Ord. No. 2757, § 4Editor's note(s)—, adopted Oct. 19, 2010.

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## **CHAPTER 15.04 – GREEN BUILDING STANDARDS CODE<sup>4</sup>**

### **15.04.010 – Adoption of 2020 Los Angeles County Green Building Standards Code.**

The 2020 Los Angeles County Green Building Standards Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.04, the 2020 Los Angeles County Green Building Standards Code as adopted herein may be referred to as the "El Monte Green Building Standards Code" or "this Code."

### **15.04.020 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Green Building Standards Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

### **15.04.030 Exclusion of Appendices.**

Any appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Green Building Standards Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

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<sup>4</sup> Editor's note(s)—Ord. No. 2963, § 16Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.04Editor's note(s)— in its entirety to read as herein set out. Former Ch. 1504, §§ 15.04Editor's note(s)——15.030, pertained to Ch. 15.04Editor's note(s)—, and derived from Ord. No. 2760, § 4Editor's note(s)—, adopted Oct. 19, 2010; Ord. No. 2836, § 28, adopted Jan. 28, 2014; and Ord. No. 2904, § 16Editor's note(s)—, adopted Dec. 6, 2016.

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## **CHAPTER 15.05 – ELECTRICAL CODE<sup>5</sup>**

### **15.05.010 – Adoption of 2020 Los Angeles County Electrical Code.**

- A. The 2020 Los Angeles County Electrical Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.05, the 2020 Los Angeles County Electrical Code as adopted herein may be referred to as the "El Monte Electrical Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any electrical system within the City of El Monte.

### **15.05.020 – Amendment of Article 90 (Introduction) of the 2020 Los Angeles County Electrical Code.**

Adoption of the 2020 Los Angeles County Electrical Code shall be subject to the addition of Section 90.10 (Administration) to Article 90 (Introduction). As adopted, Section 90.10 shall read as follows:

#### **90.10. Administration.**

All administrative permitting and related requirements of the El Monte Electrical Code shall be governed by the applicable provisions of Chapter 1.24 (General Penalty) of Title 1 (General Provisions) of the El Monte Municipal Code.

### **15.05.030 – Authority of Building Official.**

The adopted provisions of the 2020 Los Angeles County Electrical Code, notwithstanding, the Building Official of the City of El Monte, or the Building Official's expressly authorized City-employed representative(s) shall oversee the enforcement of the provisions of the El Monte Electrical Code and shall be vested with the authority to enforce all such provisions on behalf of the City of El Monte.

### **15.05.040 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Electrical Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless amended by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

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<sup>5</sup> Editor's note(s)—Ord. No. 2963, § 17Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.05Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.05Editor's note(s)—, §§ 15.05.010Editor's note(s)—15.05.070, pertained to similar subject matter and derived from Ord. No. 2667, § 1Editor's note(s)—(part), 2006; Ord. No. 2709, § 4Editor's note(s)—(part), 2007; and Ord. No. 2758, § 4Editor's note(s)—, adopted Oct. 19, 2010.

**15.05.050 Adoption of Annexes.**

The following annexes that are part of the 2020 Los Angeles County Electrical Code are adopted in their entirety:

Annexes "A," "B," "C," "D," "E," "F," "G" and "H."

**15.05.060 Exclusion of Other Annexes.**

Any additional annexes which may happen to be contained within the same book volume as the 2020 Los Angeles County Electrical Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

## **CHAPTER 15.06 – ENERGY CODE**

### **15.06.010 – Adoption of 2019 California Energy Code.**

The 2019 California Energy Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.06, the 2019 California Energy Code as adopted herein may be referred to as the "El Monte Energy Code" or "this Code."

### **15.06.020 – Fees and Service Charges.**

The adopted provisions of the 2019 California Energy Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

### **15.06.030 Exclusion of Appendices.**

Any appendices which may happen to be contained within the same book volume as the 2019 California Energy Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

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## **CHAPTER 15.07 – EL MONTE ART IN PUBLIC PLACES PROGRAM**

### **15.07.010 – Program Creation.**

This Chapter may be known and cited as the "El Monte Art in Public Places Program." The intent of the Art in Public Places Program is to provide a collection of nationally recognized, permanent outdoor artwork throughout the City of El Monte, to be of public benefit. The program is designed to present the community with a variety of artwork styles and themes, all of the highest possible quality.

### **15.07.020 – Definitions.**

As used in this Chapter:

**"Advisory Committee"** means the Art in Public Places Advisory Committee organized pursuant to Section 15.07.070 of this Chapter.

**"Art Coordinator"** means a person designated by the Community Development Director who shall review and evaluate all applications submitted pursuant to this Chapter; work with project applicants to develop and refine artwork proposals; and make recommendations to the Art in Public Places Advisory Committee.

**"Artwork"** means original creations of art, including, but not limited to, the following categories; sculpture, murals, mosaic, and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile, and stone, as well as other materials deemed suitable under the program guidelines established by the Community Development Director.

**"Development project"** and **"project"** means any construction, rehabilitation or renovation undertaking for which a building permit is required, including, but not limited to, construction, rehabilitation or renovation undertakings that are completed in multiple phases under separate building permits applied for within a 12 month period commencing from the date that the first of the building permit is issued.

**"Planning Division"** means the El Monte Planning Division of the El Monte Economic Development Department.

**"Project"** means any undertaking that develops, erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes any real property and/or improvements.

**"Project cost"** means the total value of a development project, excluding the land value, whether or not the development project is undertaken (i) in a single phase under a single building permit; or (ii) in multiple phases under multiple building permits applied for within a 12 month period commencing from the date that the first of the building permits is issued.

**"Public place"** means any exterior area on public or private property which is accessible and visible to the general public.

**15.07.030 – Requirement to Provide Art Work or Pay In-lieu Contribution.**

When a project is subject to the requirements of this Chapter, the project applicant shall comply with provisions of either Subsection A or B of this Section or a combination of both:

- A. The project applicant shall acquire and install an artwork in a public place on or in the vicinity of the project site as approved by the City Council pursuant to this Chapter. The cost or value of such work as approved by the City Council shall equal or exceed the amount of an in-lieu contribution that would otherwise be made under Subsection (B) of this Section.
- B. In lieu of acquiring and installing an artwork, project applicants may contribute funds to the art in public places fund established pursuant to Section 15.07.080 of this Chapter equal to one (1) percent of the total project cost, up to a maximum amount as established by City Council Resolution. The in-lieu fee shall be paid by the project applicant before the issuance of building permits, unless otherwise provided by the City Council. Project applicants shall indicate on their art in public places application that they wish to make an in-lieu contribution.

**15.07.040 – Project Subject to Art in Public Places Requirement.**

- A. The requirements of this Chapter shall apply to the following development projects:
  - 1. Commercial or industrial projects which incur project costs totaling more than five hundred thousand dollars (\$500,000.00), including, but not limited to, commercial or industrial development projects undertaken in multiple phases under separate building permits within a 12 month period commencing from the date the first of the multiple building permits is issued;
  - 2. Development projects involving the new construction of four (4) or more residential dwelling units, including, but not limited to, development projects involving the new construction of four (4) or more residential dwelling units (i) within a single building, structure or mixed use development; (ii) within a planned unit development; or (iii) within a mixed-unit development.

For purposes of this Section, commercial or industrial development projects include, but are not limited to, the construction, rehabilitation and/or renovation of (i) multiple tenant developments; (ii) nonresidential portions of mixed-use developments; and (iii) buildings, facilities or other structures designed and approved for the following purposes: retail or wholesale; manufacturing; mechanical repair; office use; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house.

- B. Exceptions. The requirements of this Chapter shall not apply to the following activities:
  - 1. All public work and governmental agency projects;
  - 2. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;

3. Religious, hospital, scientific, charitable organizations, public educational institutions (such as public primary and secondary schools, public colleges, public adult schools and the like) if the project is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214.

**15.07.050 – Guidelines for Artwork.**

Subject to approval by the City Council, the El Monte Economic Development Department shall develop and establish guidelines for the construction, approval and maintenance of artworks. For the purposes of this Chapter such guidelines shall be referred to elsewhere in this Chapter as the "City Guidelines." The City Guidelines shall include, but are not limited to, the following criteria;

- A. The artwork shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site;
- B. The art in public places application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork;
- C. The composition of the artwork shall be of a permanent type of material in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance;
- D. The artwork shall be related in terms of scale, materials, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment;
- E. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
- F. The artwork shall be permanently affixed to the property;
- G. The artwork shall be maintained by the property owner in a safe, neat, clean and orderly manner acceptable to the City. The artwork shall also be maintained in good repair;
- H. The artwork installed on a project site shall remain the property of the project applicant. Artwork installed on City property shall be the property of the City;
- I. Prior to the issuance of building permits, the property owner shall execute and record with the Registrar-Recorder/County Clerk for the county of Los Angeles, covenants, conditions and restriction in the form and content approved by the Community Development Director and the City Attorney providing, among other things:
  1. That the property owner, its successor and assigns and all subsequent owners of the underlying real property shall maintain the artwork as required by Subsection (G) of this Section;

2. That the owner shall indemnify, defend and hold the City, its elected and appointed officials, officers, employees, volunteers and related parties harmless from any and all claims or liabilities arising out of the artwork; and
  3. That owner shall provide the City Clerk's office with a certificate of public liability insurance naming the City as an additional insured including such coverage and liability limits as may be specified by the Community Development Director.
- J. The following items are not to be considered as art works:
1. Art objects which are mass produced from a standard design;
  2. Reproductions of original art works;
  3. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the artwork;
  4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are in integral part of the artwork by the artist; and
  5. Services or utilities necessary to operate or maintain the artwork.

**15.07.060 – Processing.**

The requirements and procedures for the processing of an art in public places application shall be as follows:

- A. Upon submission of a project application subject to the requirements of this Chapter, the Planning Division shall provide the project applicant with a copy of the ordinance as codified in this Chapter of the El Monte Municipal Code and an art in public places application form.
- B. The project applicant shall submit to the Planning Division a completed art in public places application form in a timely manner as set forth under the City Guidelines.
- C. The Planning Division shall, upon receipt of the application, submit the application to the Art Coordinator. The Art Coordinator shall review each project applicant's initial artwork proposal; work with each project applicant to modify and/or refine each artwork proposal to ensure its conformity with the City Guidelines and to maximize its aesthetic compatibility with its anticipated surroundings; and make recommendations on each artwork application based on his or her determinations. The Art Coordinator, in consultation with Economic Development staff, shall also ascertain the required value of the artwork and the required amount of in-lieu fees in the event the project applicant elects to pay such fees as an alternative to the installation of artwork.
- D. Within 60 days from the date the application is submitted to the Art Coordinator, the Art Coordinator shall submit to the Advisory Committee a written proposal based on the Art Coordinator's investigation and determinations and his or her consultations with the project applicant.
- E. Within 30 days from the date upon which the Advisory Committee receives a recommended proposal from the Art Coordinator, the Advisory Committee shall review and comment upon

the recommendation and in its sole and absolute discretion, formulate and make a recommendation of its own to the City Council. The Advisory Committee's failure to make a recommendation to the City Council within the time allotted shall result in the Art Coordinator's recommendation becoming the recommendation of the Advisory Committee.

- F. The City Council shall either approve the artwork proposal as recommended by the Advisory Committee; approve the artwork proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny the artwork proposal. All City Council approvals shall be final.

If the City Council denies an initial artwork proposal, the project applicant, within 30 days of the denial, shall submit a written notice to the City Clerk indicating that the project applicant has elected: (1) to have the artwork proposal reconsidered at the Advisory Committee level so that the Advisory Committee in consultation with the Art Coordinator and the project applicant may develop and submit a revised and reformulated proposal for City Council approval within 30 days from the filing date of the project applicant's written request; or (2) to contribute appropriate funds into the art in public places fund in lieu of installing artwork. Subject to the restrictions of Subsection (G) of this Section, a project applicant may make successive written requests to have a denied proposals reconsidered at the Advisory Committee level until a proposal acceptable to the City Council is developed. All written requests to have a revised proposal reconsidered at the Advisory Committee level shall be made within 30 days from the date of a denial.

The City Council reserves the right to approve a revised and reformulated artwork proposal as proposed; approve a revised and reformulated artwork proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny such revised and reformulated proposals. Subject to the restrictions of Subsection (G) of this Section, denials of initial artwork proposals or revised and reformulated artwork proposals shall be final if the project applicant subsequently elects to contribute to the art in public places fund in lieu of installing artwork; or upon the project applicant's failure to timely request that a denied proposal be reconsidered at the Advisory Committee level.

- G. When the project applicant has elected to acquire and install an artwork, no building permit may be issued until the City Council has approved an artwork proposal, and no certificate of occupancy shall be issued until the approved artwork has been installed.
- H. In the event the City Council has approved an artwork proposal but the artwork itself cannot be completed before the completion of the overall private project, the project applicant may request that a certificate of occupancy be issued absent installation of the artwork, provided the project application first submits to the El Monte Economic Development Department a cashier's check in an amount equivalent to the required value of the artwork. The Economic Development Department shall hold the funds in trust until the artwork is completed, permanently installed and inspected for compliance with this Chapter. As an additional condition to the issuance of a certificate of occupancy pursuant to this Subsection, the project applicant shall be required to execute a three (3) party written agreement between the project applicant, the proposed artist and the City of El Monte regarding the artist's payment plan, using the funds held in trust by the Economic Development Department. The

agreement shall provide that the City will be authorized to determine the final location of the artwork, should there be any complications over the arrangement. Should the artwork not be installed after six (6) months from the issuance of a certificate of occupancy, the City shall control the decision-making regarding the funds in trust and completion of the public artwork. Any project applicant who is issued a certificate of occupancy pursuant to this Subsection, must install the approved artwork no later than six (6) months from the date the certificate of occupancy is issued. Nothing in this Subsection shall preclude the City from denying a certificate of occupancy pursuant to provisions of the El Monte Municipal Code and/or state law unrelated to the subject matter of this Chapter.

- I. If the project applicant has elected to make an in-lieu contribution to the art in public places fund, no building permits shall be issued until such contribution has been paid.

**15.07.070 – Art in Public Places Advisory Committee.**

- A. The Art in Public Places Advisory Committee (the "Advisory Committee") is a review panel charged with reviewing art in public places applications; evaluating the artwork recommendations of the Art Coordinator with the aim of insuring that all artwork criteria established pursuant to this Chapter, including the City Guidelines, are met; and making recommendations to the City Council as to each art in public places application. The Advisory Committee shall review the applications and examine the proposals for public safety, weather resistance, balance within the program, verification of value, public response, proper lighting, public accessibility, installation methods, proportion, composition, the artist's previous experience on monumental scale sculpture, the artist's art training and exhibition record, and the art works aesthetic compatibility with its anticipated surrounds. The Committee, shall consist of:
  1. Two (2) representative member of the El Monte Planning Commission; and
  2. Three (3) El Monte residents appointed by the City Council who shall serve as public representatives. Where commissioners are found to be inactive, an alternate member of the Planning Commission and/or an additional resident may be appointed.
- B. The five (5) commission representatives to the Advisory Committee shall be appointed by the Mayor, subject to approval by the City Council, pursuant to Government Code Section 40605. Members of the commissions shall be reappointed annually; residents shall be reappointed bi-annually.
- C. The El Monte Economic Development Department and the Art Coordinator shall be responsible for providing administrative, investigative and advisory support to the Advisory Committee. The presence of at least three (3) Advisory Committee members at any regular, adjourned or special meeting of the Advisory Committee shall constitute the minimum quorum necessary to conduct business and take action.

**15.07.080 – Art in Public Places Fund.**

- A. Accounting. Any moneys collected in accordance with the in-lieu contributions provisions of this Chapter shall be deposited in a separate account denominated as the "Art in Public Places Fund." The El Monte Economic Development Department in cooperation with the El

Monte Finance Division shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in Subsection (B) of this Section.

- B. Use of Fund. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this Chapter as set forth in Section 15.07.010 of this Chapter.
- C. Permissible Expenditures. Expenditures of funds shall be limited to the following uses:
  - 1. The cost of artwork and its installation;
  - 2. Waterworks, landscaping, lighting and other objects which are an integral part of the artwork;
  - 3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork;
  - 4. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the artwork;
  - 5. Maintenance and repair of art works funded through the art in public places fund.
- D. Administration.
  - 1. The art in public places fund shall be administered jointly by the El Monte Economic Development Department and the El Monte Finance Division.
  - 2. The Advisory Committee shall make recommendations to the City Council concerning the purchase or commissioning of art works with art in public places funds, including:
    - a. Places which should be considered for artwork;
    - b. The medium of the proposed artwork; and
    - c. The artist whose work should be considered for placement in the recommended location.
  - 3. Selection of artists and art works shall be based on the guidelines to be established pursuant to Section 15.07.050 of this Chapter.
  - 4. The City will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the artwork.
  - 5. On-site activity in connection with the artwork installation shall be coordinated by the Community Development Director or his or her designee under the supervision of the City Manager.
  - 6. Maintenance and repair of artwork funded through the art in public places fund shall be financed from that account.
  - 7. So far as is practical, in the event repair of the artwork is required, the City shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is

unable or refuses to make the repair for such a fee, the City may proceed to contract for such repair with another qualified artist.

- E. Endorsements. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in Subsection (C) of this Section as approved by the City Council.

## **CHAPTER 15.08 – PUBLIC FACILITIES IMPACT FEES**

### **15.08.010 – Fee Authorization.**

- A. Except as otherwise provided under this Chapter, the approval by the City of a "development project," as said term is defined under Section 66000(a) of the California Government Code, shall be subject to the imposition of one or more of the fees, as applicable under Subsection (C), below, as a condition of approval of such development project by the City. For purposes of this Chapter, the term "development project" also means:
1. Any substantial improvement, alteration, renovation and/or expansion of any existing structure or improvement in the event that such improvement or expansion adds more than 50 percent of structural area to an existing single or multifamily residential unit or adds more than 100 square feet of area to any other type of existing building use; or
  2. Any improvement, alteration and/or renovation of an existing structure or improvement which results in a net increase in the number of units within the structure or improvement; or which results in a substantial intensification of the use of the structure or improvement.
- B. The specific amount of each variety of public facilities impact fees authorized under this Chapter shall be established and from time to time adjusted by resolution of the El Monte City Council in accordance with applicable law. Fee amounts established by resolution may be automatically adjusted each year by an amount not exceeding 75 percent of the annual percentage change in the consumer price index for the Los Angeles-Long Beach statistical area. The foregoing notwithstanding, fees established by resolution may not be automatically adjusted for a period exceeding five (5) consecutive years from the effective date of the resolution establishing such fees. Prior to the conclusion of such five-year period, the City shall be required to commission, consider and approve an updated fee study and adopt fees in accordance with the findings of the updated study.
- C. The public facilities impact fees authorized under this Chapter include for the enhancement, expansion and/or improvement of:
1. Sewer facilities;
  2. Storm drain facilities;
  3. Traffic signals;
  4. Street and transportation facilities.
- D. Fees established pursuant to this Chapter are in addition to, and not in substitution of, any other required fees and/or charges relative to development of a subject property and shall be for the purpose of enhancing, expanding and/or improving those public facilities set forth under Subsection (C), above, so as to mitigate impacts upon the level and/or quality of service by new development within the City.

- E. No building permit shall be issued for any development project unless and until any and all fees authorized under this Chapter and required by resolution have been paid in full to the City, or paid subject to a fee waiver pursuant to Subsection (F) of Section 15.08.010 has been issued.
- F. An applicant for any "development project," subject to the fee described in Section 15.08.010(A) may apply to the Public Works Director for a waiver of the fee, based upon the absence of any impact of that development on City facilities and services. The application shall be made in writing and filed with the Public Works Director prior to the issuance of a building permit authorizing construction of the project that is subject to the fee. The application shall state completely and in detail the applicant's factual basis, supported by studies or reports for a fee waiver.
  - 1. The applicant may elect to pay the full fee under protest at the time of the submittal of the fee waiver application in order to obtain a building permit in advance of the determination of the fee waiver application. If the full fee is paid under protest and the application is subsequently granted, then the applicant shall receive a refund in the amount of the fee paid.
  - 2. The Public Works Director shall consider the application and respond in writing setting forth the reasons for approval, denial, or request for additional information within 60 days. The decision of the Public Works Director is appealable pursuant to Subsection (G) of Section 15.08.010.
  - 3. The application process under this Section is limited in scope to applications for fee waivers based on the absence of any impact of development on City facilities and services. The application process for a development fee waiver under the specific facts of a particular development project site pursuant to this Section is not applicable to a fee protest under Government Code Section 66020 et seq.
  - 4. If a waiver is granted under this Section, any change in the development project following the time of approval of the fee waiver shall invalidate the fee waiver.
  - 5. Before accepting an application for filing, the Public Works Department shall collect an application processing and review fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the fee schedule of the City.
- G. A decision of the Public Works Director with respect to an application for a fee waiver shall be appealable in accordance with this Subsection. A person seeking judicial review of a decision shall first complete an appeal under this Subsection.
  - 1. Any person wishing to appeal a decision of the Public Works Director shall file an appeal to the City Council in writing with the City Clerk not later than ten (10) days from the date of the Public Works Director's written decision is delivered to the applicant. The written appeal shall state completely and in detail the factual grounds for the appeal.

2. The City Council shall consider the appeal at a regular or special meeting of the City Council within 60 days after filing of the appeal of the Public Works Director's determination.
3. The decision of the City Council shall be final.

**15.08.020 – Management of Fees Collected.**

- A. Upon receipt of any public facilities impact fees, the City shall deposit, invest, account for and expend said fees in accordance with Government Code Section 66006. The Deputy City Manager for Administrative Services is authorized and directed to establish such accounts as may be necessary or appropriate to comply with applicable law concerning the fees as collected under this Chapter.
- B. The Deputy City Manager for Community Development in consultation with the City Engineer and the Deputy City Manager for Administrative Services shall prepare each year a report which identifies the sums on deposit in the funds established by this Section and identifies the purpose for which the balance of each such fund is proposed to be used and verify that a reasonable relationship continues to exist between the amount of the funds as accumulated and the purpose for which they are charged. The report shall be due no later than September 1st of each calendar year.

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## **Chapter 15.09 CERTIFICATE OF OCCUPANCY (NEW CHAPTER)**

### **15.09.010 – Purpose.**

A Certificate of Occupancy provides evidence that the building, structure or other improvement, complies substantially with the plans and specifications that were submitted to, and approved by, the City. Such certificates are necessary to document that the building, structure or other improvement was safely constructed and can be occupied for an authorized use. They are also necessary in order to legally sell the building, structure or other improvement.

### **15.09.020 – Definitions.**

For purposes of this Chapter, the following words and phrases shall have the meaning set forth in this Section:

- A. Whenever the term "**applicant**" is used, it shall mean any person who applies for a certificate of occupancy and, if necessary, a property inspection report.
- B. Whenever the term "**Building Division**" is used, it shall mean the El Monte Building Division.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official for the city of El Monte or his or her duly designated, City-employed designee.
- D. Whenever the term "**City**" is used, it shall mean the City of El Monte, a municipal corporation and general law city.
- E. Whenever the term "**City Council**" is used, it shall mean the El Monte City Council the legislative body for the city of El Monte.
- F. Whenever the terms "**must**" and "**shall**" are used in a sentence, it shall mean that an action or prohibition set forth is imperative and mandatory.
- G. Whenever the term "**nonresidential**" is used as a modifying adjective to describe the type of use, occupancy or purpose associated with certain type of real property, building, structure, improvement or portion thereof, it shall mean real property, buildings, structures, improvements or portions of thereof that do not fall within the definition for "residential" as defined under this section. Use, occupancies and/or purposes considered "nonresidential" in nature include, but are not limited to, the following: industrial; commercial; retail or wholesale sale; manufacturing; office; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house provided the use of each legally permitted guest unit satisfies the restrictions set forth under Section 5.48.080 of this Code; nonresidential portions of a mixed use developments; multiple tenant developments; and any type of use, occupancy or purpose for which a business license or combination of business license and business permit is required.

- H. Whenever the term "**person**" is used, it shall mean any natural person or grouping natural persons such as tenants in common, husband and wife, joint tenants with right of survivorship and the like; any general partnership, limited partnership or limited liability partnership; any corporation or limited liability company whether for profit or not-for-profit; any organization whether for profit or not-for-profit; any business trust, living trust or joint venture; or any legal entity holding title to real property or serving as the agent for another person holding title to real property.
- I. Whenever the term "**real property**" is used, it shall mean all or any portion of a parcel of real estate located within the city inclusive of any buildings, structures or other constructed thereupon.
- J. Whenever the term "**residential**" is used as a modifying adjective to describe the type of use, occupancy or purpose associated with a certain type of building, structure, improvement or portion thereof, it shall necessarily refer to any building, structure, improvement or individual dwelling unit within such a building, structure or improvement which (1) is specifically and exclusively designed for and occupied by, or available for occupancy by, a single household as a place of residence; (2) contains one legally permitted kitchen per household residing in the building, structure, improvement or individual dwelling unit; and (3) contains at least one bathroom equipped with a toilet and a shower or bath tub. "Residential" when used as a modifying adjective to describe a certain type of real property, shall refer to real property or any portion thereof that is lawfully zoned for any of the types buildings, structures or improvements described in the preceding sentence. The foregoing notwithstanding, the use, occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel, inn, boarding house, or lodging house in the normal course of business shall be considered "nonresidential" in nature, provided its use satisfies the restrictions set forth under Section 5.48.080 of this Code. Any residential dwelling or residential dwelling unit located within a mixed-use development shall also be considered "residential" in nature.

**15.09.020 – Applicability.**

No person shall occupy or otherwise use, or permit the occupancy or use of all or any portion of the following until a Certificate of Occupancy is applied for and then issued by the Building Official for the following:

- A. Any building, structure or other improvement constructed upon all or any portion of real property;
- B. Any building, structure or other improvement that has been altered, added to, enlarged or moved upon all or any portion of real property;
- C. Any real property, building, structure or other improvement that has been sold, exchanged, transferred or otherwise conveyed, excluding the sale, exchange, transfer or conveyance of any multi-family residential building containing five (5) or more residential dwelling units (The provisions of Section 15.06.070 (Property Inspection Report) of this Chapter shall also apply in the case of certain sales, exchanges, transfers and conveyances identified under that Section);

- D. All or any portion of any nonresidential building, structure or other improvement rented, leased, licensed or whose occupancy or reoccupancy is otherwise permitted by the owner or any agent of the owner; and
- E. All or any portion of any real property, building, structure or other improvement whose legally permitted use is changed.

**15.09.030 – Exempt from a Certificate of Occupancy.**

- A. Changes in Residential Tenancies. The issuance of a new Certificate of Occupancy shall not be required for a simple change in tenancies with respect to any lawful dwelling or dwelling unit leased or otherwise rented for residential purposes.
- B. Transient Occupancy. A Certificate of Occupancy shall not be required for the transient occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel or inn as part of its normal course of business. In order to be considered "transient" under this Section, each individual occupancy or reoccupancy of an individual guest room/unit must be for a period of less than 30 consecutive days and no individual guest unit may be occupied or reoccupied by the same person for more than 60 consecutive days total within any 180 consecutive day period.

**15.09.040 – General Procedures.**

- A. Application. Applications for a Certificate of Occupancy shall be made on the appropriate form. The Building Official shall determine the minimum filing procedures, content and form of materials which must be submitted before the Building Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. An application for a Certificate of Occupancy must be submitted concurrently with an application for a building permit. No petition shall be received unless it complies with all filing requirements.
- B. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Building Division.
- C. General Property Inspection. Once a complete and accurate application for a Certificate of Occupancy is submitted to, and accepted by, the Building Division, an inspection date for the real property in question shall be scheduled and the applicant shall thereafter make the real property available for such inspection by the Building Official on the date scheduled.
- D. Issuance of a Certificate of Occupancy. A Certificate of Occupancy shall be issued within ten (10) business days from the date the Building Official determines all of the following conditions are met:
  - 1. A complete and accurate application for a Certificate of Occupancy is on file with the City;
  - 2. The real property complies with all discretionary land use authorizations affecting the real property; and all other real property related provisions of the El Monte Municipal Code, most notably the provisions of this Title and Title 17 (Zoning Code);

3. The real property in question complies with all other provisions, requirements and restrictions of this Chapter; and
4. All violations and deficiencies identified in the course of the inspection have been corrected and approved by the Building Division.

**15.09.050 – Content of a Certificate of Occupancy.**

A. Content. Each Certificate of Occupancy pursuant to this Chapter shall state:

1. The date of issuance;
2. The authorized occupancy for the subject real property;
3. The legally permitted use for the subject real property;
4. Restrictions as determined by the Community Development Director and/or the Building Official in the interest of safeguarding the public health, safety, morals, and welfare, and the identification of all land use restrictions (e.g., Conditional Use Permits, Modifications, Variances, Design Review approvals, Tentative Tract Maps, Tentative Parcel Maps);
5. The street address and legal description of the subject real property;
6. The name of the person to whom the Certificate of Occupancy is issued; and
7. The certification that the subject real property complies with all provisions of the El Monte Municipal Code relating to zoning, building standards, and maintenance to the best knowledge of the Building Division at the time of issuance.

B. Nonconforming Properties. A Certificate of Occupancy issued for real property bearing the status of a nonconforming use, building or structure shall also state that the subject real property is a nonconforming use, building or structure. The requirements of this Subsection shall apply to all real property bearing the status of a nonconforming use, building or structure on or after the effective date of this Chapter.

**15.09.060 – Temporary Certificate of Occupancy.**

A. Following the submission of a complete and accurate application for a Certificate of Occupancy but prior to the issuance of a Certificate of Occupancy, the Building Official may issue a Temporary Certificate of Occupancy if:

1. The Building Official determines the real property in question is in substantial compliance with the requirements of this Chapter and all other real property related provisions of this Title and any building or structure, or portion thereof, is deemed safe for occupancy by the Building Official; and
2. The applicant makes a clear and convincing showing of good faith efforts to timely complete the correction of all outstanding violations and deficiencies identified by the Building Official; and
3. The applicant posts a compliance bond with the City to guarantee the full and timely completion of all required corrections. The amount of the compliance bond shall be

determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.

- B. An applicant's failure to correct all deficiencies within the time period specified on the Temporary Certificate of Occupancy shall constitute a violation of this Chapter.
- C. A Temporary Certificate of Occupancy shall automatically expire 14 calendar days from the date in which all outstanding corrections were to be completed or automatically upon the issuance of a Certificate of Occupancy. Absent the issuance of a Certificate of Occupancy, no person may continue to occupy or otherwise use the real property, or any portion thereof, that is the subject of a Temporary Certificate of Occupancy upon the expiration of the Temporary Certificate of Occupancy.
- D. The Property Inspection Report requirements of Section 15.06.060 (Temporary Certificate of Occupancy) of this Chapter shall only apply in the case of certain sales, exchanges, transfers or conveyances of real property.
- E. A Temporary Certificate of Occupancy is valid for 90 days. After that time-period, it shall be renewed monthly. However, in no event shall a building, structure or other improvement, or any portion thereof, be occupied for more than one (1) year under a Temporary Certificate of Occupancy.

**15.09.070 – Vacant and Unimproved Real Property.**

- A. An application for a Certificate of Occupancy must first be submitted and a Certificate of Occupancy issued by the Building Official before real property that is both vacant and unimproved may be occupied or used for any purpose.
- B. Absent the issuance of a Certificate of Occupancy, real property that is both vacant and unimproved may only be used for the limited purpose of tilling soil and growing farm, garden or orchard products, provided such real property is lawfully zoned for such uses.

**15.09.080 – Property Inspection Report.**

- A. Property Inspection Report. The title owner of real property or the duly authorized agent of the real property owner shall also apply to the Building Division for the preparation of a Property Inspection Report in the case of any sale, exchange, transfer or conveyance of the real property in question. The Property Inspection Report shall be prepared by the Building Official.
- B. Exceptions. The requirements of this Section shall not apply to the sale, exchange, transfer or conveyance of any of the following:
  - 1. Multifamily residential buildings containing five (5) or more residential dwelling units;
  - 2. Real property that is both vacant and unimproved; or
  - 3. Real property that will soon be made vacant and unimproved and thereafter remain vacant and unimproved for an indefinite period of time, provided the owner or owner's agent posts a demolition compliance bond and provided all demolition and debris

removal is completed within 180 calendar days of the date sale, exchange, transfer or conveyance, whichever the case may be.

- C. Mixed-use Developments – Rented Units. If all residential dwelling units within the residential portion of a mixed-use development are owned by a single owner with each such unit being rented, leased, licensed or otherwise made available for residential purposes by the single owner (e.g., as would be the case with a multi-unit apartment complex), the requirements of this Section shall not apply if the residential portion of the mixed-use development consists of five (5) or more residential dwelling units.
- D. Mixed-Use Developments – Owned Units. If two (2) or more residential dwelling units within the residential portion of a mixed-use development are owned by different owners under an arrangement of separate ownership (e.g., as would be the case with a multi-unit condominium complex), the requirements of this Section shall apply to the sale, exchange, transfer or conveyance of any residential unit within the residential portion of the mixed-use development.
- E. Demolition Compliance Bond:
  - 1. In the event of any sale, exchange, transfer or conveyance of real property that will soon be made vacant and unimproved with the aim of leaving said real property in a vacant and unimproved state for an indefinite period of time, the owner or owner's agent shall be required to post a demolition compliance bond to guarantee the full and timely demolition of all buildings, structures and other improvements upon the real property.
  - 2. The amount of the demolition compliance bond shall be determined by the Building Official utilizing such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.
  - 3. Following the completion of such sale, exchange, transfer or conveyance as evidenced by close of escrow or the change in title, whichever is earlier in time, no person may continue to occupy or use the subject real property unless the Building Official issues a Temporary Certificate of Occupancy which shall remain valid until the stated commencement of date of demolition activities.
  - 4. The Building Official may issue such a Temporary Certificate of Occupancy using the issuance criteria set forth under this Section 15.06.060 (Temporary Certificate of Occupancy) of this Chapter.
  - 5. Temporary Certificates of Occupancy issued pursuant to this Subsection shall state the anticipated date upon which demolition will commence and shall expire upon the earlier of the following:
    - a. The date upon which demolition actually commences; or
    - b. The anticipated commencement date stated on the Temporary Certificate of Occupancy.

6. No Temporary Certificate of Occupancy issued pursuant to this Subsection shall set forth an anticipated demolition commencement date that is more than 180 days from the date the Temporary Certificate of Occupancy is issued.
- F. Content of Property Inspection Report. The Property Inspection Report shall contain the following information:
1. The street address and legal description of the subject real property;
  2. The zone classification;
  3. The legally authorized use of the subject real property;
  4. As determined by the Community Development Director and/or the Building Official, the identification of all land use restrictions (e.g., Conditional Use Permits, Modifications, Variances, Design Review approvals, Tentative Tract Maps, Tentative Parcel Maps);
  5. All corrections needed to bring the subject real property into compliance with provisions of the El Monte Municipal Code relating to building and construction standards; zoning requirements and restrictions; and housing restrictions; and
  6. All other corrections needed to correct any other condition constituting a violation of the El Monte Municipal Code, including, but not limited to, provisions relating to public health and safety.
- G. Completion Period. Each Property Inspection Report shall be completed within ten (10) City business days from the date the real property in question is inspected and shall remain valid for a period of six (6) months from the date of its issuance by the Building Official. If a Property Inspection Report is not completed within the foregoing ten (10) day period, the requirements of this Section shall be deemed waived. The foregoing notwithstanding, the waiver of the requirements of this Section shall not constitute a waiver of any other requirements set forth under this Chapter nor shall such waiver preclude the City from pursuing any and all remedies available to it at law or in equity in order to enforce the requirements and standards set forth in the El Monte Municipal Code.
- H. Nonliability of City for Failure to Identify all Deficiencies. In issuing a Property Inspection Report, neither the Building Official nor the Building Division warrant or represent that all outstanding code violations or deficiencies are stated therein. Violations and deficiencies identified in each Property Inspection Report represent the Building Official's and Building Division's best attempt to identify all outstanding violations and deficiencies, but do not necessarily represent an exhaustive listing of such violations or deficiencies. The failure of the Building Official and/or the Building Division to identify a violation or deficiency in the Property Inspection Report shall not prevent the City from taking all legal action available to it to cause such violation to be corrected, including, but not limited to, the issuance of criminal citations.
- I. Nonliability of City for Failure to Identify Utility Charges. The failure of a Property Inspection Report to identify delinquent utility charges for the subject real property shall not prevent the City from taking all legal action available to it to obtain payment of such charges.

- J. Delivery of Report to Prospective Buyer. Each applicant shall deliver the Property Inspection Report to the person attempting to acquire the subject real property (e.g., to the prospective buyer) and within 14 calendar days thereafter shall deliver to the Building Division a delivery confirmation receipt evidencing the successful delivery of the Property Inspection Report. The delivery confirmation receipt form shall be provided to each applicant.
- K. Time Period for Making Corrections to Property. If the subject real property is in need of corrections as specified in the Property Inspection Report, the applicant shall initiate such corrections within 30 calendar days of the date the Property Inspection Report is issued and shall complete such corrections before a Certificate of Occupancy may be issued but in no event later than 180 calendar days from the date the Property Inspection Report is issued.
- L. Parties Responsible for Corrections. The owner of real property that is the subject of a Property Inspection Report shall be responsible for the completion of all needed corrections identified in the Property Inspection Report. The person attempting to acquire the real property may assume legal responsibility for the completion of all corrections by execution and submission of an "Acknowledgement & Assumption Affidavit" coincident with the completion of the real property sale or exchange. The execution of an "Acknowledgement & Assumption Affidavit" notwithstanding, no new Certificate of Occupancy may be issued until all needed corrections are completed.
- M. Compliance Bond:
1. The execution of an "Acknowledgement & Assumption Affidavit" shall in turn require the posting by the buyer of a compliance bond with the City to guarantee the full and timely completion of all required corrections.
  2. The compliance bond shall be submitted at the same time as the submission of the "Acknowledgement & Assumption Affidavit" and no "Acknowledgement & Assumption Affidavit" shall be considered complete absent the posting of an adequate compliance bond.
  3. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.
  4. Following the Building Official's receipt of the posted compliance bond and pending the completion of all required corrections, the Building Official, in his or her discretion, may issue a Temporary Certificate of Occupancy subject to the requirements of Section 17.80.040 of this Chapter in an effort to reasonably minimize any undue delay in the closing of escrow on the sale, exchange, transfer or conveyance of the subject real property.
- N. Failure to Make Corrections. If any corrections prescribed in the Property Inspection Report are not corrected within the time frame specified herein or within a Temporary Certificate of Occupancy, such failure shall constitute a violation of this Chapter and may be referred to the City Prosecutor for appropriate action.

**15.09.090 – Violation – Penalty.**

- A. Violation of Certificate of Occupancy/Temporary Certificate of Occupancy. No person shall violate or fail to comply with each and every term, condition, requirement or restriction set forth in a Certificate of Occupancy or Temporary Certificate of Occupancy issued pursuant to this Chapter.
- B. Violation of this Chapter. The violation of any provision of this Chapter shall constitute a misdemeanor. Any person convicted of a violation of this Chapter shall be punished by a fine not exceeding \$20,000.00 or by imprisonment in jail for a period not exceeding six (6) months, or a combination of both fine and imprisonment.

**15.09.100 – Appeals.**

**A. Appeals on Building Official Decisions:**

- 1. If an applicant is dissatisfied with any requirement, ruling, finding, or disapproval of this Chapter by the Building Official, he or she may file an appeal with the City Clerk to have the case reviewed by a Hearing Officer.
- 2. The Hearing Officer shall make a decision within 60 days of the complete submission of the appeal. The decision of the Hearing Officer shall be final.

**B. Submittal Requirements.** The appeal shall be made in writing and shall state the basis for disputing the determination. In addition, it should include any tangible evidence and/or authority supporting the appellant's position.

**C. Time Limits.** The appeal must be submitted within ten (10) days following the date of the decision. If City Hall is closed on the tenth day, the deadline shall automatically extend to the next day City Hall is open to the public.

**15.09.110 – Fees.**

Before accepting an application for filing, the Building Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council Resolution.

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## **CHAPTER 15.10 – MISCELLANEOUS DELETIONS**

### **15.10.010 – Prior Code Section 8104—Deleted.**

Section 8104 of the El Monte Municipal Code is deleted.

## **CHAPTER 15.12 – DELETIONS**

### **5.12.010 – Prior Code Section 8105—Deleted.**

Section 8105 of the El Monte Municipal Code is deleted.

## **CHAPTER 15.14 – STATE ENERGY CALCULATION REVIEW FEE**

### **15.14.010 – State Energy Calculation Review Fee.**

For each state energy calculation submitted for review in conjunction with an application for a building permit, the Building Official shall charge and collect a state energy calculation review fee equal to five (5) percent of the applicable building permit fee.

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## **CHAPTER 15.22 BUILDING REGULATIONS—HOUSING NUMBERING**

### **15.22.010 – Entrances—Numbered.**

All entrances from the public streets to buildings shall be numbered as hereinafter in this Chapter provided.

### **15.22.020 – Place of Numbering.**

The number of each and every entrance shall be placed upon or immediately above the door or gate closing such entrance, except as otherwise provided for in this Chapter. In all cases where the building is located on the back of the property line of the street on which the same fronts, the numbers may be placed either at the side of the main entrance of the building, over the main entrance, upon the porch, or such numbers may be placed over or at the side of the gateway of the property, or upon any steps or other structure near the back of the property line thereof, in such a manner that the same may be plainly seen from the street in front of such property. Whenever houses are located at the back of the property line, the numbers shall be placed and maintained in such a manner that the same will not be hidden from view from the street by any trees, bushes, shrubs or other obstructions. Each figure of all numbers shall be at least two (2) inches in height and of corresponding width.

### **15.22.030 – Notice of Designated Number.**

The number designated for any entrance to any building shall be placed thereon within five (5) days after the receipt by the owner, occupant or lessee of such building of a notice from the City Building Official of such number; and all numbers other than such number shall be removed from every building by the owner, occupant or lessee thereof within five (5) days after receipt of such notice. The City Building Official shall designate the respective numbers for buildings fronting on streets theretofore laid out or hereafter to be laid out or extended.

### **15.22.040 – Method of Numbering.**

Twenty-five (25) feet frontage shall be allowed for each number, to be calculated from the end of the block at which the number begins, except in the case of lots fronting on Valley Boulevard between the westerly boundary line of the City and the westerly line of the Pacific Electric Railway Company's right-of-way, the City Building Official may allow a less amount of frontage so as to provide each separate place of business with a separate number as far as practicable. The City Building Official shall, so far as practicable, assign the numbers on either side of the streets in such a way that the consecutive even and uneven numbers shall be opposite each other and the City Building Official shall, on application, furnish information as to the numbers controlled by each lot.

### **15.22.050 – Block Defined.**

A block within the meaning of this Chapter shall be that portion of any street between two (2) cross streets or between a cross street and an abutting street or between two (2) abutting streets. In case of abutting streets, the prolonged centerline of the abutting streets shall be the

dividing line of the blocks, and provided that all blocks exceeding 500 feet in length shall be considered as two (2) blocks.

**15.22.060 – Allotment of Block Numbers.**

One hundred (100) numbers or as many thereof, as may be necessary, shall be allotted to each block. Number 100 shall be the first number used at the respective beginning points on the sides of the streets which are to contain the even numbers and 101 for the sides which are to contain the odd numbers. At the beginning of the second block from the starting point, the first numbers shall be 200 and 201 respectively and so continue throughout the system.

## **CHAPTER 15.24 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 1—DEFINITIONS**

### **15.24.000 – Definitions—Generally.**

For the purposes of this Chapter, certain terms, phrases and words shall be construed as found in this Chapter.

### **15.24.010 – Building.**

"**Building**" means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

### **15.24.020 – Person.**

"**Person**" means a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

### **15.24.030 – Structure.**

"**Structure**" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except temporary structures of not to exceed 90 days duration used in connection with construction.

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## **CHAPTER 15.26 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 2—DESIGN APPROVAL**

### **15.26.010 – Prerequisite of Approval.**

No person shall apply for or be granted a permit pursuant to Chapter 15.28 of this Title unless the relocation of the building or structure has been first approved in accordance with the provisions of this Chapter, and unless such building or structure was designed and is intended for a use or purpose in conformity with the general plan for the property upon which such building or structure is proposed to be relocated.

### **15.26.020 Design Standards.**

In order that buildings or structures proposed to be relocated, and any signs proposed to be erected, the landscaping to be installed at the new location, the parking areas and the general appearance of the completed site will be in harmony with other structures and improvements in the area, and not of obnoxious, undesirable or unsightly appearance, plans of the exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the Planning Commission. In reviewing the same, the items specified in the following Subsections shall be considered:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and materials on the exterior;
- D. The type and pitch of roofs;
- E. The size and spacing of windows, doors and other openings;
- F. The size, type and location of signs;
- G. Towers, chimneys, roof structures, flagpoles, radio and television masts;
- H. Plot plan, landscaping and automobile parking areas;
- I. The relation to the existing buildings and structures in the general vicinity and area.

### **15.26.030 Information Required.**

Any person seeking approval of a building or structure proposed to be relocated within the City shall submit to the Secretary of the Planning Commission the following:

- A. All plans referred to in Section 15.26.020 of this Chapter;
- B. The location and address of the property on which the building or structure to be moved is presently situated;
- C. The location and legal description and the name, address and telephone number of the owner of the land to which the building or structure is to be moved;

- D. Ten (10) copies of a plot plan of the property on which the building or structure is to be moved or located showing all existing structures and the proposed location of the building or structure to be moved;
- E. The name, address and the telephone number of the owner of the building or structure proposed to be moved;
- F. The use to be made of the building or structure if it is moved;
- G. At least four (4) current color photographs of the building or structure, a minimum of one showing each side. The minimum size of the photographs shall be three (3) inches by four (4) inches and they shall be of quality satisfactory to the Planning Department;
- H. Elevations showing the finished appearance of the front, sides and rear of the building or structure, as proposed after relocation, shall be furnished unless the structure is to remain in the same condition, as shown in the photographs required by the Subsection (G) of this Section;
- I. Two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of the owners of property situated within 300 feet of the external boundaries of the property upon which the building or structure is proposed to be relocated. Applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all the names and addresses of the owners of property to whom notice is required by law or by this Code to be mailed in connection with the application.
- J. A fee of one hundred dollars (\$100.00) for each structure or building for which approval is sought, and a fee of one hundred dollars (\$100.00) for each building site upon which any building is proposed to be relocated.

**15.26.040 – Notice.**

Upon receipt of the items specified in Section 15.26.030 of this Chapter, the Secretary of the Planning Commission shall cause to be posted, in a conspicuous place on the property to which it is proposed to move such building or structure, a notice with the heading "NOTICE OF PROPOSED RELOCATION OF BUILDING" in letters not less than one inch in height, stating that application has been made for the relocation of a building or structure upon such property; that the details thereof are on file in the City Planning Department and are available for inspection by any interested person; and that any objection to the proposed relocation shall be set forth in writing and filed with the Secretary of the Planning Commission within ten (10) days after the date of the notice. The Planning Secretary shall also cause a copy of such notice to be mailed to the owners, as shown on the last equalized assessment roll, of all properties situated within 300 feet of the external boundaries of the property upon which a building or structure is proposed to be relocated, the notices to be mailed the same day that the notice is posted on the property.

**15.26.050 – Approval With or Without Hearing.**

If no written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this Chapter, the Planning Commission or its designated representative may approve the proposed relocation if it meets the criteria hereinbefore in this Chapter set forth. If written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this Chapter, the relocation shall not be approved, except by the Planning Commission after and in accordance with the evidence received at a public hearing held by and before the City Planning Commission after notice of the date, time, place and purpose of such hearing given by mail to the owners, as shown on the last equalized assessment roll of all properties located within 300 feet of the external boundaries of the property upon which the building or structure is proposed to be relocated and to all persons that have filed an objection to the proposed relocation within the time specified in Section 15.26.040 of this Chapter.

**15.26.060 – Negotiations.**

In the event it is determined, by either the Planning Commission or by its designated representative, that the general appearance of the completed site, as proposed, or the buildings or structures proposed to be relocated are inharmonious with other structures and improvements in the area, or are of obnoxious, undesirable or unsightly appearance, the Planning Commission or its designated representative, respectively, shall confer with the applicant in an endeavor to have the plans changed so that the structures will be harmonious and attractive in appearance.

**15.26.070 – Appeal.**

The applicant or any interested person dissatisfied with the action of the Planning Commission or its designated representative may, within ten (10) days after such action, appeal in writing to the City Council. The procedure for such appeal shall be the same as the procedure for an appeal for a variance. Upon approval by the City Council, the building permit shall be issued if all other requirements of law and of this Code have been complied with.

**15.26.080 – Approval Conditions.**

No application made pursuant to this Chapter may be approved, except in accordance with the criteria hereinbefore in this Chapter set forth. In granting any such approval, the City may impose and enforce such terms and conditions as the City deems necessary to accomplish the purposes of this Chapter.

**15.26.090 – Location and Setback.**

Every structure relocated shall either face the principal street abutting the property upon which it is to be relocated, or shall be set back a minimum of 25 feet from the main street abutting such property.

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## **CHAPTER 15.28 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 3—RELOCATION PERMIT**

### **15.28.010 – Relocation Permit.**

No person shall move any building or structure into the City or from one location to another in the City without first obtaining a relocation permit from the Building Department for each such building or structure being moved.

### **15.28.020 – Application.**

Every person intending to move a building or structure into the City or from one location to another in the City of El Monte, shall have first complied with and obtained approval pursuant to the provisions of Chapter 15.26 of this Title, and every application for a permit required by this Chapter shall be filed with the City within six (6) months after such approval.

### **15.28.030 – Application, Information.**

The following information shall be provided:

- A. The name, address and telephone number of the person or contractor who will install the foundations and do any other necessary work that may be required at the new site;
- B. Two (2) copies of a plot plan of the property onto which the building or structure is to be moved or relocated showing all existing and proposed structures and other pertinent improvements. Such plot plan shall conform to approval obtained pursuant to the provisions of Chapter 15.26 of this Title;
- C. Jurisdiction under which the building or structure was inspected when built and the year in which such construction was completed;
- D. If the building or structure was not originally constructed under permit issued by and inspection performed by the City, the applicant shall cause either of the two (2) following listed provisions to be complied with:
  - 1. Provide with the application two (2) copies of the original construction plans of the building or structure,
  - 2. Expose electrical wiring, plumbing and structural beams in the building or structure prior to inspection by the Building Department to the extent necessary to enable the Inspector to adequately determine compliance with the applicable codes and provide two (2) copies of a floor plan showing the arrangement and size of each room and the size and type of each window and door therein;
- E. Two (2) copies of the foundation plan to be provided at the proposed site;
- F. Two (2) copies of structural details of any additions or alterations to be made to the building or structure;
- G. Provide a certificate from a state-licensed pest control company stating that the building or structure has termite clearance.

**15.28.040 – Building Permit Fees.**

The applicant shall also apply for and pay the fees prescribed in the applicable Sections of the building regulations for building, electrical, and plumbing permits necessary to complete the relocation of the building or structure. For the purpose of computing such fees, valuation shall include the reasonable cost of moving such structure and the reasonable value of all new construction, alterations, additions, repairs, replacements and foundations in connection therewith.

**15.28.050 – Completion Bond.**

Applicant shall deposit with the City a cash bond or certificate of deposit payable to the City on demand in an amount equal to three dollars (\$3.00) for each square foot of floor area contained within the building. In no event shall the sum thus deposited be less than one thousand dollars (\$1,000.00). The purpose of such bond is to guarantee the compliance by applicant with the provisions of this Section and the completion of the relocation of the building in accordance with the provisions of and within the time specified by this Chapter and shall be used or refunded, as provided in Section 15.28.120 of this Chapter.

**15.28.060 – Street Improvements.**

Applicant shall, if they are not presently existing, construct or guarantee the construction of concrete curbs and gutters, concrete driveway approaches and, in Zones R-1A, R-1B, R-1C, R-2, R-3, R-4 and all commercial zones, concrete sidewalks along all street frontages of the lot on which the building or structure is to be moved or relocated. The installation of these improvements may be guaranteed by a cash deposit in accordance with Section 12.08.090 of this Code.

**15.28.070 – Investigation.**

Upon receipt of an application for a permit to move a building or structure, the Building Official shall make all necessary inspections to determine whether such building or structure may be moved safely without demolishing or destroying the same and shall determine whether or not the proposed location of any building or structure sought to be moved into or from one location to another in the City meets the requirements of the City building regulations and any other laws or ordinances appurtenant thereto. Where investigations are required to be made by the Building Official beyond the limits of the City, the applicant shall pay for each inspection or reinspection a sum equal to one dollar (\$1.00) per mile for the full mileage one way, from the El Monte City Hall to the site where the inspection is to be made; this charge shall be in addition to other fees required to be paid for permits under the provisions of this Chapter.

**15.28.080 – Zoning Compliance.**

Every building or structure moved into or relocated in the City shall comply with all the provisions of Title 16 of this Code applicable to the new location, except as may otherwise be permitted pursuant to such Title.

#### **15.28.090 – Completion Time.**

The building or structure shall be completely set down and placed upon its new foundation within 30 days from its date of arrival at the new location. All required alterations and repairs shall be completed within 60 days after the arrival of the structure at the new location, and in any event within 100 calendar days from the date of the issuance of the relocation permit. An extension of time may be granted by the Building Official, upon written application, when such extension is required because of circumstances beyond the control of the applicant. If any such application for extension of time is denied by the Building Official, the applicant may appeal such decision to the City Council. Any such appeal shall be in writing, shall be filed with the City Clerk within ten (10) days after the date of such decision, and shall be accompanied by an appeal fee of five dollars (\$5.00). The City Council shall consider and pass upon any such appeal without unreasonable delay, and may grant or deny the requested extension or grant an extension for a period of time less than that requested. In granting any such extension of time, the City Council may impose such additional conditions as it deems necessary or reasonable under the circumstances.

#### **15.28.100 – Final Inspection.**

Upon completion of the relocation of a building in the City, the person owning same shall request an inspection from the Building Official. The Building Official shall thereupon cause an inspection of the building to be made, and if he or she finds that all the provisions of this chapter have been complied with he or she shall issue a certificate of occupancy.

#### **15.28.110 – Performance by City.**

In the event that the applicant fails to complete such work within the time specified, or as extended, as provided in Section 15.28.090 of this Chapter, the City shall proceed by such method as it deems convenient to cause the required work to be performed and completed. The balance, if any, of the cash bond deposited shall, upon completion of the work, be returned to the depositor in accordance with Section 15.28.120 of this Chapter.

#### **15.28.120 – Use or Refund of Cash Bond.**

Upon completion of the relocation work, as specified in Section 15.28.100 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.28.030 of this Chapter, be returned to the depositor thereof after first deducting therefrom all unpaid fees that may be due to the City under the provisions of this Chapter, the cost as determined by the Director of Public Services, of repairing or replacing any public property damaged by the relocation of the building, and the sum of fifty dollars (\$50.00) per day for each day or fraction thereof beyond the time limit specified in Section 15.28.090 of this Chapter.

#### **15.28.130 – Appeals and Modifications.**

The provisions of Section 105.1 of the Uniform Building Code and of Section 110.1 of the Uniform Mechanical Code, as amended by Section 15.04.020 of the El Monte Municipal Code, and of Section 104.2.7 of the Uniform Building Code, as added by Section 15.04.030 of the El Monte Municipal Code, shall apply to this Chapter.

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## **Chapter 15.30 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 4—MOVING OF BUILDINGS**

### **15.30.010 – Moving of Structures—Regulations.**

Every person moving a building or structure within, into or from the City shall comply with the regulations specified in the following Sections.

### **15.30.020 – Application.**

Every person desiring to move a building on public right-of-way in the City shall file an application for a housemoving permit on a form provided by the Building Department.

### **15.30.030 – Contractor.**

No person, except a house mover licensed as such by the state of California, shall move any building or structure on any portion of public right-of-way.

### **15.30.040 – Small Buildings.**

Buildings or structures under 13.5 in height from the street level, less than 100 square feet in floor area and having no horizontal dimensions exceeding 18 feet, and if entirely supported upon a single vehicle without the assistance of any additional wheels or rollers, may be moved by any person and no housemoving permit shall be required.

### **15.30.050 – Contents.**

Each application for a permit to move a building or structure from or through the City shall contain the following:

- A. The name, address and telephone number and state contractor's license number of the contractor who will move the building;
- B. The address, and if in the City, the legal description of the property, from which the building is being removed and the address to which it is being moved;
- C. The maximum height above street level that any portion of the building will be while being moved;
- D. The route proposed to be used for the moving of such building, the date and hour of the proposed move and such other information, as may be required by the Building Official;
- E. Each such application shall be signed by the applicant or his or her authorized agent. If signed by an agent, the agent may be required to submit evidence of his or her authority to sign the application.

### **15.30.060 – Documents, Deposits and Fees.**

Before issuance of a permit for the moving of any building into, within, or through the City, the applicant shall deposit with the City the sums and documents prescribed in the following Subsections.

**15.30.070 – Insurance.**

Insurance shall be provided which names the City as an additional insured in accordance with Section 3.24.030 of this Code.

**15.30.080 – Permit Fee.**

A housemoving permit fee in the amount of one hundred dollars (\$100.00) covers the route inspection and necessary supervision during the actual move.

**15.30.090 Performance bond.**

A cash bond in an amount equal to two hundred dollars (\$200.00) shall be deposited by the house mover to secure the City against damage to public property and to assure compliance with regulations controlling the moving of buildings on public streets in the City.

**15.30.100 – Site Clearance Deposit.**

Whenever a building is being removed from the City or being moved from one location to another within the City, an improvement security in an amount equal to twenty-five cents (\$0.25) for each square foot of ground floor area contained in the building to be moved, but in no event less than five hundred dollars (\$500.00) shall be deposited by the owner of the property from which the structure is to be removed to guarantee final site clearance, as required by Section 15.30.140.8 of this Chapter, together with written authorization from the owner of the property for the City or its agents to enter upon the land described in the application and to complete the site clearance as required by Section 15.30.140.8 of this Chapter, if not completed within the time specified by such Section.

**15.30.110 – Route Approval.**

No house moving permit shall be issued by the Building Department, except for a route, time and date first approved by the Director of Public Services. After issuance of the house moving permit and in the event of any emergency requiring the use of City streets for any purpose with which the moving of a building would interfere, the Director of Public Services or the Chief of Police shall have the authority to require a change of the route to avoid such interference.

**15.30.120 – Utility Clearance.**

No route shall be approved by the Director of Public Services unless the applicant furnishes to him or her a certificate from each public utility company maintaining or operating facilities above ground along such route that its facilities will not be required to be relocated or interrupted by the moving of the building along such route or that arrangements have been made by the applicant for the removal, relocation or restoration of such utility company's facilities with which the moving of the building along such route will interfere.

**15.30.130 – Disconnection of Utilities.**

No final approval and issuance of the housemoving permit shall be made until all utility services have been shut off and disconnected from the building to be moved. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned.

**15.30.140 – Regulations.**

Every person moving a building from or through the City shall comply with the regulations specified in the following Subsections.

**15.30.140.1 – Responsibility for Damage.**

Every person moving a building into, from or through the City shall make good all damages or injuries caused by the moving thereof.

**15.30.140.2 – Equipment.**

The wheels and rollers of all equipment used in moving of buildings shall have sufficient tire or bearing width to prevent grooving, marring or damaging of any street, alley, or public property upon which the same may be used.

**15.30.140.3 – Posting Permit.**

A copy of the permit issued pursuant to this Chapter shall be posted at a conspicuous location on the building being moved.

**15.30.140.4 – Lighting.**

Every building, while being moved upon any street, alley, or public property, shall, at all times between sunset and sunrise, be illuminated by adequate warning devices placed at each corner of the building and at the end of any projection thereof.

**15.30.140.5 – Parking.**

No person shall place or park any building upon any public street, alley or property without the prior written approval of the Chief of Police and of the designated fire official of the Los Angeles County Fire Department.

**15.30.140.6 – Height.**

If the highest point of the building, when loaded and ready for moving, is more than 16 feet above the ground surface, the cost of rearranging, protecting and restoring the equipment of any public utility affected shall be borne by the permittee.

**15.30.140.7 Removal From Lot.**

Within 72 hours after elevation of a structure from its foundation, such structure shall be removed from the lot. An extension of time may be granted by the Building Official, upon application, when such extension is required because of circumstances beyond the control of the applicant. A fee of five dollars (\$5.00) shall accompany each application for an extension of time. The denial of a requested extension may be appealed upon the same terms, as specified in Section 15.28.090 of this Title.

**15.30.140.8 – Site Clearance.**

The site in the City from which a building is removed shall be cleared of all foundations, driveways and walkways and all portions thereof, shall have all loose combustible materials and debris removed therefrom, and all excavations shall be filled in with soil free of debris, all of which shall be accomplished within 30 days from the time the building is removed. If before the

expiration of such 30 day period of time a valid building permit has been issued for construction upon the same property, the excavations shall not be required to be filled in unless in the opinion of the Building Official a hazardous condition is created by the failure to fill in such excavations.

**15.30.140.9 – Use or Refund of Security.**

- A. Upon completion of the housemoving, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.140.3 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the moving of the building and the sum of ten dollars (\$10.00) per day for each day or fraction thereof beyond the limit of 72 hours, or approved extension, as specified in Section 15.30.140.7 of this Chapter.
- B. Upon completion of the site clearance, as required in Section 15.30.140.8 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.100 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost of replacing any public property damaged by the clearing of the site, the sum of ten dollars (\$10.00) per day for each day beyond the time specified in Section 15.30.140.8 of this Chapter that the site clearance was not completed, and the cost to the City for its expense in completing the site clearance if it becomes necessary, as provided for in Section 15.30.100 of this Chapter.
- C. If improvement security other than a cash bond be deposited with the City pursuant to this Chapter, the same shall not be released until all work required pursuant to this Chapter has been completed and all sums due to the City pursuant to this Chapter have been paid.

**15.30.140.10 County Permit.**

With respect to any building or structure moved from a point outside of the City to a point outside of the City and through the City solely via Valley Boulevard; Garvey Avenue; Baldwin Avenue, north of Valley Boulevard; Lower Azusa Road, west of Santa Anita Avenue; Santa Anita Avenue, between Lower Azusa Road and Tyler Avenue; Tyler Avenue, north of Valley Boulevard; and Ramona Boulevard, east of Valley Boulevard, the provisions of this Chapter shall be suspended and be inapplicable throughout the period of time that a valid permit issued by the county of Los Angeles for the moving of such structure is in effect and all terms and conditions imposed either by law or in the issuance of such permit, including, but not being limited to, the provisions of state or local law concerning the posting of bonds or the maintenance of public liability and property damage insurance, are complied with.

## **CHAPTER 15.32 – BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 5—DEMOLITION OF BUILDINGS**

### **15.32.010 – Demolition of buildings—Regulations.**

Every person salvaging or wrecking a structure shall comply with each of the regulations contained in the following Sections.

### **15.32.020 – Application.**

Every person desiring to salvage or wreck a structure shall file an application for a demolition permit on a form provided by the Building Department.

### **15.32.030 – Contractor.**

No person, except a demolition contractor licensed as such by the state of California or a general contractor licensed as such by the state of California doing demolition work under a permit calling for demolition only in connection with remodeling or new construction upon the same premises, shall salvage or wreck any building or structure; provided, however, that the owner of a structure may salvage or wreck his or her own structure, provided he or she also owns the property on which his or her structure stands.

### **15.32.035 – Contents.**

Each application for a demolition permit shall contain the following:

- A. Name, address and telephone number of the owner of the building to be demolished and whether or not this person also owns the property on which this building stands;
- B. The address, or legal description, of the property on which the building to be demolished stands;
- C. The name, address, telephone number and state contractor's license number of the person that will demolish the building if such person is not the same as the person described in Subsection (A) hereof;
- D. A precise description of the portion of the building to be demolished.

### **15.32.040 – Fees and Deposits.**

Prior to the issuance of the demolition permit, the applicant shall deposit with the City fees and deposits prescribed in the following Subsections.

#### **15.32.040.1 – Demolition Fee.**

A demolition fee of eighty dollars (\$80.00) per lot; provided, however, that the total permit fee shall not exceed eighty dollars (\$80.00) for demolition on contiguous lots performed simultaneously pursuant to a permit or permits issued under a single application.

**15.32.040.2 – Insurance.**

Insurance shall be provided, which names the City as an additional insured in accordance with Section 3.24.030 of this Title.

**15.32.040.2(a) – Improvement Security.**

Improvement security of a type set forth in Section 66499 of the California Government Code in the amount of five hundred dollars (\$500.00), together with written authorization of the owner of the property for the City or its agents to enter upon the land described in the application and to complete the site clearance required by Section 8554.3 after expiration of the completion time specified pursuant to Section 8554.5.

**15.32.050 – Disconnection of Utilities.**

No demolition permit shall be issued until all utility services have been shut off and disconnected from the building to be demolished. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned.

**15.32.060 – Regulations.**

Every person demolishing a building shall comply with each of the regulations contained in the following Subsections.

**15.32.060.1 – Posting.**

The permit required by this Chapter shall be conspicuously posted in the immediate vicinity of the building being demolished.

**15.32.060.2 – Responsibility.**

The person demolishing a building shall be responsible for all damages or injuries caused by such demolition and shall cause all dry or dusty materials or debris to be wet down to lay the dust.

**15.32.060.3 – Site Clearance.**

All combustible materials or debris remaining at the site at the completion of work shall be removed, all cement, steel or other building material removed to a point even with the finished grade, and all excavations filled in to average grade with soil free of debris.

**15.32.060.4 – Sewer Facilities.**

The applicant shall provide the Building Official with a sketch showing the location and depth of the sanitary sewer lateral which was capped off during the demolition work. If the building was served by a cesspool, it shall be exposed and filled with sand as a part of the demolition work.

**15.32.060.5 – Completion Time.**

The demolition of any building shall be completed within 45 days after the issuance of the demolition permit. Demolition shall not be deemed completed until the provision of Sections 15.32.060.3 and 15.32.060.4 of this Chapter have been complied with. If before the expiration of the 45-day period time a valid building permit has been issued for construction upon the same

property, the excavations shall not be required to be filled in unless, in the opinion of the Building Official, a hazardous condition is created by the failure to fill in such excavations.

**15.32.070 – Refund or Release of Improvement Security.**

Upon completion of the demolition work, as required in Section 15.32.060.5 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposit pursuant to Section 15.32.040.2 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the demolition of the building, the sum of ten dollars (\$10.00) per day for each day beyond the limit specified in Section 15.32.060.5 of this Chapter for the completion of the demolition and the clearance of the site in accordance with the provisions of this Chapter during which such demolition and site clearance remains uncompleted, and the cost to the City for its expense in completing the demolition work if it becomes necessary, as provided in Section 15.32.040 of this Chapter. If improvement security other than a cash bond be deposited with the City pursuant to this Chapter, the same shall not be released until due to the City pursuant to this Chapter have been paid.

**15.32.080 – Adoption by Reference of Standard Specifications for Public Works Construction, 2000 Edition.**

The City Council has adopted by reference the primary code known as "Standard Specifications for Public Works Construction, 2000 Edition," in accordance with the provisions of Government Code Section 50022.2. The City Administrator is authorized and directed to include an appropriate reference to the Standard Specifications for Public Works Construction, 2000 Edition, in public works construction bid and contract documentation as may be necessary to comply with state or federal law or as may be consistent with prudent public works civil engineering standards.

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## **Chapter 15.34 FIRE CODE<sup>6</sup>**

### **15.34.010 – Adoption of the 2020 Los Angeles County Fire Code.**

- A. Title 32 of the 2020 Los Angeles County Fire Code as amended and adopted by the Los Angeles County Board of Supervisors on January 24, 2017 and in effect on March 1, 2017, adopting the 2019 California Fire Code is hereby incorporated herein by reference as if fully set forth below. For purposes of this Chapter 15.34, the 2020 Los Angeles County Fire Code, as adopted, may be referred to as the "El Monte Fire Code" or the "Code."
- B. In the event of any conflict between the 2019 California Fire Code and the 2020 Los Angeles County Fire Code, the latter shall control.
- C. A copy of the 2020 Los Angeles County Fire Code has been deposited in the office of the City of El Monte Building Division and shall be maintained for examination and use by the public.
- D. The purpose of the Code is to provide minimum standards to safeguard the life, limb, health, property, and public welfare within the City of El Monte.

### **15.34.020 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Fire Code notwithstanding permit and plan check fees and any other Code-related fees or service charges shall be established by separate resolution of the El Monte City Council and may be amended, modified, and/or updated from time to time by resolution.

### **15.34.030 – Amendments Adopted by the City to the Code.**

The City is authorized to amend various provisions of the Code as adopted by reference. The City is also authorized to adopt additional regulations relating to fire protection and fire safety. The amendments or additions to the Code as contained in Sections 15.34.040 and 15.34.050 of this Chapter, inclusive, are declared to be necessary and appropriate based upon local conditions present in the City.

### **15.34.040 – Sale or Discharge of Fireworks Prohibited With Limited Exceptions for Safe and Sane Fireworks.**

- A. Except as specifically authorized in this Subsection, no person shall possess or have in his or her immediate control, fire, discharge, set off, or use fireworks of any kind within the City. No parent, guardian, or other person having the legal care and custody of any minor child shall allow such child to violate the provisions of the Subsection. A violation of any provision of this Subsection is a misdemeanor and shall be prosecuted as a misdemeanor in accordance with the provisions of Section 1.24.010 of the El Monte Municipal Code.

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<sup>6</sup> Editor's note(s)—Ord. No. 2782, § 1Editor's note(s)—(Exh. A), adopted Jan. 10, 2012, amended Ch. 15.34Editor's note(s)— in its entirety, in effect repealing and reenacting said chapter to read as herein set out. The former Ch. 15.34Editor's note(s)—, §§ 15.34.010Editor's note(s)——15.34.060, pertained to similar subject matter and derived from Ord. No. 2707, § 2Editor's note(s)— (part), 2007; and Ord. No. 2722, § 5Editor's note(s)— (part), 2008.

- B. The City may permit the sale of "safe and sane fireworks" as described in the California Code of Regulations, Title 19, Subchapter 6 Fireworks, Article 8 - Labeling, subject to the provisions of Subsections (C) through (S), inclusive of this Subsection. The provisions of Subsection 3308.2(A) shall not prohibit the possession, use or discharge of safe and sane fireworks in the City on the 3rd day of July between the hours of 10:00 a.m. to 11:00 p.m. and the 4th day of July each year between the hours of 10:00 a.m. and 11:00 p.m. by any person who is at least 18 years of age or by a minor who is under the direct observation and control of a parent or legal guardian who is at least 21 years of age.
- C. No person shall sell any fireworks in the City except safe and sane fireworks which are sold in accordance with the terms and conditions of a safe and sane fireworks sale permit as may be issued, subject to the provisions of this Subsection. A person may sell safe and sane fireworks within the City on the dates authorized by this Subsection, provided that such person has first obtained a permit as provided in Chapter 5.12 of the El Monte Municipal Code, from the City which authorizes the sale of safe and sane fireworks. No person who has obtained a permit to sell safe and sane fireworks from the City shall sell safe and sane fireworks except upon the first, second, third and fourth days of July of each year between the hours of 8:00 a.m. and 10:00 p.m. No person shall sell any fireworks to anyone under 18 years of age.
- D. The sale of safe and sane fireworks shall be governed by this Subsection, the provisions of Chapter 8.16 (Fireworks) and applicable provisions of Chapter 5.12 (Business Permits Generally). Each applicant for the issuance of a permit for the sale of safe and sane fireworks shall concurrently upon the submission of an application to the City, have in his/her possession, a current and valid "retailers license" issued by the State Fire Marshal.
- E. Within 30 days after a completed application for a permit to sell safe and sane fireworks has been received by the City, the Permit Committee shall take action to approve or deny the issuance of the permit. The Permit Committee may impose reasonable conditions upon the issuance of the permit and the violation of such a condition by the permit holder may be grounds for the immediate suspension of a permit by the Chief or his/her designated representative or any City Code Enforcement Officer. After the issuance of the permit has been approved by the Permit Committee, a separate temporary structure building permit shall also be obtained from the El Monte Building Division for the erection of the safe and sane fireworks stand and for the installation of any electrical equipment required for such fireworks stand. For the purpose of the El Monte Municipal Code including those provisions of the 2020 Los Angeles County Fire Code, every premises or structure from which safe and sane fireworks may be lawfully sold, subject to compliance with the terms of a permit is hereby defined as a "fireworks stand."
- F. Every fireworks stand shall be equipped with signs bearing the words "No Smoking" in red lettering at least four (4) inches in height. Such signs shall be visible to every person working in the fireworks stand and every customer while being served.
- G. Every fireworks stand shall be equipped with two (2) exits.

- H. Every fireworks stand shall be equipped with at least two (2) two-and-one-half-gallon pressurized water extinguishers, or 2, 2A10BC fire extinguishers and such extinguishers shall be maintained in working condition.
- I. By a date no later than July 31st of each year, all unsold stocks of safe and sane fireworks shall be returned to the wholesaler from whom they were purchased or stored in a location approved by the Chief or his/her designated representative.
- J. No fireworks stand shall be located within 25 feet of any building or side property line or within 15 feet of a street property line.
- K. No automobile or other vehicle shall be parked within 25 feet of any fireworks stand except that vehicles may park upon a public street at a distance of less than 25 feet from such fireworks stand. Fireworks stands on public or private parking lots shall be provided with barriers to maintain the 25 foot distance.
- L. All combustible waste material, ground cover, or other material liable to cause or spread fire shall be removed from the area surrounding the fireworks stand at a distance of 25 feet.
- M. There shall be at least one supervisor 21 years of age or older on duty at each fireworks stand during the time the fireworks stand is open for business. No person under 18 years of age shall be allowed to be inside of such fireworks stand at any time. No persons employed as a watchman shall remain inside any such fireworks stand during the time the fireworks stand is not open.
- N. All paper, packing boxes, and other combustible waste materials shall be removed from every fireworks stand premises at least daily. Each fireworks stand shall be equipped with two (2) fifty-gallon metal trash containers with metal lids.
- O. The sides of all fireworks stands shall be constructed of metal or one-quarter-inch gauge hardware cloth.
- P. All fireworks on display, unless confined within a carton or package or provided with a taped fuse shall be separated from the public by either a solid glass, or plastic or metal partition.
- Q. All persons engaged in the operation of any fireworks stand shall be instructed as to the operation of the fire extinguishers required and provided for the fireworks stand and shall be familiar with all provisions contained herein.
- R. No fireworks stand shall be erected more than ten (10) calendar days prior to the time on which fireworks may lawfully be sold pursuant to this Subsection. Every fireworks stand shall be removed from the premises within seven (7) calendar days after the time during which fireworks may be lawfully sold pursuant to this Subsection. For each day or portion thereof that a fireworks stand is erected, maintained, or left standing contrary to the provisions of this Subsection, the sum of ten dollars (\$10.00) shall be deducted from the deposit required by Section 8.16.030(B) of the El Monte Municipal Code and shall be retained by the City.
- S. The Chief and/or his/her designated representative or any City Code Enforcement Officer shall have the power to suspend the operation of any fireworks stand which is in violation

of any state or local ordinance or condition of the permit, or which may in his/her opinion constitute or create a condition contributing to a risk, cause or spread of fire.

- T. In the event of any conflict or inconsistency between the provisions of this Subsection 3308.2 and Title 19 California Code of Regulations, Chapter 6 (Fireworks), the provisions of Title 19 California Code of Regulations, Chapter 6 (Fireworks) shall control but only insofar as any of its provisions contain express non-discretionary mandates or express non-discretionary prohibitions that are in conflict with the provisions of this Subsection 3308.2. Otherwise, the provisions of Subsection 3308.2 shall control.

Editor's note(s)—Ord. No. 2841, § 4 Editor's note(s)—, adopted June 24, 2014, amended § 15.34.040 Editor's note(s)— in its entirety, in effect repealing and reenacting said Section to read as set out herein. The former § 15.34.040 Editor's note(s)— pertained to deletion, amendments and additions to the California Fire Code and derived from Ord. No. 2782, § 1 Editor's note(s)— (Exh. A), adopted Jan. 10, 2012.

**15.34.050 – Violation of the Code is a Misdemeanor.**

Any violation of this Chapter shall constitute a misdemeanor. The City may prosecute any violation of this Chapter as a misdemeanor in accordance with Section 1.24.010 of the El Monte Municipal Code.

**15.34.054 – Administrative Fines and Penalties.**

A. Purpose.

1. This Section 15.34.054 authorizes the imposition of administrative fines or any person who violates any provision of this Chapter 15.34 in order to encourage and obtain compliance with the provisions of this Chapter 15.34 for the benefit and protection of the entire community. This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as "dangerous fireworks" in Health and Safety Code Section 12500 et seq. with the exception of a pyrotechnic licensee when operating pursuant to that license; and the use of "safe and sane fireworks" as defined in Health and Safety Code Section 12550 et seq. on or at the dates, times and/or locations other than those permitted by this Chapter. Said administrative fines are imposed under the authority of Government Code Section 53069.4, Health and Safety Code Section 12557, and the City's police power.
2. The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the City authorized hereunder; and the issuance of a citation to any person constitutes but one remedy available to the City to redress violations of this Chapter 15.34 by any person. By adopting this Section 15.34.054, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violations of this Code by any person, which the City may otherwise pursue.
3. The imposition of fines related to "dangerous fireworks" under this Chapter 15.34 shall be limited to persons who possess, sell, use and/or display, or the seizure of 25 pounds or less (gross weight) of such "dangerous fireworks."

4. Fines collected pursuant to this Chapter 15.34 related to "dangerous fireworks" shall not be subject to Health and Safety Code Section 12706, which Section provides that certain fines collected by a court of the state be deposited with, and disbursed by the County Treasurer. However, the City shall provide cost reimbursement to the State Fire Marshal pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the transportation and disposal of "dangerous fireworks" seized by the City, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted by the state of California, the City shall hold in trust two hundred fifty dollars (\$250.00) or 25 percent of any fine collected, whichever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of the "dangerous fireworks."
  5. Every person who applies for and receives a "block party permit" in accordance with Chapter 12.07 or other applicable Code provision, or similar license or approval required by the City to close a street or otherwise reserve or use a piece of City property shall comply with all conditions imposed upon the issuance of such permit, license or approval, including but not limited to taking all reasonable efforts necessary to ensure that "dangerous fireworks" are not used at said event. A violation of this condition of such permit, license or approval shall be subject to a separate administrative fine under the provisions of this Chapter 15.34. Likewise, any person who fails to obtain any "block party permit", license or other such approval from the City, in accordance with Chapter 12.07 or other applicable provision of the Code, when such person is so required by the Code shall be subject to a separate administrative fine under this Chapter 15.34 as well as an additional administrative fine if "dangerous fireworks" are used at and during said event.
  6. Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of this Code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this Chapter 15.34 imposes strict civil liability upon the owners of residential real property for all violations of this Code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.
- B. Issuance of Administrative Citations—Contents.
1. Except as otherwise provided under this Chapter 15.34, the procedures contesting the issuance of an administrative citation pursuant to this Chapter 15.34 shall be those procedures set forth under Sections 1.18.060 through 1.18.090 of Chapter 1.18 of the El Monte Municipal Code. In the event of any conflict between the provisions of this Chapter 15.34 and the provisions of Section 1.18.060 through 1.18.090 of Chapter 1.18, the provisions of this Chapter 15.34 shall govern and control but only to the extent of the conflict and no further.
  2. Whenever a Code Enforcement Officer (CEO) determines that a violation of the Code has occurred, the CEO may issue an administrative citation on a City- approved form listing

the Code violation(s) and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with the provisions of this Chapter 15.34.

3. Furthermore, an administrative fine or fines may be imposed on any person for failure to comply with any condition or requirement imposed on any "block party permit," license and/or approval issued under or pursuant to Chapter 12.07 or other applicable El Monte Municipal Code provision.
  4. Each administrative citation shall contain the following provisions:
    - a. The name, mailing address, date of birth, California Drivers License number, and home or business telephone number of the responsible person charged with any violation of this Code;
    - b. The address or description of the location of the violation;
    - c. The date or dates on which the person violated this Code;
    - d. The Section or Sections of this Code that were violated;
    - e. A description of the violations(s);
    - f. The amount of the administrative fine for each violation, the procedure in place to pay the fines, and any late fee and interest charge(s), if not timely paid, and notice that if the City is required to take action to collect such fines, the responsible person may be charged costs and attorneys' fees;
    - g. Notice of the procedure to request an administrative hearing to contest the citation (including the form to be used, how to obtain the form, and the period within which the request must be made in order for it to be considered timely);
    - h. The names, addresses and telephone numbers of any witnesses to the violations(s);
    - i. The name and signature of the CEO who issued the citation and the name and signature of the citee, if he or she is physically present and will sign the citation at the time of issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceedings, nor shall signing a citation constitute an admission that a person is responsible for a violation of the Code;
    - j. Any other information deemed necessary by the Director for enforcement or collection purposes.
- C. Administrative Fines.
1. Each person who violates any provision of this Code as it relates to the possession, use, storage, sale and/or display of "dangerous fireworks" shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offense in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$1,000.00	\$250.00	\$1,250.00
Second	\$2,000.00	\$500.00	\$2,500.00
Third	\$3,000.00	\$1,000.00	\$4,000.00

2. A person who fails to obtain a "block party permit," license or approval, in accordance with Chapter 12.07 or other applicable El Monte Municipal Code provision, when such person is required to do so by the Code shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offense in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$500.00	\$125.00	\$625.00
Second	\$1,000.00	\$250.00	\$1,250.00
Third	\$1,500.00	\$500.00	\$2,000.00

3. Any person who does obtain a "block party permit," license or approval from the City as required by this Code where there was a condition imposed upon the issuance of such "block party permit," license or approval requiring the person to make all reasonable efforts necessary to ensure that "dangerous fireworks" are not used at said event and said person is said to be in violation of the permit by virtue of the fact that there were "dangerous fireworks" used at said event shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offense in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$1,500.00	\$375.00	\$1,875.00
Second	\$3,000.00	\$750.00	\$3,750.00
Third	\$5,000.00	\$2,000.00	\$7,000.00

4. Each person who uses "safe and sane fireworks" on or at dates times and/or locations other than those permitted in this Chapter 15.34 shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offense in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$250.00	\$75.00	\$325.00
Second	\$500.00	\$150.00	\$650.00
Third	\$750.00	\$300.00	\$1,050.00

5. In the case of a violation of any of the provisions listed above, the administrative fine(s) shall be due and payable within 30 calendar days from the issuance of the administrative fine citation, and the citee shall be required to abate the violation, and surrender all dangerous fireworks to the CEO, immediately. For penalties not paid in full within that time, a late charge in the amount set forth above is hereby imposed and must be paid to the City by the citee. Fines not paid within the time established by this Section shall accrue interest at the prevailing established rate. On the second and each subsequent time that a person is issued a citation for the same violation in any 12 month period, the fine is increased as indicated above and the citee shall be liable for the amount of the new fine until it is paid, in addition to being responsible for payment of previous fines.
  6. All administrative fines and any late charges and interest due shall be paid to the City at such location or address as stated on the citation, or as otherwise be designated by the City Manager or his or her designee. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the Code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code. The issuance of the citation and/or payment of any fine shall not bar the City from employing any other enforcement action or remedy to obtain compliance with the provisions of the Code so violated including the issuance of additional citations and/or criminal prosecution pursuant to Chapter 1.24.
  7. Upon confirmation of the citation or when the citation is deemed confirmed, all unpaid administrative fines, late fees and/or interest shall constitute a judgment which may be collected in any manner allowed by law for collection of judgments including but not limited to recordation to create a lien on any real property owned by the responsible person. The City shall be entitled to recover its attorney's fees and costs incurred in collecting any administrative fines, late charges and/or interest.
  8. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the Code nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code.
- D. Right to an Administrative Hearing:
1. Any citee may contest the violation(s), or that he or she is a responsible person, by filing a request for an administrative hearing in accordance with the appeal procedures set forth under Sections 1.18.060 through 1.18.090 of Chapter 1.18 of the El Monte Municipal Code.
  2. No fees shall be charged for the filing of a request for a hearing.
  3. Except as otherwise authorized pursuant to Section 1.18.070 of Chapter 1.18 of the El Monte Municipal Code, a citee shall deposit the full amount of the penalty listed on the citation on or before the request for a hearing is filed. Failure to deposit the full amount of all penalties within the required time period, or the tender of a non-negotiable check, shall render a request for an administrative hearing incomplete and untimely. Penalties

that are deposited with the City shall not accrue interest. Penalties deposited shall be returned to the person who deposited them in if the citation is overturned.

4. If the CEO submits an additional written report concerning the citation to the City for consideration at the hearing, the CEO shall also serve a copy of such report by first-class mail on the person requesting an administrative hearing no less than seven (7) calendar days prior to the date of the hearing. Failure to receive said report shall not invalidate the citation or any hearing, City action or proceeding pursuant to this Chapter 15.34.

#### **15.34.060 – Definitions.**

**"Chief,"** as used in this Chapter, means Chief of the Los Angeles County Fire Department.

**"Citation"** means an administrative citation issued pursuant to this Section to remedy a violation.

**"Citee"** means any person served with an administrative citation charging him or her as a responsible person for violation.

**"Code"** means the El Monte Municipal Code.

**"Code Enforcement Officers (CEO),"** as used in this Chapter 15.34, mean those individuals defined in Section 1.16.030(A) of the El Monte Municipal Code and any City employee or agent of the city with the authority to enforce any provision of this El Monte Municipal Code.

**"Director"** means the City Manager or his or her designee.

**"Hearing Officer"** shall have the same meaning as set forth under Subsection (H) of Section 1.18.020 (Definitions) of Chapter 1.18 of the El Monte Municipal Code.

**"Issuance" or "issued"** means any of the following:

- a. The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedures; or
- b. Mailing of administrative fine citation to the citee by certified mail with return receipt, to the address shown on the official records of the County Assessor; or
- c. By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service. Substituted service may be accomplished as follows:
  1. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by First Class Mail, postage pre-paid, a copy to the recipient at the address where the copy was left; or
  2. In the event the responsible party cannot be served by First Class Mail, postage pre-paid, or cannot be personally served by First Class Mail, postage pre-paid, or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency or may be affected by posting the property with the administrative fine

citation and mailing a copy by First Class Mail, postage pre-paid, to the responsible party in violation at the address of the property where the violation exists.

**"Person"** means a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this Chapter 15.34 has occurred.

**"Responsible person,"** as used in this Chapter 15.34, means a person who causes a violation of this Chapter 15.34 to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this Chapter 15.34, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of this article may be issued a citation in accordance with the provisions of this Chapter 15.34. Every parent, guardian or other person, having legal care, custody or control of any person under the age of 18 years, who knows or reasonably should know that a minor is in violation of this Chapter 15.34, may be issued a citation in accordance with the provisions of this Chapter 15.34, in addition to any citation that may be issued to the offending minor.

**"Violation" or "violates"** means any violation of any provision of this Chapter 15.34.

## **CHAPTER 15.36 – SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

### **15.36.010 Purpose.**

The purpose of this Chapter 15.36 is to establish an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter 15.36 encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding property owners' ability to install small rooftop solar energy systems. This Chapter 15.36 allows the City to achieve these goals while protecting the community's health and safety.

### **15.36.020 – Applicability.**

- A. This Chapter 15.36 applies to the permitting of all small residential rooftop solar energy systems in the City.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter 15.36 are not subject to the requirements of this Chapter 15.36 unless physical modifications or alterations are undertaken that materially change the size, type, or components of the small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

### **15.36.030 – Definitions.**

For purposes of this Chapter 15.36, the following definitions shall apply:

- A. "**Association**" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "**Building Department**" means the Building and Safety Division of the City of El Monte.
- C. "**Building Official**" means the Building Official for the City of El Monte.
- D. "**City**" means the City of El Monte.
- E. "**Common interest development**" means any of the following:
  - 1. A community apartment project;
  - 2. A condominium project;
  - 3. A planned development; or
  - 4. A stock cooperative.
- F. "**Electronic submittal**" means the utilization of one or more of the following:
  - 1. E-mail;
  - 2. The Internet; and/or
  - 3. Facsimile.

- G. **"Feasible method to satisfactorily mitigate or avoid the adverse impact"** includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall utilize its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- H. **"Small residential rooftop solar energy system"** means all of the following:
  1. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or 30 kilowatts thermal;
  2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, county, or City and county and Paragraph (3) of Subdivision (c) of Section 714 of the Civil Code;
  3. A solar energy system that is installed on a single or duplex family dwelling; or
  4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
- I. **"Solar energy system"** means either of the following:
  1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating; or
  2. Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- J. **"Specific, adverse impact"** means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**15.36.040 – Solar Energy System Requirements.**

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City, State of California, and local fire department.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards published by the California Electrical Code, the institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

**15.36.050 – Electronic Processing.**

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's website.

- B. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. Website applications may be allowed at such time in the future that the technology is made available to the City The City's website shall specify the permitted method of electronic document submission.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents, in lieu of a wet signature.

**15.36.060 – Duties of Applicant.**

Prior to submitting an application, the applicant shall:

- A. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
- B. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

**15.36.070 – Duties of Building Department and Building Official.**

- A. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.
- B. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting guidebook adopted by the State Governor's Office of Planning and Research.
- C. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55 and 66015 and Health and Safety Code Section 17951.

**15.36.080 – Expedited Permit Review and Inspection Requirements.**

- A. An application for a small residential rooftop solar energy system permit that Building Department determines to satisfy the informational requirements contained in the City's checklist as prepared by the Building Department pursuant to Section 15.36.070(A) shall be deemed complete.
- B. Upon receipt of an incomplete application, the Building Department shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited issuance of a small residential rooftop solar energy system permit.

- C. Upon the Building Department's determination that the application for a small residential rooftop solar energy system permit is complete, the Building Department shall issue a building permit or other nondiscretionary permit within three (3) business days.
- D. The Building Department's review of such applications for small residential rooftop solar energy system permits shall be limited to whether the application meets local, state, and federal health and safety requirements.
- E. The Building Official shall require an applicant to apply for a use permit, if he or she finds, based on substantial evidence, that that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.
- F. If a use permit or other discretionary City approval is required, the Building Official may not deny the application for the use permit unless he or she makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid such adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decision by the Building Official may be appealed to the Planning Commission.
- G. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The City shall ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- H. The City shall not condition approval of an application for the approval of an association, as defined in Civil Code Section 4080.
- I. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review. Such an inspection will be scheduled within two (2) business days of a request for such an inspection.
- J. If a small residential rooftop energy system fails the Building Department's inspection, a subsequent inspection is authorized by need not conform to the requirements of this Section 15.36.080.

## **CHAPTER 15.38 – EXISTING BUILDING CODE<sup>7</sup>**

### **15.38.010 – Adoption of 2020 Los Angeles County Existing Building Code.**

The 2020 Los Angeles County Existing Building Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.38, the 2020 Los Angeles County Existing Building Code as adopted herein may be referred to as the "El Monte Existing Building Code" or "this Code."

### **15.38.020 – Fees and Service Charges.**

The adopted provisions of the 2020 Los Angeles County Existing Building Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless amended by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

15.38.030 Amendment of Section 1.8.10.2 (Moved Structures) of Chapter 1 (Scope and Administration) of the 2020 Los Angeles County Existing Building Code.

Adoption of the 2020 Los Angeles County Existing Building Code shall be subject to the amendment in its entirety of Section 1.8.10 (Moved Structures) of Chapter 1 (Scope and Administration). As amended, Section 1.8.10.2 shall state the following:

#### **Section 1.8.10.2. Moved Structures.**

- A. Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment, as amended by the State of California. Applicants requesting moving permits shall submit a certificate showing freedom from termite infestation for each building or structure to be moved. Said certificate shall be submitted at the time application for the moving permit has been duly filed. Upon filing of the application for permit to move a building or structure, and payment of the fee prescribed in the adopted fee schedule, the Building Official shall cause the building or structure to be inspected and shall prepare a written report which shall be forwarded to the applicant. This report shall indicate the approval or disapproval by the Building Official, and if approved for moving, shall outline the requirements necessary to make the building or structure conform to the Codes and regulations of this and other ordinances duly adopted by the City of El Monte.

The report of inspection shall remain valid for a period of 90 days from the date that the building or structure has been inspected. If the building or structure has not been relocated

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<sup>7</sup>Editor's note(s)—Ord. No. 2963, § 18Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.38Editor's note(s)— in its entirety to read as herein set out. Former Ch. 15.38Editor's note(s)—, §§ 15.38.010Editor's note(s)—, 15.38.020Editor's note(s)—, pertained to existing codes, and derived from Ord. No. 2904, § 18Editor's note(s)—, adopted Dec. 6, 2016.

by the expiration of this time limit, then a new report and inspection fee shall be required. The applicant shall agree in writing, which shall be notarized, to make all the required changes and repairs within 180 days after relocation and shall post with the Building Official, a faithful performance bond, cash or surety, in an amount equal to the cost of the required reconstruction as determined by the Building Official. The faithful performance bond shall guarantee that the required changes shall be made, or the building or structure shall be removed or demolished and the site cleared, cleaned and restored to its original condition insofar as is practical.

## **CHAPTER 15.40 – GRADING AND EROSION CONTROL**

### **15.40.010 – Purpose.**

The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the quality of materials used in, and the design, construction, location and maintenance of grading, and to implement measures to substantially reduce the potential for erosion and sedimentation damage within the City.

### **15.40.020 – Scope, Interpretation, Application and Exemptions.**

- A. The provisions of this Chapter shall apply to all grading within the City, unless specifically exempted under this Section.
- B. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide the greater measure of safety to life, health, property or the public welfare and which are more restrictive upon the operations of the applicant, or which place upon the applicant the greater duty of providing safeguards both to the property being graded and to other property in the area. The permissive provisions of this Chapter shall not be presumed to waive any limitations imposed by other ordinances of the City, state statutes or the requirements of other regulatory agencies.
- C. Neither the issuance of a permit under the provisions of this Chapter, nor the compliance with the provisions of this Chapter or with any conditions imposed in the permit issued under this Chapter, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the City for damage to other persons or property.
- D. The provisions of this Chapter shall not apply to any of the following:
  - 1. Work in a public street, alley or sidewalk or other public place regulated by Section 12.08.010.
  - 2. Mining, quarrying, processing or stockpiling of rock, sand, aggregate or clay, unless such work affects the lateral support of adjacent or contiguous property or structures;
  - 3. Excavation or filling of graves in property dedicated or used for cemetery purposes.

### **15.40.030 – Definitions.**

Whenever the following words are used in this Chapter they shall have the meanings indicated in this Section:

- A. **"City Engineer."** The City Engineer acting either directly or through properly authorized agents.
- B. **"Excavation."** Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, scooped, quarried, bored, trenched, benched, uncovered, removed, displaced, relocated, or bulldozed and includes the conditions resulting therefrom; including any and all work associated with geotechnical investigations, soils investigations or any other

subsurface investigation; any and all demolition activities covered by a building permit; and removal of or abandonment of underground storage tanks.

- C. **"Fill."** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and includes the conditions resulting therefrom.
- D. **"Grading."** Excavation or fill or any combination thereof and shall include the conditions resulting there from.
- E. **"Grading permit."** Any permit required by Appendix J Section J103 of the California Building Code.
- F. **"Permittee."** Any owner, land occupier or contracting agent to whom a grading permit is issued.
- G. **"Site."** A separate lot or parcel of land.

**15.40.040 – General requirement—Maintenance of Premises.**

The owner, land occupier, or other person in control of any property who orders, or causes land owned, occupied or controlled by him, or any land, to be graded, or knowingly permits the same, shall maintain in good condition.

**15.40.050 – Permit—Required.**

No person shall commence or perform any grading without having first obtained a grading permit from the City Engineer. A separate grading permit shall be obtained for each site. One permit may cover both an excavation and any fill made with the excavated materials on the same site.

**15.40.060 – Permit—Exceptions.**

A grading permit shall not be required for the following exceptions, but in all other respects the provisions of this Chapter shall apply:

- A. An excavation below finished grade for swimming pool or underground structure authorized by a valid building permit;
- B. An excavation or fill authorized by a valid plumbing permit; and
- C. Grading by or for a public agency or utility company when specifically exempted by the City Engineer and/or Chief Building Official.
- D. Minor grading, that will not redirect or concentrate existing drainage flows, and of negligible hazard, where site modification does not exceed a total area of 5,000 square feet or building addition less than 500 square feet, or when specifically exempted by the City Engineer and/or Chief Building Official.

**15.40.070 – Permit—Application.**

- A. An applicant for a grading permit shall first file an application there for in writing with the Engineering Department. Every such application shall:

1. Give the name and address of the record owner(s) of the site;
  2. Give the name and address of the grading contractor;
  3. Give the legal description and street address of the site;
  4. State the purpose of the work;
  5. Identify and describe the work to be covered by the permit for which application is made;
  6. Be signed by the permittee, who shall be responsible for the correctness of the work and for requesting the inspections required in this Chapter;
  7. Be accompanied by plans, including: A map showing the present elevation of the land and the proposed elevations of the land after completion of the proposed grading; a plot plan showing the location of the grading boundaries, lot lines, neighboring public ways and sufficient dimensions and other data to show the location of all work; description of the type and classification of soil in Appendix J Section J103 of the California Building Code; details and location of proposed drainage structures, piping, walls and cribbing; and such other information that the engineer of record may require to carry out the purpose of this Chapter. All plans shall bear the name of the person responsible therefor and shall be submitted to the City Engineer in duplicate. Unless otherwise approved by the City Engineer, all such plans and specifications shall be prepared by a registered civil engineer;
  8. Be accompanied by a preliminary soil report prepared by a registered soils engineer, which shall be based on adequate test borings or excavations. The report may be waived if the available information as to the qualities of the soil satisfies the City Engineer that no preliminary analysis is necessary.
    - a. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, than a soil investigation and report shall be required for each site. The soil investigation and report shall be prepared by a registered soils engineer. The report shall recommend corrective action which is likely to prevent structural damage to any structure to be constructed on the expansive soil.
    - b. The soil investigation and report shall be approved if the City Engineer and/or Chief Building Official determines that the recommended action will likely prevent structural damage to any improvement to be constructed. As a condition to the issuance of a building permit, the approved recommended action shall be incorporated in the construction of any improvement on the site.
- B. When an erosion and sedimentation control permit is required by 15.40.050, the provisions of said permit shall supersede conflicting provisions of any other permit. The application shall be accompanied by plans and specifications prepared by a registered civil engineer. The developer shall be guided by the principles of erosion prevention described in the following Subdivisions or by any other acceptable principles or practices.

1. The erosion and sedimentation control plan should be fitted to the topography and soil class so as to create the least potential for soil loss. Maximum use shall be made of vegetation to minimize inevitable soil loss through land disturbing activity, such as:
    - a. Natural vegetation should be retained wherever possible;
    - b. Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching should be installed promptly to minimize inevitable soil loss and to ensure that soil losses are kept below the tolerable limits;
    - c. Erosion control elements shall be implemented as soon as practical in the development process, except that the time elapsed shall not exceed 60 days after the cessation, termination or completion of grading, whichever comes first.
  2. Exposure of the soil through land disturbing activity should be held to the smallest practicable area and to the shortest practicable period of time consistent with maximum tolerable soil loss levels.
  3. Appropriate provision should be made to accommodate increased storm water runoff and consequent soil loss occasioned by changed soil and surface conditions during and after development. In addition to the use of vegetation and limitations on soil exposure as prescribed herein, such provisions may include but are not limited to:
    - a. Installing and maintaining sediment basins, debris basins, desilting basins or silt traps to substantially reduce sediment from runoff water.
- C. Whenever an erosion and sedimentation control permit is required, a security deposit in the per the current Engineering Department fee schedule shall be required to guarantee that provisions of the permit are met. Any measures which are temporary and portable, such as sand bags and Visqueen, may be deposited so as to not interfere with normal construction activity during dry weather. However, any necessary measures shown on the approved plan shall be in place during any storm event.
1. If those erosion control measures shown on the plan are not in place within 24 hours of the prediction of a storm event by the U.S. Weather Service, the City Engineer may have such measures installed and charge any costs thereof against the security deposit.
  2. If any sedimentation does collect in the public right-of-way, it shall be cleaned up within 24 hours of the end of each storm event. Failure to do so may permit the City Engineer to have the street cleaned and charge any costs thereof against the security deposit.

**15.40.080 – Permit—Issuance.**

The application, and plans and specifications for a permit under this Chapter shall be checked by the City Engineer. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the City Engineer is satisfied that the work described in the application and the plans filed therewith conform to the requirements of this Chapter and other applicable laws and ordinances, and that the fee specified in Section 15.40.090 has been paid, the City Engineer shall issue a grading permit therefor.

**15.40.090 – Permit—Fee.**

The applicant for a grading permit, under Section 15.40.070, or an erosion and sedimentation control permit, shall pay the following fees to the City:

- A. Plan check fee. Whenever a permit is required by this Chapter, the applicant shall pay a fee established by Council resolution to defray the cost of engineering and plan checking. The plan check fee shall be paid at the time of filing the application for the permit.
- B. Inspection fee. The applicant shall pay a fee established by Council resolution to defray the cost of engineering and inspection. The inspection fee shall be paid at the time of issuance of the permit.
- C. If the permit is allowed to expire pursuant to Section 15.40.100, the inspection fee shall be refunded, less any direct costs incurred by the City.
- D. If all improvements approved under the grading permit, including all public improvements, are not completed by the date shown on the valid grading permit, then an additional inspection fee, equal to the actual cost to the City, shall be required. The amount of such additional fees shall be deducted from the security deposit.

**15.40.100 – Permit—Expiration.**

Every grading permit shall expire and become null and void if the work authorized by such permit has not been commenced within 60 days of date the grading permit was issued; except that the City Engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work from being started or completed within the specified time limits, grant a reasonable extension of time on said permit; provided that the application for the extension of time is made before the date of expiration of the permit and an erosion and sedimentation control permit is obtained when required.

**15.40.110 – Permit—Denial.**

The City Engineer shall deny a grading permit in any case where the work, as proposed by the applicant, is likely to endanger any private or public property, result in the deposition of debris thereon, remove or reduce lateral support or interfere with any drainage course. Factors to be considered in making such findings shall include, but shall not be limited to possible saturation by rains, earth movement, runoff of surface waters, and subsurface conditions such as the stratification and faulting of rock, and nature and type of soil or rock. Failure of the City Engineer to observe or recognize hazardous conditions or to fail to deny the grading permit shall not relieve the owner or his or her agent from responsibility for the condition or damages resulting therefrom, and shall not result in the City being responsible for the condition or damages resulting therefrom.

**15.40.120 – Inspections.**

- A. The City Engineer shall, when requested, make the inspections required in this Section, and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with this Chapter. Where it is found by inspection that the soil or other conditions are not as stated or shown in the application, the City Engineer may

immediately order all work to cease until approval is obtained for a revised grading plan conforming to the existing conditions.

- B. Plans for grading work, bearing the stamp of approval of the City Engineer, shall be maintained at the site during the progress of the grading work and until the work has been approved. The permittee shall notify the City Engineer in order to obtain inspections in accordance with the following schedule and at least 24 hours before said inspection is to be made:
  - 1. Initial inspection. When the permittee or his agent is ready to begin work on an excavation or fill;
  - 2. Rough grading. When all rough grading has been completed;
  - 3. Special structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured;
  - 4. Final inspection. When all work, including slope planting and installation of drainage and other structures has been completed.
- C. Compaction of fills which were approved by the City Engineer in accordance with Section 15.36.180 shall be inspected by a registered soils engineer. A report prepared and signed by said soils engineer shall be submitted to the City Engineer upon completion of the work and shall include the following:
  - 1. A contour map showing the original and finished surfaces of the areas filled, unless such map has previously been filed as part of the application for the grading permit;
  - 2. The foundation bearing values recommended for the compacted fill;
  - 3. A description of the materials used in the fill and the procedure of deposit and compaction, including the preparation of original ground surface before making the fill;
  - 4. A plan showing the location of tests made in the fill together with a tabulation of compaction test results;
  - 5. A statement that all work was done in conformance with the provisions of this Chapter.

**15.40.130 – Special Precautions Required.**

If at any stage of the work the City Engineer determines that the nature of the formation is such that further work, as authorized by an existing grading permit, may expose to risk any property or public way, the City Engineer may immediately order all work to cease, and require as a condition to allowing further work to be done, that such reasonable safety precautions be taken as considered advisable by the City Engineer.

**15.40.140 – Certification by Engineer.**

If, upon final inspection of any excavation or fill, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this Chapter, and any other requirements imposed, the Civil Engineer of record shall so certify. Such certification is required before any building permit may be granted.

#### **15.40.150 – Revocation of Certification.**

The City Engineer shall have the power to revoke such certification whenever the work is found to have been materially extended or altered without obtaining necessary permits from the City or that any of the work included in the grading permit has not been maintained in good condition and repair as specified in Section 15.40.040

#### **15.40.160 – Liability Insurance and Certificate.**

- A. Insurance certificate. A certificate of insurance as required in Division (A) of this Section, issued by a corporation authorized to do insurance business within the state, which certificate shall provide that the insurance thereby represented will not be canceled, reduced, or allowed to expire, shall be filed with the City before any permits under this Chapter may be issued or authorized. All such insurance certificates shall be submitted to the City Attorney for approval before acceptance by the City. Said insurance shall insure to the benefit of any and all persons or property injured as a result of water or drainage damage, the flow of mud or debris, or earth slides, resulting from or contributed to by such excavation, fill or grading. The certificate shall designate the City as additional insured.
- B. Insurance policy. The policy of insurance shall be submitted which fully describes coverages and exclusions.

#### **15.40.170 – Excavations.**

- A. No excavation shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one vertical. The City Engineer may require an excavation to be made with a cut-face flatter in slope if the City Engineer finds that the material in which the excavation is to be made is unusually subject to erosion, or if other conditions warrant a flatter slope for stability and safety.
- B. Excavations shall not extend below the angle of repose, or natural slope, of the soil under the nearest point of any footing or foundation of any building or of the soil under the nearest point of any footing or foundation of any building or structure, unless such footing or foundation is first properly underpinned or protected against settlement in a manner satisfactory to the City Engineer.
- C. No cut slope shall be constructed over 30 feet in height unless the City Engineer has been furnished satisfactory evidence by a qualified geologist or soils engineer that such slope will be stable. If the soil structure so requires, as determined by the Engineer, terraces not less than five (5) feet in width shall be constructed in all cut slopes at the rate of one terrace for each 20 feet of height (or portion thereof) above 20 feet.

#### **15.40.180 – Fills.**

- A. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one vertical unless supported by an approved Geotechnical Report. The City Engineer may require a fill to be constructed with an exposed surface flatter in slope if such flatter slope is determined to be necessary for stability and safety.

- B. Unless otherwise approved by the City Engineer, no fill shall be made with materials other than clean soil or earth.
- C. A written report of the compaction as specified in Section 15.40.120 shall be submitted to the City Engineer for review and approval.
- D. The City Engineer may request additional test information, or may modify or delete any of the above provisions, if the site conditions or materials so warrant. However, in no case shall the City Engineer approve a slope steeper than that called for in this Chapter without first finding that the steeper slope would lead to an improvement in the overall quality of the development. A steeper slope may be permitted only if two (2) reports prepared by registered soils engineers concur that minimum factors of safety exist for both surficial and gross stability. The cost of both reports shall be borne by the developer.

**15.40.190 – Retaining Walls or Cribbing.**

Retaining walls or cribbing shall be constructed in accordance with the provisions of the Building Code and shall be used whenever necessary to prevent the surface of any excavation or fill from exceeding the maximum allowable slopes set forth in this Chapter and requires Building Division approvals.

**15.40.200 – Drainage Provisions.**

- A. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural watercourse approved by the City Engineer as a safe place to deposit and receive such waters, or to permit the flow of surface waters onto adjoining property in its normal manner, direction, location and volume. The City Engineer may require such drainage structures or facilities to be constructed or installed which, in the opinion of the City Engineer, are necessary to prevent erosion damage and to satisfactorily carry off surface waters.
- B. Where pads or terraces are constructed, surface drainage shall not be permitted to sheet flow over the lower slope. Such drainage shall be carried laterally across the pad or terrace. When required by the City Engineer, terraces shall be paved.

**15.40.210 – Slope Planting.**

All fill slopes shall be planted with approved ground cover, unless specifically exempted by the City Engineer. In addition, the City Engineer may require planting with approved ground cover for any cut slope to improve stability or to reduce erosion and runoff. In all cases where slope planting is required, approved sprinkler systems shall be installed to adequately water such planting. A landscape and irrigation plan shall be submitted to the Development Review Committee for approval.

**15.40.220 – Correction of Unsafe Conditions.**

Whenever the City Engineer determines that any construction activity or site condition has become a hazard to life, safety, usability or stability of a public way, the owner of the property upon which such excavation or fill is located, or other person in control of said property, upon

receipt of notice in writing from the City Engineer, shall immediately repair or reconstruct such excavation or fill so that it will conform to the requirements of this Chapter or otherwise repair, reconstruct, strengthen or eliminate such hazard and charge the cost of doing so against the security deposit. The City shall not be responsible for any additional costs that accrue to the developer as a result of its action to correct an unsafe condition.

**15.40.230 – Appeals.**

The Planning Commission shall consider appeals from the provisions of this Chapter or from the determinations of the City Engineer in the manner specified in Section 2.24.060 of this Code.

**15.40.240 – Retention of Plans.**

Plans and specifications for grading which, in the opinion of the City Engineer, are of sufficient size or importance, and all plans, specifications and reports of compacted fill designed to support a building or other structure, shall be retained in the office of the City Engineer.

**15.40.250 – Violation—Penalty.**

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in § 1.24.010 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed or continued by such person, firm or corporation and shall be punished as provided in this Section.

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# DIVISION A – CITYWIDE MATRIX OF PERMITTED USES

## CHAPTER 17.A – PERMITTED USES

- A. **Permitted Uses.** Table 17.A-1 prescribes the land use regulations for commercial zoning districts. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review. Refer to Chapter 17.14 (Zoning Classifications and Map) of this Title for a full listing of the different zoning districts.
- B. **Unlisted Uses.** Any land use not listed in Table 17.A-1 is not permitted in commercial zoning districts, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.A-1 – Permitted Uses – Citywide Matrix																		
Residential – Main Uses	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Residential dwelling, single-family, one (1) on a lot, one (1) story	P	P	P	P <sup>1</sup>	P <sub>1</sub>	P <sub>1</sub>	--	--	--	--	--	--	--	--	--	--	--	
Residential dwellings, single-family, greater than one (1) story	P	P/D <sup>2</sup>	D <sub>2</sub>	P <sub>1</sub>	P <sub>1</sub>	P <sub>1</sub>	--	--	--	--	--	--	--	--	--	--	--	17.122
Residential dwellings, single-family, two (2) or more detached on a lot	--	P	--	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Residential dwellings, two-family, two (2) attached or detached on a lot	--	--	--	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Residential dwellings, multiple-family, three (3) or more attached or detached on a lot	--	--	--	P	P	P	--	--	--	P	P	P <sup>3</sup>	--	--	--	--	--	
Residential dwellings, multiple-family, five (5) or more attached on a lot	--	--	--	P	P	P	P	--	--	P	P	P <sub>3</sub>	--	--	-/P <sup>4</sup>	P/C <sup>5</sup>	P	

<sup>1</sup> Subject to the development standards of the R-1A zoning district.

<sup>2</sup> A maximum of 1½-stories shall require Community Development Director approval for properties located in the RHOD overlay.

<sup>3</sup> Residential uses are only permitted within ¼-mile of a Major Transit Intersection (MTI).

<sup>4</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Is not be permitted in Main Street DOR-1.

<sup>5</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a Conditional Use Permit (CUP).

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Residential – Main Uses (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Factory-built housing	P	P	P	P	P	P	--	--	--	P	P	P <sup>6</sup>	--	--	--	--	--	
Live-work unit	--	--	--	--	--	--	M	--	--	C	C	C <sub>6</sub>	--	--	--	M <sup>7</sup>	M	17.110.050
Mixed-use development –																		
Horizontal	--	--	--	--	--	--	P	--	--	--	--	P <sub>6</sub>	--	--	--	P/C <sub>7</sub>	P	17.110.060
Vertical <sup>8</sup>	--	--	--	--	--	--	P	--	--	--	--	--	--	--	P	P	P	17.110.060
Mobile home or trailer park	--	--	--	--	--	C	--	--	--	--	--	--	--	--	--	--	--	
Planned Residential Development (PRD)	--	R	--	R	R	R	--	--	--	R	R	R <sub>6</sub>	--	--	--	--	--	17.126
<i>Religious institutions housing (reserved)</i>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	17.110.070
Senior housing	--	--	--	--	C	C	C	--	--	C	C	C <sub>6</sub>	--	--	P	P/C <sub>7</sub>	P	
Single room occupancy (SRO)	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	17.110.080
Urban dwelling	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	17.110.100
Urban lot split	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	17.110.110
Urban housing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--/P <sup>9</sup>	P/C <sub>7</sub>	P	17.110.120
Residential – Ancillary Uses																		
Accessory building	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	P	17.110.020
Accessory Dwelling Unit (ADU) and Junior ADU	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	17.110.030
Animals, breeding and raising	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Animals, horses	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Animals, husbandry product	--	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	

<sup>6</sup> Residential uses are only permitted within ¼-mile of an MTI.

<sup>7</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a CUP.

<sup>8</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

<sup>9</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Is not permitted in Main Street DOR-1.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Residential – Ancillary Uses (cont.)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Community garden	M	M	M	M	M	M	--	--	--	--	--	--	--	--	--	--	--	
Garage sale	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	5.44
Greenhouse or conservatory, private	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Home occupation	P	P	P	P	P	P	P	--	--	P	P	P	--	--	P	P	P	17.110.040
Lighted outdoor sporting field or court, private	M	M	--	M	M	M	M	--	--	M	M	M	--	--	--	--	--	
Trailer, temporary	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Transitional parking	C	C	--	M	M	M	--	--	--	--	--	--	--	--	--	--	--	
Transitional use	C	C	--	M	M	M	--	--	--	--	--	--	--	--	--	--	--	17.110.090
Community Care Uses																		
Adult daycare home –																		
Small, less than seven (7) adults	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Large, seven (7) to 12 adults	C	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	
Adult daycare facility, general	--	--	--	--	--	--	C	--	--	C	C	C*	--	--	--	--	C	
Alcoholism or drug abuse treatment facility	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	
Childcare facility	--	--	--	--	--	--	C	--	--	C	C	C*	--	--	--	C	C	
Elder care or assisted living facility	--	--	--	--	--	--	C	--	--	--	C	C*	--	--	--	--	C	
Emergency shelter –																		
Less than 25 beds/occupants	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	17.112.100
25 or more beds/occupants	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	17.112.100
Family daycare home –																		
Small, less than nine (9) children	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Large, nine (9) to 14 children	A	A	A	A	A	A	--	--	--	--	--	--	--	--	--	--	--	

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Residential – Ancillary Uses (cont.)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Group home –																		
Small, less than (7) residents	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Large, seven (7) or more residents	A	A	A	A	A	A	--	--	--	--	--	--	--	--	--	--	--	
Low barrier navigation center –																		
Less than 25 beds/occupants	--	--	--	--	--	--	P	--	--	P	P	p <sup>10</sup>	--	--	--	--	--	17.112.100
25 or more beds/occupants	--	--	--	--	--	--	A	--	--	A	A	A <sup>10</sup>	--	--	--	--	--	17.112.100
Residential care home –																		
Small, less than seven (7) residents	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	
Large, seven (7) to 12 residents	A	A	A	A	A	A	--	--	--	--	--	--	--	--	--	--	--	
Residential care facility, general	--	--	--	--	--	--	C	--	--	--	C	C	--	--	--	--	C	
Social rehabilitation facility	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	
Supportive or transitional housing	--	--	--	P	P	P	P	--	--	P	P	p <sup>11</sup>	--	--	--	--	--	
Public & Quasi-Public Uses								--	--									
Electrical distribution substation	--	--	--	--	--	--	C	--	--	C	C	C	M	M	--	--	C	
Government or government related facility	P	P	--	P	P	P	P	--	--	P	P	p*	P	P	p^	P	P	
Hospital or clinic –																		
Hospital	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	
Urgent care medical center	--	--	--	--	--	--	p*	--	--	P	P	p*	P	P	--	p*	p*	
Recreation facility –																		
Public	P	P	P	P	P	P	P	--	--	P	P	P	--	--	p^	P	P	
Private	C	C	--	C	C	C	--	--	--	--	C	C	--	--	--	--	--	

<sup>10</sup> Low barrier navigation center is only permitted within ¼-mile of an MTI.

<sup>11</sup> Supportive or transitional housing is only permitted within ¼-mile of an MTI.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Public & Quasi-Public Uses (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
School & educational facility –																		
College or university, public	--	--	--	--	--	--	P	--	--	--	C	C	--	--	--	P	P	
College or university, private	--	--	--	--	--	--	C	--	--	--	C	C	--	--	--	C	C	
K-12, public	P	P	--	P	P	P	P	--	--	P	P	P	--	--	--	--	P	
K-12, private	--	--	--	--	C	C	C	--	--	C	C	C	--	--	--	--	C	
Preschool, public	P	P	--	P	P	P	P	--	--	P	P	P	--	--	--	P	P	
Preschool, private	--	--	--	--	C	C	C	--	--	C	C	C	--	--	--	C	C	
Specialized education and training	--	--	--	--	--	--	M	--	--	--	M	M*	M	M	--	C	C	
Tutoring and educational center	--	--	--	--	--	--	P	--	--	P	P	P*	--	--	P*	P*	P*	
Utility facility	C	C	--	C	C	C	C	--	--	C	C	C	C	C	--	--	C	
Wireless facility	See notes											*	See notes					17.90 & 92
Assembly & Entertainment Uses																		
Adult entertainment	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	5.32 17.112.020
Ancillary entertainment	--	--	--	--	--	--	P*	--	--	--	P	P*	P	P	P*^	P*	P*	
Assembly or meeting facility	--	--	--	--	--	--	C	--	--	--	C	C	C	C	C	C	C	
Commercial entertainment	--	--	--	--	--	--	C	--	--	--	--	C	C	C	C^	C	C	
Commercial recreation facility –																		
Indoor	--	--	--	--	--	--	C	--	--	--	--	C	C	C	C^	C	C	5.18 for billiards
Outdoor	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	
Community center	--	--	--	--	--	--	P	--	--	P	P	P	--	--	P^	P	P	
Cultural institution	--	--	--	--	C	C	C	--	--	C	C	C	--	--	P^	P	P	
Family entertainment center	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	C	C	

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Assembly & Entertainment (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Gaming center or arcade	--	--	--	--	--	--	C	--	--	--		C	C	C	--	C	C	
Nightclub	--	--	--	--	--	--	C	--	--	--	--	C	C	C	C^	C	C	5.32
Religious institution	--	--	--	--	C	C	C	--	--	C	C	C	--	--	--	--	C	
Retail & Offices Uses																		
Alcohol sales <sup>12</sup> –																		
Assembly and entertainment use, on-site <sup>13</sup>	--	--	--	--	--	--	C	--	--	C	C	C	C	C	C^	C	C	17.112.030
Bar or tavern, on-site	--	--	--	--	--	--	C	--	--	--	C	C	C	C	C^	C	C	17.112.030
Brew pub, on-site and off-site	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	C	17.112.030
Liquor store, off-site	--	--	--	--	--	--	C	--	--	--	C	C	C	C	--	--	C	17.112.030
Restaurant, limited hours, on-site	--	--	--	--	--	--	C*	--	--	M	M	M*	M	M	M*^	M*	M*	17.112.030
Restaurant, on-site	--	--	--	--	--	--	C*	--	--	C	C	C*	C	C	M*^	C*	C*	17.112.030
Retail store, off-site	--	--	--	--	--	--	C	--	--	--	C	C*	C	C	C*^	C*	C*	17.112.030
Cannabis activity, commercial – Dispensary	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	5.18
Convenience store or minimart	--	--	--	--	--	--	C*	--	--	--	C	C*	C	C	M*^	M*	C*	
Food or beverage establishment –																		
Bakery or pâtisserie, retail	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	
Bakery, commercial	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Coffeehouse or café	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	
Outdoor seating	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	17.112.120
Restaurant	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	

<sup>12</sup> Alcohol sales can be for beer and wine or beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>13</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Retail & Office Uses (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Grocery store	--	--	--	--	--	--	P*	--	--	--	P	P*	P	P	P*^	P*	P*	
Multiple-tenant commercial center	--	--	--	--	--	--	M*	--	--	P	M	M*	M	M	P*^	M*	M*	17.112.110
Offices –																		
Ancillary	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	
Administrative, business Professional	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*	P*	P*	
Government	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*	P*	P*	
Medical and dental	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*	P*	P*	
Office supply store	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	
Pawnbroker or pawnshop	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	5.68 17.112.130
Pharmacy	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P*	P*	
Retail sales (unless listed as a separate use)	--	--	--	--	--	--	P*	--	--	--	P	P*	P	P	P*^	P*	P*	
Secondhand vendor	--	--	--	--	--	--	M*	--	--	--	M	M*	M	M	M*^	M*	M*	5.68 17.112.160
Showroom sales	--	--	--	--	--	--	P	--	--	P	P	P	P	P	--	--	--	
Significant tobacco retailer	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	--	17.112.170
<i>Temporary use (reserved)</i>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	17.124
Vehicle retail use –																		
Parts and accessory store	--	--	--	--	--	--	--	--	--	--	P	P*	P	P	--	--	P	
Sale and lease, limited	--	--	--	--	--	--	--	--	--	--	M	M	P	P	--	--	M	
Parts and accessory store	--	--	--	--	--	--	--	--	--	--	P	P*	P	P	--	--	P	
Sales and lease, limited	--	--	--	--	--	--	--	--	--	--	M	M	P	P	--	--	M	
Sales and lease, general new & used	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	17.112.180

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Retail & Office Uses (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Vehicle retail use (continued) –																		
Sales and lease, general used	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	17.112.180
Sales and lease, major	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	17.112.180
Warehouse retailer or retail warehouse	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	
Wholesaler	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
<b>Service Uses</b>																		
Alternative financial establishment	--	--	--	--	--	--	--	--	--	--	--	M*	--	--	--	--	--	17.112.040
Ambulance service	--	--	--	--	--	--	--	--	--	--	--	C	M	M	--	--	--	
Animal service –																		
Animal boarding/kennel	--	--	--	--	--	--	--	--	--	--	--	C	M	M	--	--	--	
Animal grooming	--	--	--	--	--	--	P	--	--	P	P	P*	P	P	P^	P	P	
Veterinary service or animal hospital/clinic	--	--	--	--	--	--	P	--	--	--	P	P	P	P	--	--	P	
Appliance or electronics repair	--	--	--	--	--	--	P	--	--	--	P	P	P	P	--	--	--	
Automated Teller Machine (ATM), walk-up	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P	P	17.112.050
Bail bonds	--	--	--	--	--	--	--	--	--	--	--	M	P	P	--	--	--	
Collection containers –																		
Small	--	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	17.112.060
Large	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	17.112.060
Correctional facility	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	17.112.070
Drive-thru business –																		
Food or beverage establishment	--	--	--	--	--	--	C	--	--	--	C	C	C	C	--	--	C	17.112.080
Service or retail	--	--	--	--	--	--	M	--	--	M	M	M	M	M	C	C	M	17-112.080

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Service Uses (continued)	R-1]A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Financial institution	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*	P	P	
Funeral home or mortuary	--	--	--	--	--	--	P <sup>14</sup>	--	--	--	P <sup>14</sup>	P	P	P	--	--	P <sup>14</sup>	
Hotels and motels	--	--	--	--	--	--	C	--	--	--	--	C*	--	--	C*^	C	C	5.48 17.112.090
Office concierge service	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*	P	P	
Personal service use –																		
General	--	--	--	--	--	--	P*	--	--	P	P	P*	P	P	P*^	P	P	17.112.140
Restricted	--	--	--	--	--	--	M*	--	--	--	M	M*	M	M	M*^	M	M	17.112.140
Massage	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	5.56 17.112.140
Philanthropic or charitable institution	--	--	--	--	C	C	P*	--	--	P	P	P*	P	P	P*	P	P	
Recycling facility –																		
Mobile	--	--	--	--	--	--	P	--	--	P	P	P	P	P	--	--	P	17.112.150
Self-service	--	--	--	--	--	--	M	--	--	--	A	A	P	P	--	--	A	17.112.150
Small	--	--	--	--	--	--	--	--	--	--	--	M	A	A	--	--	--	17.112.150
Large	--	--	--	--	--	--	--	--	--	--	--	--	M	M	--	--	--	17.112.150
Self-Storage	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Vehicle service uses –																		
Repair, minor	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	17.112.190
Repair, major	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	17.112.190
Rental, automobile	--	--	--	--	--	--	--	--	--	--	C	C	M	M	--	--	--	
Rental, truck	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	

<sup>14</sup> Funeral home or mortuary shall not include crematories.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Service Uses (continued)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Vehicle service uses (continued) –																		
Service station, minimum	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	17.112.200
Service station, full	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	17.112.200
Washing facility	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	17.112.210
Wedding chapel	--	--	--	--	--	--	M	--	--	--	M	M*	M	M	M	M	M	
<b>Industrial &amp; Transportation Uses</b>																		
Cannabidiol (CBD) products manufacturer	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Cannabis, commercial –																		
Cultivation, distributor, manufacturing and microbusiness	--	--	--	--	--	--	--	--	--	--	--	p <sup>15</sup>	P	P	--	--	--	5.18
Testing laboratory	--	--	--	--	--	--	--	--	--	P	P	P*	P	P	--	--	--	5.18
Courier service or messengers	--	--	--	--	--	--	--	--	--	--	--	--	M	M	--	--	--	
Distribution, fulfillment or warehouse center –																		
Less than 100,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
100,000 square feet or greater	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Hazardous materials, any use involving storage of	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	17.50.100
Industrial hemp processing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Impound or tow yard	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	
Laboratory, testing	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Laundry or dry cleaning plant	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	

<sup>15</sup> Limited to the East Valley Entryway Area as shown on Exhibit A of City Council Ordinance No. 2924.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Industrial & Transportation Uses (cont.)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Machine shop	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Manufacturing (unless listed as separate use) –																		
Ancillary	--	--	--	--	--	--	--	--	--	--	--	A	P	P	--	--	--	
Light	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
General	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	
Recycling processing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	
New industrial construction over 5,000 sq. ft. and within 150 ft. of a residential zoning district	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Passenger transport or taxi service	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	
Research and development	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Rock, sand and gravel storage and Distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	
Towing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	
Transit station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	
Truck terminal	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Vehicle parking –																		
Attendant or valet parking	--	--	--	--	--	--	C	--	--	--	C	C	C	C	C	C	C	
Car sharing, residential use	--	--	--	--	M	M	M	--	--	--	--	M	--	--	M	M	M	17.70.070(C)
Car sharing, nonresidential use <sup>16</sup>	--	--	--	--	--	--	M	--	--	M	M	M*	M	M	M	M	M	
Parking structure	--	--	--	--	--	--	M <sup>17</sup>	--	--	--	--	M* <sup>17</sup>	M <sup>17</sup>	M <sup>17</sup>	M	M	M <sup>17</sup>	
Shared parking	--	--	--	--	--	--	M	--	--	M	M	M*	M	M	M	M	M	17.70.070(D)

<sup>16</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>17</sup> Parking structures shall be ancillary to a permitted use.

Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)

Industrial & Transportation Uses (cont.)	R-1A	R-1B	R-1C	R-2	R-3	R-4	M/MU	U/MU	O/MU	C-1	C-2	C-3	M-1	M-2	MS/Z	ST	MV	Notes
Vehicle parking (continued) –																		
Vehicle parking, limited (short-term)	--	--	--	--	--	--	--	--	--	--	--	A	A	A	--	--	--	
Vehicle parking, limited (long-term)	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Vehicle parking, general	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	

Key:

- \* C-3: Use permitted on properties developed with a horizontal mixed-use project.
- \* M/MU, MS/Z, ST and MV: Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.
- ^ MS: Use is pedestrian oriented and may occupy the ground floor of building facing Main Street west of Tyler Avenue. Other uses shall not be permitted on the ground floor.
- Use not permitted.
- P Use permitted by-right.
- A Use permitted after review and approval of an Administrative Permit (AP).
- D Use permitted after review and approval of the Community Development Director.
- T Use permitted after review and approval of a Temporary Use Permit (TUP).
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).
- R Use permitted after review and approval of a Planned Residential Development (PRD).

# DIVISION 1 – INTRODUCTION

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## **CHAPTER 17.10 – GENERAL REGULATIONS**

### **Sections.**

- 17.10.010 – Purpose.
- 17.10.020 – Compliance with Regulations.
- 17.10.030 – Code Organization.
- 17.10.040 – Effective Date of This Title.
- 17.10.050 – Planning Authorities.
- 17.10.060 – Applicant Responsibilities.
- 17.10.070 – Planning Permits and Actions.
- 17.10.080 – Projects with Multiple Applications or Actions.
- 17.10.090 – Continuing Public Hearings.
- 17.10.100 – Ability to Appeal.
- 17.10.110 – Application Resubmittals.
- 17.10.120 – Inactive Applications.
- 17.10.130 – Changes to an Approved Project.
- 17.10.140 – Revocation of Permits.
- 17.10.150 – Fees.
- 17.10.160 – Enforcement.

### **17.10.010 – Purpose. (NEW)**

The purpose and intent of this Title is for the following:

- A. To implement the goals, objectives and policies of the City’s General Plan, any applicable Specific Plan and the most current Housing Element;
- B. To consolidate and coordinate all existing zoning regulations and provisions into one (1) comprehensive Zoning Code in order to designate, regulate and control the location and uses of buildings, structures and land;
- C. To foster a harmonious relationship among land uses and ensure compatible infill development;
- D. To preserve the character and integrity of residential neighborhoods and protect and enhance the quality of the City’s natural and built environment;
- E. To support economic development and job creation;
- F. To provide for the housing needs of all economic segments of the community;
- G. To facilitate high quality commercial and residential development with regards to the site plan, architecture, materials, colors, signing and landscaping/open space; and

- H. To promote the safe and efficient mobility for passenger vehicles, transit riders, bicyclists and pedestrians.

**17.10.020 – Compliance with Regulations. (RENUMBERED)**

This Title shall apply, to the extent permitted by State and Federal law, to all private property within the City of El Monte, including all uses, structures and land owned by any person, firm, corporation or organization. The regulations shall be subject to the following interpretations, applications and exceptions:

- A. **Entitlements.** Prior to the issuance of any land use entitlement, the Planning Division must determine that the proposed building, structure or use is consistent with the General Plan, the Zoning Code and any applicable Specific Plan.
- B. **Permitted Uses.** No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this Title as permitted in the respective zoning district in which such land, building or premises is located.
- C. **Nonconforming Uses.** No business, occupation or activity which is or may lawfully be conducted shall be altered, expanded or substantially changed in any manner so as to make it nonconforming to any provision of law, ordinance or resolution applicable to the premises or to the property or the business or activity conducted thereon.
- D. **Nonconforming Buildings or Structures.** No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this Title for the zoning district in which such building is located.

**17.10.030 – Code Organization. (NEW)**

**Division 1:** Introduction. This Division includes the rules and regulations of this Title, identifies the Zoning District and Overlay Zones and outlines certain processes such as appeals.

**Divisions 2, 3 and 4:** Zoning Districts and Overlays. This Division provides regulations that control the height, bulk and location of structures for the City’s Zoning Districts.

**Division 5:** Performance Standards. This Division provides a list of environmental standards that properties and uses must meet to mitigate impacts such as noise, air quality and energy usage.

**Division 6:** General property Development Standards. This Division provides development standards for items that may apply to some or all properties. Examples include height exceptions, refuse storage facilities and walls.

**Division 7:** Parking and Landscaping Regulations.

**Division 8:** Signage and Billboard Regulations.

**Division 9:** Wireless Regulations.

**Division 10:** Affordable Housing Regulations. This Division provides regulations to incentivize the construction of affordable housing by allowing density bonuses.

**Division 11:** Regulations Applicable for Certain Uses. This Division provides regulations for specific land uses such as Accessory Dwelling Units (ADUs), hotels and motels, outdoor dining and vehicle service stations.

**Division 12:** Administration of Applications and Permits. This Division contains detailed procedures for the administration of this Title, and includes common procedures, processes and standards for discretionary entitlement applications and other permits.

**Division 13:** Specific Plans. This Division includes the procedures, processes and standards to establish a Specific Plan. It also includes the land use regulations for existing Specific Plans in the City.

**Division 14:** Design Guidelines. This Division provides information needed to ensure projects throughout the City follow high design standards. Portions of the Design Guidelines are found in numerous Chapters of this Title. However, the complete Guidelines are found in Division 14 of this Title.

**Division 15:** Definitions. This Division furnishes use classifications, articulates terms and provides definitions used throughout this Title.

**17.10.040 – Effective Date of This Title. (NEW)**

**A. Projects Approved Prior to the Adoption of this Title:**

1. Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided construction is diligently pursued and completed within 12 months of permit issuance. No extensions of time, except as provided for in the Building Code, shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Building Official.
2. Any previously approved permit, entitlement or subdivision map shall remain vested, subject to the requirements of the Title in effect on the effective date of approval, unless the approval expires.

**B. Pending Projects.** Planning permit applications that are subject to the Permit Streamlining Act, that have been submitted to the City prior to the effective date of this Title, which do not require a plan amendment, rezone, or other legislative decision, shall be subject to the Title under the rules in effect at the time the application was deemed complete. However, the applicant may choose to use the updated provisions of this Title in their entirety.

**17.10.050 – Planning Authorities. (NEW)**

**A. City Council.** The powers and duties of the City Council as the legislative body under this Title include, but are not limited to, the following:

1. Consider and adopt General Plan Amendments (including changes to the Land Use Plan or Map), Zoning Map Amendments (Zone Changes), Zoning Code Amendments, Specific Plans and Specific Plan Amendments;
  2. Initiate new plans and ordinances and amend existing plans and ordinances;
  3. Hear and decide applications for Development Agreements;
  4. Make environmental determinations on projects subject to the California Environmental Quality Act (CEQA);
  5. Hear and decide appeals from decisions of the Planning Commission;
  6. Establish, by Resolution, a Master Fee Schedule listing fees and charges for various applications and services provided; and
  7. Designate the authority of the Planning Commission and Zoning Review Committee.
- B. Planning Commission.** The powers and duties of the Planning Commission under this Title include, but are not limited to, the following:
1. Consider and make decisions on land use entitlements and subdivision maps;
  2. Conduct hearings and make recommendations to the City Council on General Plan Amendments (including for the Land Use Plan or Map), Zoning Map Amendments (Zone Changes), Zoning Code Amendments, Specific Plans and Specific Plan Amendments;
  3. Conduct hearings and make recommendations to the City Council on Development Agreements;
  4. Make or recommend that the City Council make environmental determinations on projects subject to the California Environmental Quality Act (CEQA);
  5. Hear and decide appeals from decisions of the Zoning Review Committee and Community Development Director; and
  6. Other duties and powers assigned or directed by the City Council.
- C. Zoning Review Committee:**
1. The provisions of the Zoning Review Committee under this Title include the following:
    - a. **Membership.** The Zoning Review Committee shall consist of a member of the Planning Commission (as annually elected by the full Planning Commission), the Building Official and the Community Development Director. If any are unable to attend a meeting or disqualified from an agenda item, a designated alternate may attend on their behalf.
    - b. **Secretary and Chairperson.** The Planning Commission Secretary shall serve as the Zoning Review Committee Secretary, and the records of said Zoning Review Committee shall at all times be available to the Planning Commission. The Chairperson of the Zoning Review Committee shall be the Planning Commission

member thereon. Minutes of all Zoning Review Committee meetings shall be distributed to all members of the Planning Commission.

- c. Meetings. The Zoning Review Committee shall meet prior to the first Planning Commission of each month, unless all three (3) members or their alternates are unable to attend the meeting or there is a lack of applications to consider. The Chairperson of the Zoning Review Committee may call a special meeting to consider applications.
- d. Actions by the Zoning Review Committee:
  - i. No application upon which the Zoning Review Committee has the authority and the duty to act under this Title may be approved except by the unanimous affirmative vote of all of the members of the Zoning Review Committee. If any application is disapproved by two (2) or more members of the Committee, the application shall be deemed to have been denied.
  - ii. If only one member of the Zoning Review Committee disapproves an application, such application shall automatically be referred to the Planning Commission for decision.
  - iii. The Zoning Review Committee may, in its discretion, refer to the Planning Commission any application for decision by the Planning Commission without further fee to the applicant.
2. The powers and duties of the Zoning Review Committee under this Title include, but are not limited to, the following:
  - a. Consider and make decisions on Minor Variances and Minor Conditional Use Permits as outlined in this Title;
  - b. Make environmental determinations on projects subject to the California Environmental Quality Act (CEQA); and
  - c. Other duties and powers assigned or directed by the City Council.
- D. **City Manager.** The powers and duties of the City Manager under this Title include, but are not limited to, the following:
  1. Negotiate the components and provisions of Development Agreements for recommendation to the Planning Commission and City Council; and
  2. Consider and make decisions on Administrative, Section 6409 and Temporary Wireless Permit appeals.
- E. **Community Development Director.** The powers and duties of the Community Development Director under this Title include, but are not limited to, the following:
  1. Maintain and administer this Title, including acceptance and processing of applications, abatements and other enforcement actions;

2. Make recommendations to the City Council, Planning Commission and Zoning Review Committee on all applications, appeals and other matters upon which the Community Development Director has the authority and the duty to act under this Title;
  3. Negotiate the components and provisions of Development Agreements for recommendation to the Planning Commission and City Council;
  4. Consider and make decisions on Minor Design Review items, Administrative Permits and other Director level reviews as outlined in this Title;
  5. Consider and make Director Determinations on Zoning Code interpretations and additionally permitted use interpretations of this Title;
  6. Refer items to the Planning Commission where, in his or her opinion, the public interest would be better served by Planning Commission consideration;
  7. Issue administrative regulations for the submission and review of applications subject to the requirements of this Title;
  8. Delegate administrative functions as deemed appropriate to members of the Planning Division staff; and
  9. Other duties and powers assigned or directed by the City Manager.
- F. **Planner (Planning Division Staff).** The powers and duties of the Planning Division staff under this Title include, but are not limited to, the following:
1. Consider and make decisions on Tree Removal Permits;
  2. Review applications for ministerial permits and licenses for conformation with this Title and issue a permit when the proposed use or building is allowed by-right and conforms to all applicable development and use standards and other requirements of this Title;
  3. Review applications for discretionary permits and approvals to make a preliminary determination as to whether a project is subject to review under the California Environmental Quality Act (CEQA); and
  4. Other duties assigned or directed by the Community Development Director.

**17.10.060 – Applicant Responsibilities. (NEW)**

- A. The applicant shall bear the burden of providing sufficient documents and exhibits sufficient to allow the Advisory Body, Review Authority or Appeal Body to render a decision upon the application under consideration. The Advisory Body, Review Authority or Appeal Body may request additional information before rendering a decision.
- B. It is the applicant’s responsibility to certify the information contained therein. The filing of an application also grants City staff the right to enter the property to make any inspections necessary to render a decision on the application. All inspections shall be conducted with the owner’s knowledge and advance notice shall be provided.
- C. For all calculations, it is the applicant’s responsible to supply drawings that illustrate the measurements that apply to a project. These drawings shall be drawn to scale and of

sufficient detail to allow easy verification upon inspection by the Community Development Director and Planning Division staff.

**17.10.070 – Review Authority for Planning Permits and Actions. (NEW)**

Table 17.10-1 lists the different permits or actions under the authority of the Planning and Building Divisions. For information on extensions, refer to the listed Chapter or Section.

Table 17.10-1 – Planning Permits and Actions				
Permit or Action	Advisory Body	Review Authority	Appeal Body	Applicable Chapter or Section
<i>Ministerial Actions</i>				
Administrative Permit (AP)	--	Director	Planning Commission	Chapter 17.120
Change to a Project, Minor	--	Director	--	Section 17.10.130
Density Bonus, w/ or w/out Concessions (DB/C)	--	Director	Planning Commission	Chapter 17.100
Design Review, Minor (MDR) <sup>1</sup>	--	Director	Planning Commission <sup>2</sup>	Chapter 17.122
Development Opportunity Reserve (DOR)	--	Director	Planning Commission	Section 17.134.060
Director’s Determination (DD)	--	Director	Planning Commission	Throughout Title
Initial Plan Review (IPR)	--	Planning Division	--	Chapter 17.121
Sign Permit (SP)	--	Planning Division	Planning Commission	Chapter 17.80
Modification for Disabilities (MD)	--	Director	Planning Commission	Chapter 17.126
Temporary Use Permit (TUP)	--	Director	City Manager	Chapter 17.124
Tree Removal Permit (TR)	--	City Arborist	Director	Chapter 14.03
Master Sign Program (MSP)	--	Planning Division	--	Chapter 17.80
Wireless, Administrative Permit (WP-A)	--	Director	City Manager	Chapter 17.90
Wireless, Section 6409 Permit (WP-S)	--	Director	City Manager	Chapter 17.92

<sup>1</sup> This permit does not apply to Minor Design Review items for properties in the RHOD.

<sup>2</sup> Only the applicant shall have the authority to appeal the decision.

Table 17.10-1 – Planning Permits and Actions (continued)				
Permit or Action	Advisory Body	Review Authority	Appeal Body	Applicable Chapter or Section
Wireless, Temporary Permit (WP-T)	--	Director	City Manager	Section 17.90.110
Zoning Clearance (ZCL)	--	Planning Division	Planning Commission	Chapter 17.120
<i>Quasi-Judicial Actions</i>				
Art in Public Places (APP)	Art in Public Places Committee	City Council	--	Chapter 15.07
Change to a Project, Major	--	Original Review Authority <sup>3</sup>	Dependent on the Review Authority <sup>4</sup>	Section 17.10.130
Conditional Use Permit (CUP)	--	Planning Commission	City Council	Chapter 17.123
Design Review, Minor for the RHOD (MDR)	--	Director	Planning Commission	Chapter 17.122
Design Review (DR)	--	Planning Commission	City Council	Chapter 17.122
General Plan Conformity (GPC)	Planning Commission	City Council	--	Chapter 17.128
Minor Use Permit (MUP)	--	Zoning Review Committee	Planning Commission	Chapter 17.123
Planned Residential Development (PRD)	--	Planning Commission	City Council	Chapter 17.127
Subdivision Map, Parcel or Tract (TPM or TTM)	--	Planning Commission	City Council	Chapters 16.10 & 16.12
Subdivision Map, Vesting (VTPM or VTTM)	--	Planning Commission	City Council	Chapter 16.14
Variance (V)	--	Planning Commission	City Council	Chapter 17.125
Variance, Minor (MV)	--	Zoning Review Committee	Planning Commission	Chapter 17.125

<sup>3</sup> All items shall return to the original review authority except the Planning Commission shall review all major changes involving items that were originally authorized by the City Council, with exception to changes involving a Development Agreement, which shall be reviewed by the City Council.

<sup>4</sup> The appeal body shall be dependent on the review authority for the major change. For example, if the review authority was the Zoning Review Committee, then the appeal shall be reviewed by the Planning Commission. If the review authority was the Planning Commission, then the appeal shall be reviewed by the City Council.

Table 17.10-1 – Planning Permits and Actions (continued)				
Permit or Action	Advisory Body	Review Authority	Appeal Body	Applicable Chapter or Section
<i>Legislative Actions</i>				
General Plan Amendment (GP) <sup>5</sup>	Planning Commission	City Council	--	Chapter 17.128
Specific Plan and Amendment (SP)	Planning Commission	City Council	--	Chapter 17.130
Zoning Map Amendment or Zone Change (ZC)	Planning Commission	City Council	--	Chapter 17.128
Zoning Code Amendment (CA)	Planning Commission	City Council	--	Chapter 17.128
Development Agreement (DA)	Planning Commission	City Council	--	Chapter 17.129

**17.10.080 – Projects with Multiple Applications or Actions. (NEW)**

- A. Concurrent Filing. An applicant for a project that requires the filing of more than one (1) application (e.g., Conditional Use Permit, Subdivision Map, etc.), shall file all related applications concurrently, together with all required application fees, unless these requirements for concurrent filing are waived by the Community Development Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrent and shall be reviewed and acted upon by the highest review authority for which designated by this Title. For example, if a project included a Density Bonus and a Subdivision Map, instead of the Community Development Director being the review authority for Density Bonus, the reviewing authority for both entitlements shall be the Planning Commission. For an additional example, if a project included a Minor Design Review and a Minor Conditional Use Permit, instead of the Community Development Director being the review authority for the Minor Design Review, the reviewing authority for both entitlements would be the Zoning Review Committee.

**17.10.090 – Continuing Public Hearings. (NEW)**

The City Council, Planning Commission or Zoning Review Committee may continue a public hearing to a date certain without additional noticing, provided the date, time and place to which the hearing will be continued is announced before adjournment or recess of the hearing. Planning Division staff or the applicant may continue a public hearing a maximum of three (3) times to a date certain without additional noticing. If a public hearing is continued a fourth time, additional noticing shall be required.

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<sup>5</sup> A General Plan Amendment can be for the text or any plan, map, table, graphic or other illustration.

### **17.10.100 – Ability to Appeal. (NEW)**

Any person may appeal a decision by the Planning Commission, Zoning Review Committee, Community Development Director, Building Official, Planning Division staff, unless otherwise noted, as outlined below:

#### **A. Appeals on Planning Commission Decisions:**

1. Decisions on appeals of Minor Design Review items for new developments or additions that result in more than one (1) story in the Rurban Homesteads Overlay District (RHOD). If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council.
2. Decisions on appeals of all other Minor Design Review items. If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council.
3. Decisions on appeals of all other Community Development decisions. The decision of the Planning Commission shall be final, unless otherwise noted.
4. Decisions on denials of Amendments and Specific Plans that were initiated by the City Council. Two (2) members of the City Council may request, in writing to the City Clerk, the item be set for a hearing before the City Council for review. At its next regular meeting, after the filing of the appeal with the City Clerk, the City Council shall set a date for a public hearing by the City Council.
5. All other Planning Commission decisions. If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council, unless otherwise noted.

**B. Appeals on Zoning Review Committee Decisions.** If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Zoning Review Committee, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission.

#### **C. Appeals on Community Development Director Decisions:**

1. Decisions on wireless permits (including administrative, temporary or Section 6409 permits). If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal with the City Clerk to have the case reviewed by the City Manager. The decision of the City Manager shall be final.
2. Minor Design Review decisions in the Rurban Homesteads Overlay District (RHOD). If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal

with the Planning Commission Secretary to have the case reviewed by the Planning Commission, and ultimately the City Council.

3. All other Community Development Director decisions. If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission, unless otherwise noted.
- D. **Submittal Requirements.** The appeal shall be made in writing and shall state the basis for disputing the determination. In addition, it should include any tangible evidence and/or authority supporting the appellant's position.
- E. **Time Limits.** The appeal must be submitted within ten (10) days following the date of the decision. If City Hall is closed on the tenth day, the deadline shall automatically extend to the next day City Hall is open to the public.
- F. **Public Noticing.** Notice shall be given in the same manner as that required for the original application. A public hearing shall also be required if one was required for the original application.
- G. **Permits.** An approval shall not be valid and no other permits dependent on its approval shall be issued until the appeal period has expired without the filing of an appeal. This shall not apply to approvals where only the applicant may appeal.

#### **17.10.110 – Application Resubmittals. (NEW)**

When a discretionary land use permit, entitlement or amendment is denied or revoked, a new application for the same or substantially similar discretionary permit, entitlement or amendment for the same property shall not be filed for a minimum of 12 months. This requirement may be waived by the Community Development Director if he or she is presented with compelling new evidence or proof of changed circumstances, or the application was denied without prejudice.

#### **17.10.120 – Inactive Applications. (NEW)**

An incomplete application may be considered inactive if 90 or more days have passed since the application was deemed incomplete. The Community Development Director may, at his or her discretion, send the applicant a letter stating the application will be administratively withdrawn in 30 days, unless one (1) of the following occurs: (a) the applicant resubmits the application addressing all or substantially all of the corrections noted in the incomplete letter; or (b) the applicant requests the application be withdrawn, at which point the applicant may be eligible for a partial refund. However, if neither occurs, the application shall be administratively withdrawn and the applicant shall not be eligible for a refund.

#### **17.10.130 – Changes to an Approved Project. (NEW)**

- A. **Project Development or a New Land Use.** Any entitlement granted in compliance with this Title shall be established only as approved by the applicable review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

- B. **Request for a Change.** Requests for a change to an existing entitlement shall include the following:
1. The applicant shall request the desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
  2. The application for the changes shall be processed, and may be appealed, in compliance with the same procedures required for the original permit application.
  3. The review authority shall make the same findings required for the original approval, and an additional finding that there are changed circumstances sufficient to justify revising the original approval.
- C. **Minor Change:**
1. The Community Development Director may approve, conditionally approve or deny an application for a Minor Change to an Approved Project, subject to all of the following requirements:
    - a. Is consistent with all applicable provisions of this Title;
    - b. Does not involve a feature of the project that was specifically addressed in, or was a basis for findings in a Negative Declaration (ND), Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR);
    - c. Does not involve a feature of the project that was specifically addressed in or was a condition of approval that was specifically considered by the applicable review authority;
    - d. Does not expand the approved floor area, height or any outdoor activity area by ten (10) percent or more over the life of the project;
    - e. Does not include the approval of a Development Agreement; and
    - f. Does not increase the number of residential units.
  2. The Community Development Director shall make a decision within 30 days after a complete request is filed. Notice shall not be required. Decisions of the Community Development Director are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 of this Chapter for additional information.
- D. **Major Change.** Changes to the project that do not comply with Subsection (C) above shall be considered a major change and an application for a Major Change to an Approved Project shall be submitted. All items shall return to the original review authority except that the Planning Commission shall review all major changes involving items that were originally authorized by the City Council, with exception to changes involving a Development Agreement. Notice shall be given in the same manner as what was required for the original application. A public hearing shall also be required if one was required for the original application.

**17.10.140 – Revocation of Permits. (NEW)**

Any entitlement or permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Applicability.** All entitlements and permits approved by the City Council, Planning Commission, Zoning Review Committee or Community Development Director (and Public Works Director for permits issued for items in the public right-of-way) shall remain in full force and effect as long as the use, building or structure remains in operation. Any entitlement granted pursuant to this Title is transferable and assignable; however, all successors in interest shall abide by all of the original conditions.
- B. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission or Community Development Director (or Public Works Director for permits issued for items in the public right-of-way). The City Council shall act on any approval that included a Development Agreement. The Planning Commission shall act on all other items approved by the City Council. All other approvals shall be considered by the original decision maker.
- C. **Notice to the Applicant.** The applicant shall be given a written summary outlining the reasons for initiating revocation proceedings and a minimum ten (10) days to address all items written in the summary. If the items have not been addressed to the satisfaction of the Community Development Director (or Public Works Director for permits issued for items in the public right-of-way), he or she may move forward with the revocation.
- D. **Public Notice and Hearing.** Notice to the applicant shall be provided a minimum ten (10) days prior to considering a decision. Notice to the public shall be given in the same manner as what was required for the original application. A public hearing shall also be required if one was required for the original application. The notices outlined in this Subsection and Subsection (C) above may occur concurrently.
- E. **Findings.** Any entitlement or permit may be revoked if one (1) or more of the following conditions exist:
  - 1. The entitlement or permit was obtained in a fraudulent manner;
  - 2. The use, building or structure has expanded beyond what is set forth in the permit or has changed in character;
  - 3. The entitlement permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit;
  - 4. The use in question has ceased to exist or has been suspended for 12 months or more;
  - 5. The entitlement permit is being, or has been, exercised in violation of any federal, state, or El Monte Municipal Code (EMMC) law or regulation; and/or
  - 6. The use for which the entitlement or permit was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a nuisance.

- F. **Other Decisions.** In lieu of revoking the entitlement or permit, the original decision body may revise, remove and/or add conditions of approval to address items written in the summary, as well as other items of concern.
- G. **Appeals.** Planning Commission decisions regarding this Section are appealable to the City Council. Community Development Director and Public Works Director decisions regarding this Section are appealable to the Planning Commission and ultimately, the City Council. If the decision body revokes the permit and an appeal is not submitted within the specified deadline, the use shall cease operations the day the revocation becomes effective. If the decision body revokes the permit and an appeal is submitted and unsuccessful, the use shall cease operations the day the revocation becomes effective. Refer to Section 17.10.100 of this Chapter for additional information.

**17.10.150 – Fees. (NEW)**

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council Resolution, which shall be posted on the Planning Division webpage.

**17.10.160 – Enforcement. (RENUMBERED)**

The purpose of this Section is to establish procedures to ensure that the provisions of this Title and any land use entitlement granted by the City are diligently pursued to completion, and to provide effective administration of this Title, in order to promote the City's planning efforts and to protect the public health, safety, general welfare and peace.

- A. **Administration.** The provisions of this Title shall be interpreted and administered by the Community Development Department. Any decision of the Department may be appealed to the Planning Commission, and/or City Council in accordance with the provisions contained herein.
- B. **Enforcement.** The Community Development Department, which includes the Planning Division, Building Division and the Code Enforcement Division, along with their respective deputies, employees and subordinates, are authorized to enforce the provisions of this Title. All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall not issue permits or licenses for uses, buildings or purposes in conflict with the provisions of this Title. Any such permit or license issued in conflict with the provisions of this Title shall be null and void.
- C. **Violation or Penalty.** Any person, entity or corporation violating any provision of this Title or any condition imposed upon a land use entitlement, shall be guilty of a misdemeanor which shall be punishable as provided in Chapter 1.24 of the EMMC.
- D. **Abatement:**
  - 1. Any building or structure erected altered, expanded or maintained, or any use of property, contrary to the provisions of this Title or any condition imposed upon a land

use entitlement shall be, and the same is declared to be, unlawful and a public nuisance.

2. The City Attorney, at his or her discretion, may immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law. The City Attorney may request a court with jurisdiction to abate or remove such building, structure or use and restrain any individual, entity, company or corporation from erecting, enlarging or maintaining such building or structure, or using any property contrary to the provisions of this Title or any condition imposed upon a land use entitlement. Subsequent to the abatement of the public nuisance, a lien will be filed against the property in order to recover all costs associated with the abatement of said nuisance.
- E. **Cumulative Remedies.** This Title may also be enforced by an injunction issued from the Superior Court upon the City suing the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way effect the penal provisions hereof.

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## **CHAPTER 17.12 – RULES AND MEASUREMENTS**

### **Sections.**

- 17.12.010 – Purpose.
- 17.12.020 – Rules of Interpretation.
- 17.12.030 – Uses Expressly Prohibited
- 17.12.040 – Procedures for Interpretations.
- 17.12.050 – Additional Permitted Uses.
- 17.12.060 – Measurements and Calculations.
- 17.12.070 – Properties that are Split Zoned.
- 17.12.080 – Measuring Signs.

### **17.12.010 – Purpose. (NEW)**

The purpose and intent of this Chapter is to provide rules to resolve questions about the meaning or applicability of any part of this Title. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Title and the General Plan. In addition, this Chapter explains how various measurements referred to in this Title shall be calculated.

### **17.12.020 – Rules of Interpretation. (NEW)**

In interpreting the various provisions of this Title, the following rules shall apply:

#### **A. Abbreviated Titles and Phrases:**

1. The City of El Monte Municipal Code may be referred to as the "Municipal Code" or the "EMMC."
2. The City of El Monte Zoning Code may be referred to as this "Zoning Code" or "Title."
3. The City of El Monte may be referred to as the "City."
4. The City of El Monte's City Council may be referred to as the "City Council."
5. The City of El Monte Planning Commission may be referred to as the "Planning Commission" or "Commission."
6. The City of El Monte Zoning Review Committee may be referred to as the "Zoning Review Committee" or "Committee."
7. The Community and Economic Development Department may be referred to as the "Community Development Department" or "Department."
8. The Director of Community and Economic Development may be referred to as the "Community Development Director" or "Director." Any responsibility or task of the Community Development Director may be performed by his or her designee.

#### **B. Terminology:**

1. The particular controls the general.

2. The words "shall," "will," "is to," and "are to" are always mandatory; the word "should" is not mandatory but is strongly recommended; and the word "may" is permissive.
  3. The present tense includes the past and future tenses and the future tense includes the present.
  4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
  5. The words "include," "includes," and "including," mean "including but not limited to."
  6. The word "and" means that all connected words or provisions apply; and the word "or" means that the connected words or provisions shall apply singly or in any combination.
  7. The words "either ... or" indicates that the connected words or provisions shall apply singly, but not in combination.
- C. **State Law Requirements.** Where this Title references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.
- D. **Conflicting Requirements.** Any conflicts between different requirements of this Title or between this Title and other regulations, shall be resolved as follows:
1. Development agreements or specific plans. In the event of any conflict between the requirements of this Title and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control.
  2. EMMC provisions. In the event of any conflict between requirements of this Title and other regulations of the City, the Community Development Director shall determine which provision shall control.
  3. Private agreements. It is not intended that the requirements of this Title shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Title became effective. This Title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
  4. City adopted guidelines. In the event of any conflict between requirements of this Title and any City adopted guidelines, this Title shall control.

**17.12.030 – Uses Expressly Prohibited. (RENUMBERED)**

- A. A proposed use within a zoning district must expressly be listed as a permitted use per the applicable zoning district or overlay zone in order to be authorized under this Title, except as authorized per Section 17.12.050 of this Chapter.
- B. The express enumeration and authorization in this Title of a particular class of building, structure, premises or use in a designated zoning district shall be deemed a prohibition of such building, structure, premises or use in all zoning districts of a more restrictive classification, unless otherwise noted.

**17.12.040 – Procedures for Interpretations. (NEW)**

- A. The Community Development Director, in consultation with the City Attorney, shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title.
- B. This Title and Other Laws and Ordinances. Where any provision of this Title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other EMMC law or ordinance, the provisions of this Title shall govern.
- C. This Title and Development Agreements or Specific Plans. Where the requirements of this Title and standards adopted as part of any Development Agreement or Specific Plan are in conflict, the requirements of the Development Agreement or Specific Plan shall control.
- D. Requesting an Interpretation. An applicant may request an interpretation of a provision or requirement of this Title. The request shall be in writing and may include any supporting information. The Community Development Director shall make a Director’s Determination in writing within 30 days of the request. The decision shall constitute the precedent for all future interpretations of the provision or requirement. The Director also has the authority to initiate interpretations without a request from an applicant.
- E. Decisions of the Community Development Director are appealable to the Planning Commission. The Planning Commission’s decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title.

**17.12.050 – Additional Permitted Uses. (FULLY UPDATED)**

- A. Uses that are not specifically listed in a specific zoning district of this Title may be permitted, provided the Community Development Director finds and determines all of the following:
  - 1. The use is similar to other uses permitted in the respective zoning district;
  - 2. The use will not have a negative impact related to traffic, noise, air quality, parking or public safety;
  - 3. The use will not have a negative effect to the welfare of other businesses or individuals in the respective zoning district or surrounding area;

4. The applicant has submitted information that is substantial and compelling to support his or her request; and
  5. The applicant has agreed to any conditions placed by the Community Development Director to ensure the use is not altered over time to become inconsistent with the original request and approval.
- B. Once the necessary information has been submitted, the Community Development Director shall make a Director's Determination in writing within 30 days approving or denying the request. The Director, at his or her discretion, may also refer the decision to the Planning Commission. The decision shall constitute the precedent for all future uses that match the same characteristics. The Director also has the authority to initiate the determination of additional permitted uses without a request from an applicant.

**17.12.060 – Measurements and Calculations. (NEW)**

**A. Distance:**

1. Measurements are the shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land.
3. Measurements involving a building or structure. Measurements involving a structure are made to the closest support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
4. Measurements for vehicle stacking or travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
5. Measurements for a radius. When measuring a radius from a property or multiple properties, it is measured in a straight line, without regard to a City boundary or intervening structures, from the outer portion of the property or multiple properties. All properties within the radius, either in full or part, shall be considered within the radius.
6. Measurements for use separations. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line, without regard to a City boundary or intervening structures, from the nearest portion of the property line for the one use to the nearest property line of the other use. If multiple properties are linked through access easements or other methods (e.g. a shopping center made up of several legal parcels), the distance shall be measured from the specific parcel the land use is located. When multiple applications

for uses are submitted and must be separated from each other, the application submitted first shall be processed and the others may be deemed incomplete.

7. Measurements for walking distance. When a specified land use is required to be located a minimum walking distance from another land use or specific object (e.g. transit stop), the minimum distance is measured along sidewalks from the nearest portion of the property line for the one use to the nearest property line of the other use or the actual specific object (e.g. the sign for the transit stop). If no sidewalk exists, it shall be measured along the edge of the street curb.
  8. Measurements for yard setbacks. When a specific item is to meet a required street side, interior side yard and rear yard setback, it only needs to meet the minimum distance required in this Title, regardless the actual setback of the structure. In all other
- B. Floor Area – Gross and Net.** The gross floor area of a building is the sum of the horizontal areas of all floors of a building or other enclosed structures. The following shall apply to calculate net floor area:
1. Residential only projects. Net floor area is measured from the outside edge of the exterior walls of the main structure and all accessory structures enclosed on its sides by a minimum of 75 percent. Staircases shall only be counted once. However, any portion of a structure over 17 feet in height shall be counted twice. Net floor area shall not include the following:
    - a. Up to 650 square feet for enclosed parking per unit;
    - b. Up to 120 square feet for one (1) storage structure; and
    - c. Any space where the floor-to-ceiling height is less than six (6) feet.
  2. Mixed-use and nonresidential projects. Net floor area is measured from the inside face of the exterior walls, including halls, service and mechanical rooms and attic areas having a height of more than seven (7) feet. Elevator shafts and stairwells shall only be counted once. In addition, net floor area shall not include fully subterranean basements, courtyards, outdoor passageways and areas used exclusively for vehicle parking or loading.
- C. Floor Area Ratio (FAR).** To calculate FAR, the net floor area is divided by the net lot area and is expressed as a decimal. For example, if the net floor area of all buildings on a site totals 20,000 square feet, and the net lot area is 10,000 square feet, the FAR is expressed as 2.0. Refer to Figure 17.12-1 for information in a graphics form.
- D. Fractions:**
1. Nonresidential rounding. Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise noted.
  2. Residential rounding. The maximum number of units permitted shall always be rounded down to the nearest whole number (e.g. 3.8 units = 3.0 units), except as described in Subsection (A)(3) below.

Figure 17.12-1 – Floor Area Ratio (FAR)



3. Exception for State Affordable Housing Density Bonus. The base density of permitted units, for projects eligible for a bonus density pursuant to Government Code Section 65915 or any successor statute and Article 22 Affordable Housing Density Bonus, shall be calculated as outlined in Subsection (A)(2) above. However, any fractional number of permitted bonus density units shall be rounded up to the next whole number.

**E. Height:**

1. Measuring the height of a building or structure. Building height is measured from the average finished ground level of the site to the highest point of the structure, not including the exceptions outlined in Section 17.60.030 (General Property Development Standards – Height Exceptions and Restrictions) of this Title.

2. Measuring the height of decks. Deck height is determined by measuring from the natural grade of the ground to the top of the floor of the deck.
3. Measuring the number of stories in a building. A balcony or mezzanine shall be counted as a full story if its floor area exceeds one-quarter ( $\frac{1}{4}$ ) of the total area of the nearest full floor directly below it or if it is enclosed on more than three sides, unless the Building Code provides for other balcony or mezzanine definitions based on building construction type and other factors.
4. Refer to Figure 17.12-2 for information in a graphics form:

Figure 17.12-2 – Measuring Height

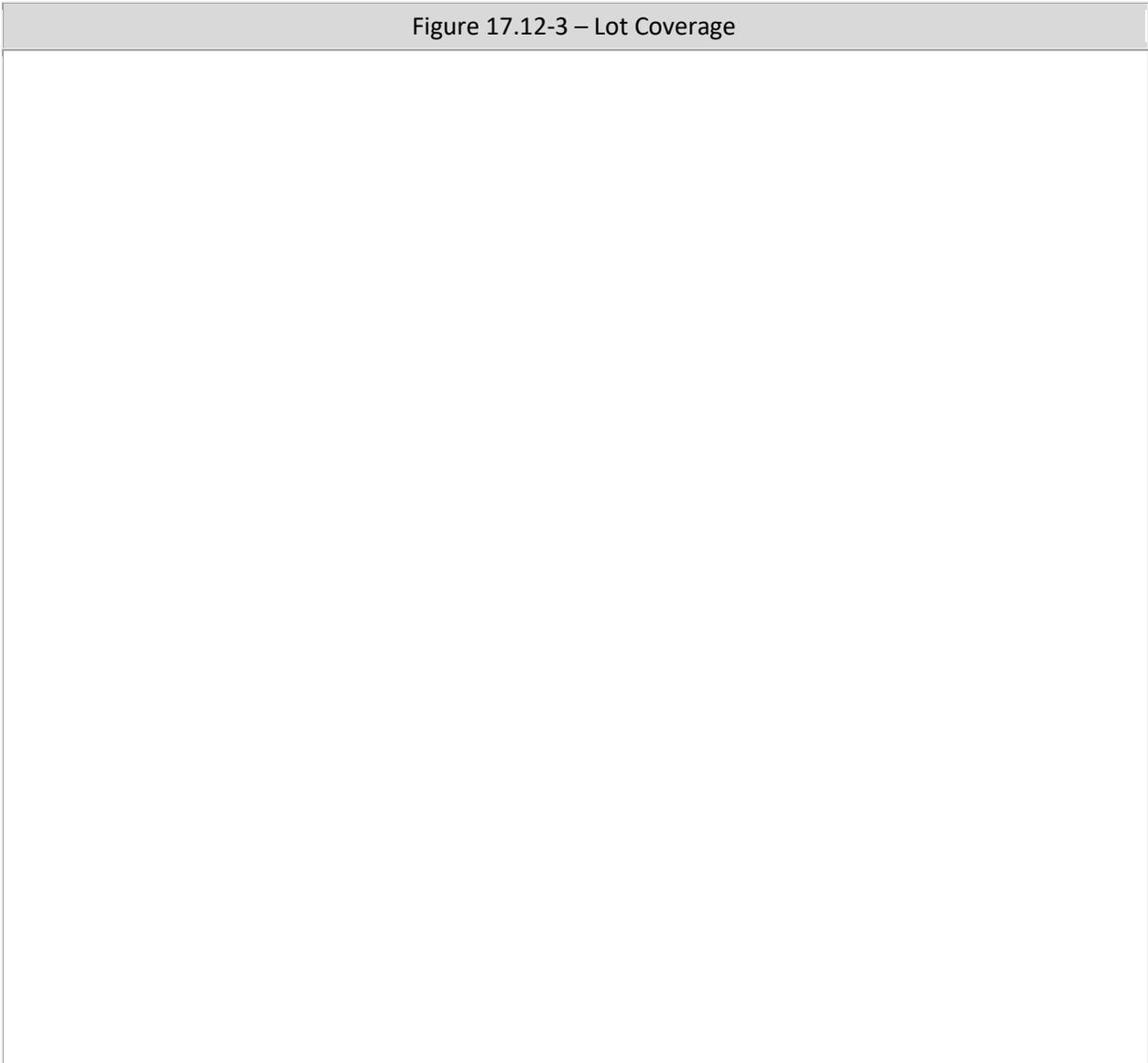


- F. **Lot Area – Gross and Net.** The gross lot area means the total horizontal area within the lot lines of a lot. The following shall not be included in determining the net lot area:
1. private streets in the R-1 zoning district;
  2. The pole portion of flag lots; and
  3. Any future street dedications.

G. **Lot Coverage.** Lot coverage is the ratio of the net footprint area of all roofed structures on a lot compared to the net lot area. The following shall not be included in the net footprint area:

1. Eaves and roof overhangs that project a maximum two (2) feet;
2. Trellises and similar structures that are a minimum 50 percent open to the sky;
3. Patios and landings that are a minimum 50 percent open to the sky;
4. Unenclosed stairways;
5. Up to 120 square feet for one (1) storage structure; and
6. Outdoor swimming pools and hot tubs that are open to the sky.
7. Refer to Figure 17.12-3 for information in a graphics form:

Figure 17.12-3 – Lot Coverage



- H. **Lot Frontage.** For corner lots, the front shall be the street frontage with the narrowest dimension. For lots that have identical or near identical street frontage dimensions, the Community Development Director shall determine which is the front.
- I. **Residential Density:**
1. Residential-only projects. Density shall be measured in dwelling units per square feet or acres of net lot area. For example, if a project proposed ten (10) dwellings on a two (2) acres site, it has a residential density of five (5) dwelling units per acre. Accessory Dwelling Units (ADUs) or Junior ADUs shall not be included in the calculation.
  2. Mixed-use projects. The square footage or acreage of the net lot area shall be included in the calculation, including portions of the project site which feature only nonresidential uses.
- J. **Separation.** Building or other structure separation shall be measured from eave to eave (i. e. the separation is the area open to the sky).
- K. **Setbacks and Yards:**
1. A setback is the distance between the property line and a building, structure or post (not including permitted projections) that must be kept clear and open.
  2. Rules:
    - a. The setback shall be measured parallel to and at the specified distance from the corresponding property line.
    - b. The area that must be kept clear and open is the yard.
    - c. Yards shall be measured from any future street dedication line.
    - d. If a side yard abuts an alley, the yard shall be considered an interior side yard rather than a street side yard.
  3. Front yard. The area extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the main building closest to the front of the lot.
  4. Rear yard. The area extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the rear lot line.
  5. Side yard. The area between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard and the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Figure 17.12-4 – Yards and Setbacks



6. Street side yard. The area between the main building and any adjacent public street right-of-way or private street.
7. Refer to Figure 17.12-4 for information in a graphics form.

**17.12.070 – Properties that are Split Zoned. (NEW)**

The following shall apply to properties or project sites that are split zoned and properties or project sites that cross jurisdictional boundaries:

**A. Permitted Uses:**

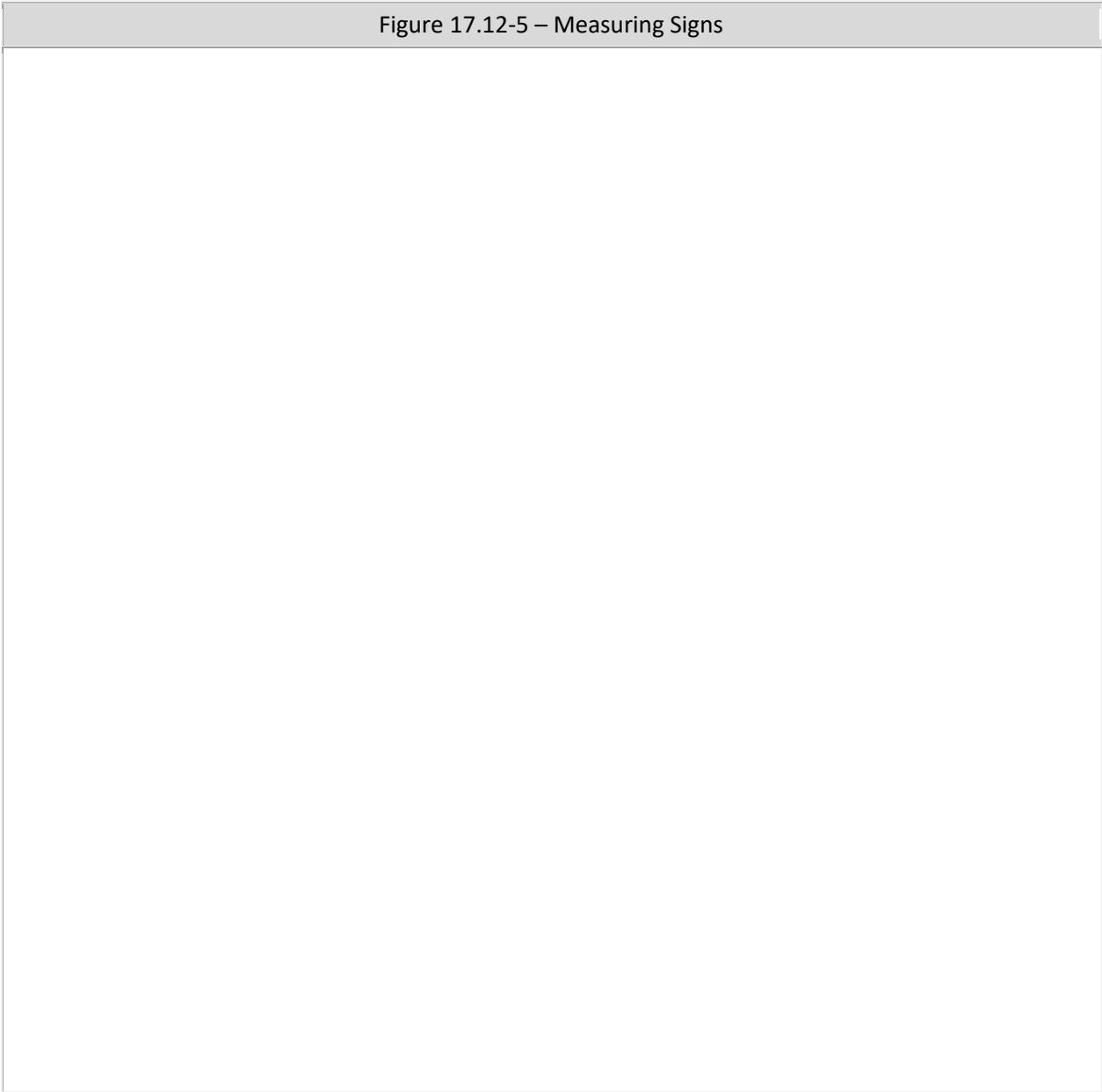
1. Projects within the City. The proposed use must be permitted in both zoning districts, unless the use in the zoning district that it is not permitted is solely for access, parking, landscaping and signing.

2. For projects crossing jurisdictional boundaries:
  - a. The proposed use must be permitted in the City, unless the use in the City portion is solely for access, parking, landscaping and signing.
  - b. The Community Development Director shall determine whether the City or other jurisdiction will be the lead agency.
- B. **Lot Coverage, Floor Area Ratio (FAR) and Residential Density:**
  1. Projects within the City. The standards for each zoning district shall be followed. Lot coverage, FAR and residential density shall not be transferrable from one zoning district to another, except as permitted under Chapter 17.127 (Planned Residential Development (PRD)) of this Title.
  2. Projects crossing jurisdictional lines. The El Monte portion shall follow the standards of the City. Lot coverage, FAR and residential density shall not be transferrable from one jurisdiction to another.
- C. **All Other Development Standards.** For projects within the City, the standards for each zoning district shall be followed. For projects that cross jurisdictional boundaries, the El Monte portion shall follow the standards of the City.

**17.12.080 – Measuring Signs. (NEW)**

- A. **Sign Area.** The area of an individual sign shall be calculated as follows:
  1. Single-Faced Signs. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in the sign area, provided they contain no lettering or graphics except for addresses or required tags.
  2. Double-Faced Signs. Where two faces of a double-faced sign are parallel, or less than an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than 45 degrees from one another, both sign faces shall be counted toward sign area.
  3. Multi-Faced Signs. On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three (3) or more sides, sign area shall be calculated as the sum of all faces.
  4. Three-Dimensional Signs. Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides of the smallest cuboid that will encompass the sign.

- B. **Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign.
- C. **Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- D. **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street or on-site parking area. For buildings with two (2) or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.
- E. Refer to Figure 17.12-5 for information in a graphics form:



## **CHAPTER 17.14 – ZONING CLASSIFICATIONS AND MAP**

### **Sections.**

17.14.010 – Purpose.

17.14.020 – Classifications.

17.14.030 – Zoning Map.

17.14.040 – Boundaries of Zoning Districts.

### **17.14.010 – Purpose. (NEW)**

The City of El Monte has established a series of Zoning Districts, Overlay Zones and Specific Plans to achieve the following:

- A. To classify and regulate the type and intensity of land uses;
- B. To regulate and establish limitations on the height and bulk of buildings;
- C. To regulate the area of yards other open spaces around buildings; and
- D. To regulate the allowable density of residential units.

### **17.14.020 – Classifications. (FULLY UPDATED)**

Table 17.14-1 lists the City’s zoning districts, overlay zones and specific plans:

Residential Zoning Districts	Table 17.14-1 – Description
R-1A	One-family Dwelling
R-1B	One-family Dwelling
R-1C	One-family Dwelling
R-2	Low-density Multiple-family Dwelling
R-3	Medium-density Multiple-family Dwelling
R-4	High-density Multiple-family Dwelling
Multiuse Zoning Districts	
M/MU	Mixed/Multiuse
<i>Reserved for U/MU</i>	<i>Reserved for Urban/Multiuse</i>
<i>Reserved for O/MU</i>	<i>Reserved for Office/Multiuse</i>
Commercial & Manufacturing Districts	
OP	Office Professional
C-1	Office Commercial

Commercial & Manufacturing Districts	Table 17.14-1 – Description (continued)
C-2	Neighborhood Commercial
C-3	General Commercial
M-1	Light Manufacturing
M-2	General Manufacturing
Public & Quasi-Public Zoning Districts	
AP	Airport
RR	Railroad
TW	Transitway
RW	River/Wash
OS	Open Space
PF	Public Facility
RMP	Residential Mobilehome Park
Specific Plans	
SP-1	El Monte Gateway Specific Plan
SP-2	Mountain View Specific Plan
SP-3	Flair Spectrum Specific Plan
SP-4	Downtown Main Street Transit-Oriented District Specific Plan
SP-5	<i>Reserved for MacLaren Specific Plan</i>
Overlay Zones	
RHOD	Rurban Homestead Overlay District
BOZ	Billboard Overlay Zone
VEOD	Valley Entryway Overlay District (for certain cannabis businesses)

**17.14.30 – Zoning Map. (RENUMBERED)**

For convenience of use, the City Zoning Map (ZM-1), as heretofore adopted and made a part of this Title, and as thereafter from time to time amended. A printed copy shall be made available to the public at the Planning Division and an electronic version shall be placed on the City’s website. Each zoning district is identified by a different solid color, each Specific Plan is identified by a different striped color and each overlay is identified by a bold outline.

**17.14.040 – Boundaries of Zoning Districts. (RENUMBERED)**

Where uncertainty exists as to the boundaries of any zoning district shown on said map, the following rules shall apply:

- A. The zoning boundary shall extend to the centerline of streets, whether they are public or private;
- B. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;
- C. In unsubdivided property or where a zoning district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;
- D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;
- E. Where any private right-of-way or easement of any railroad, railway, canal transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;
- F. All property in the City not otherwise classified, and all property hereafter annexed and not zoned upon annexation, shall be classified as being zoned R-1A; and
- G. In case any uncertainty exists, the Planning Commission shall determine the location of the boundaries.

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## **CHAPTER 17.16 – NONCONFORMING PROVISIONS**

### **Sections.**

17.16.010 – Purpose.

17.16.020 – Nonconforming Buildings or Structures.

17.16.030 – Nonconforming Lots.

17.16.040 – Nonconforming Residential Uses.

17.16.050 – Nonconforming Nonresidential Uses.

17.16.060 – Repairs and Maintenance.

17.16.070 – Loss of a Legal Nonconforming Status.

17.16.080 – Legal Nonconforming Massage and Alternative Financial Service Establishments.

### **17.16.010 – Purpose. (RENUMBERED)**

The purpose and intent of this Chapter is to permit nonconforming uses and structures to continue until they are removed, restricted or abandoned, but not to encourage their existence. Nonconforming uses and structures are declared to be incompatible with permitted uses in the same district. Nonconforming uses and structures shall not be enlarged upon, expanded or extended, except as expressly provided herein, nor shall the existence of a nonconforming use or structure be grounds for adding other uses or structures prohibited in the same district.

### **17.16.020 – Nonconforming Buildings or Structures. (FULLY UPDATED)**

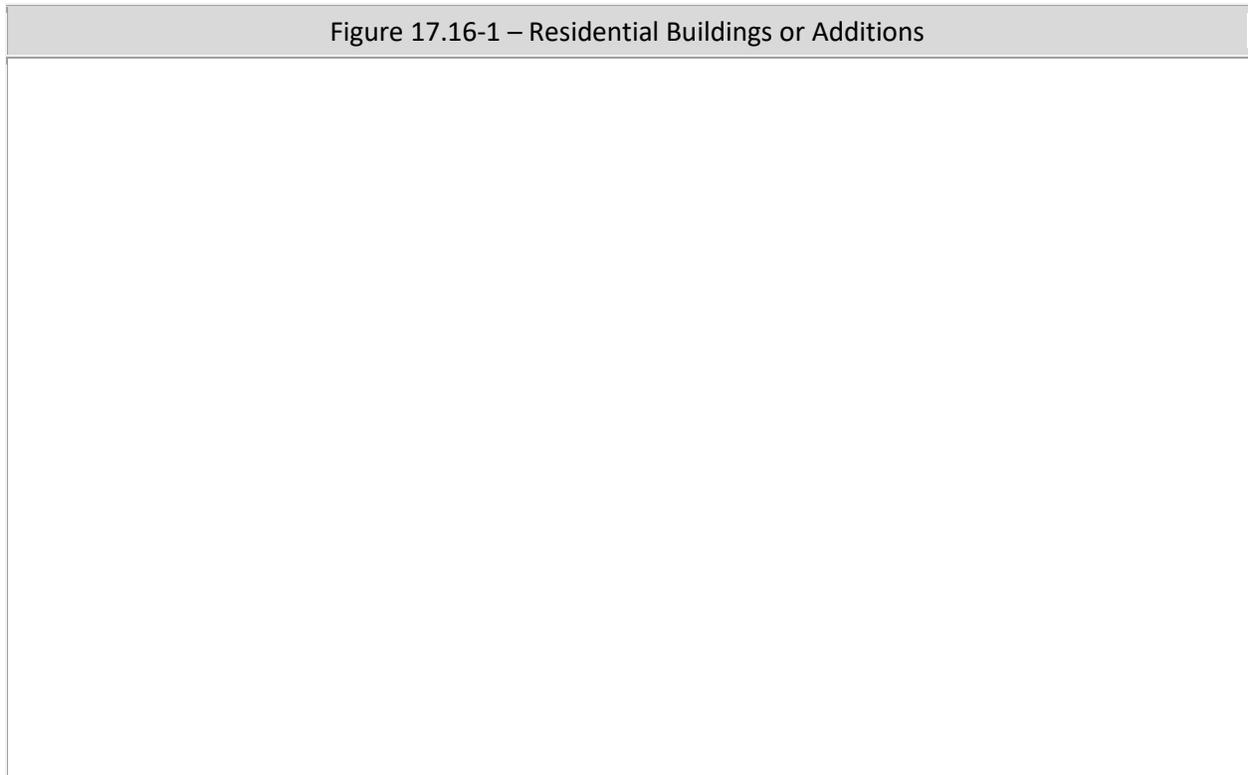
A nonconforming building or structure may be continued in use as long as it remains otherwise lawful, subject to the following provisions:

- A. **Changing Nonconforming Buildings or Structures.** Nonconforming buildings or structures may not be enlarged, expanded or altered in any way which increases its nonconformity, except as permitted in this Title. The building or structure may be altered to decrease its nonconformity.
- B. **Damaged Nonconforming Buildings or Structures.** Whenever a building or structure which is deemed to be nonconforming by virtue of this Chapter, and is damaged, the following shall apply:
  1. A residential building or structure that is damaged up to 75 percent of its replacement value may be restored to its state prior to such damage, provided the restoration is started within 365 days of the date of damage and diligently pursued to completion. The most recent residential use may reoccupy the building or structure.
  2. A residential building or structure that is damaged over 75 percent of its replacement value may be restored to its state prior to such damage, subject to the following:
    - a. Design Review is granted in compliance with Chapter 17.122 of this Title, within 360 days of the date of damage;

- b. The restoration is started within 180 days of the date of Minor Design Review or Design Review approval; and
    - c. The most recent residential use may reoccupy the building or structure.
  3. A nonresidential building or structure that is damaged up to 50 percent of its replacement value may be restored to its state prior to such damage, provided the restoration is started within 180 days of the date of damage and diligently pursued to completion. The most recent nonresidential use may reoccupy the building or structure.
  4. A nonresidential building or structure that is damaged over 50 percent of its replacement value shall comply with all development standards of this Title. In addition, the use shall comply with the zoning district of the property.
  5. If the property includes more than one (1) building or structure, the replacement cost shall be based on the value of all the buildings or structures on the property.
  6. The replacement cost shall be determined by the Building Official, whose decision may be appealed to a Hearing Officer.
- C. **Legality of Buildings or Structures.** Planning Division staff may use the following to determine whether a residential building, accessory structure or additional improvement was legally established (note: the building or addition may still be subject to additional permit requirements from the Building Division, Public Works Department or Los Angeles County Fire Department):
  1. Los Angeles County Assessor Records show the building or addition were given an assessed value for property tax purposes prior to January 1, 1979; or
  2. It is confirmed the building or addition existed when the property was annexed to the City.
- D. **Nonconforming Yard Setbacks.** Additions and structural alterations to an existing building or structure that has nonconforming yard setbacks:
  1. **Front Yard.** That the alteration or addition for a dwelling on a lot shall not exceed 25 percent of the existing floor area of the structure and a length of 20 feet. In addition, the structure's front yard setback shall not be made further nonconforming. In no case shall the front yard setback be less than ten (10) feet for a dwelling, unless a Minor Variance has been reviewed and approved in accordance with this Title.
  2. **Interior Side Yards.** That the alteration or addition shall not exceed 50 percent of the existing floor area or a length of 30 feet, whichever is less. In addition, the structure shall not be made further nonconforming. In no case shall the interior side yard setback be less than three (3) feet for the dwelling and less than one (1) foot for an accessory structure.
  3. **Rear Yards.** That the alteration or addition shall not exceed 50 percent of the existing floor area and a length of 20 feet. In addition, the structure shall not be made further

nonconforming. In no case shall the rear yard setback be less than ten (10) feet for a main dwelling and one (1) foot for an accessory structure.

4. Refer to Figure 17.16-1 for information in a graphics form:



**17.16.030 – Nonconforming Lots. (RENUMBERED)**

A nonconforming lot may be constructed upon provided that, the lot was legally created and the structure or structures and uses conform to all other provisions of the EMMC.

**17.16.040 – Nonconforming Residential Uses. (NEW)**

- A. Table 17.16-1 prescribes which zoning designation shall be followed when additions are proposed to nonconforming residential uses.
- B. Table 17.16-2 prescribes the permit necessary, based on the size of the addition, to expand a nonconforming residential use.
- C. Any proposed addition to a nonconforming residential use shall meet the requirements outlined in Subsections (A) and (B) above and on the previous page.
- D. The percentages and square footages identified in Subsection (B) above shall be cumulative over the next five (5) years.
- E. If the nonconforming residential use is superseded by a permitted use, such use shall thereafter conform to the regulations for the zoning district, and the nonconforming residential use shall not be resumed.

Table 17.16-1 – Nonconforming Residential Additions (Applicable Zoning District)			
Existing Number of Units:	R-1A Zoning District <sup>6</sup> :	M/MU Zoning District:	Commercial and Manufacturing Districts <sup>7</sup> :
1 unit	R-1A	R-1A	R-1A
2 units	R-2	R-3	R-4
3 units			
4 units	Additions not permitted	M/MU	Additions not permitted
5 or more units			

Table 17.16-2 – Nonconforming Residential Additions (Gross Floor Area Addition)			
Size of Addition:	R-1A Zoning District (2 or more units) <sup>8</sup> :	M/MU Zoning District (less than 5 units):	Commercial & Manufacturing Districts <sup>9</sup> :
Up to 35%, or 350 sq. ft., whichever is greater	Minor Use Permit	Zoning Clearance	Zoning Clearance
36% to 50%	Not permitted	Minor Use Permit	Conditional Use Permit
More than 50%		Conditional Use Permit	Not permitted

**17.16.050 – Nonconforming Nonresidential Uses. (RENUMBERED)**

The use may or may not occupy a building or structure. A nonconforming commercial, industrial or other nonresidential use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Enlarging or Expanding a Use.** The nonconforming nonresidential use may not be enlarged, extended, moved or altered, except as specifically permitted in this Chapter or to change the use of a structure or land to a use permitted in the zoning district in which it is located.
- B. **Superseded by a Permitted Use.** If the nonconforming nonresidential use is superseded by a permitted use, such use shall thereafter conform to the regulations of the zoning district and the nonconforming use shall not be resumed.
- C. **In Residential Zoning Districts.** When a nonconforming nonresidential use of a structure or land is discontinued or abandoned for a continuous period greater than 365 days, the subsequent use shall conform to the regulations of the zoning district in which the

<sup>6</sup> Residential additions in the R-1B and R-1C zoning districts shall comply with all provisions of this Title.

<sup>7</sup> For properties where residential uses are not permitted.

<sup>8</sup> Residential additions in the R-1B and R-1C zoning districts shall comply with all provisions of this Title.

<sup>9</sup> On properties where residential uses are not permitted.

property is located or may be a Transitional Use as outlined in Section 17.110.090 (Standards for Residential Uses – Transitional Uses) of this Title.

- D. **In Multiuse, Commercial and Manufacturing Zoning Districts.** When a nonconforming nonresidential use of a structure or land is discontinued or abandoned for a continuous period greater than 365 days, the subsequent use shall conform to the regulations of the zoning district in which the property is located.
- E. **Multi-Tenant Buildings with Three (3) or More Tenant Spaces:**
1. In all zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies of 50 percent or less of the total gross square footage of the multi-tenant building, then the vacant tenant space may be occupied by the most recently occupied use, or a similar use as determined by the Community Development Director.
  2. In residential zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies greater than 50 percent of the total gross square footage of the multi-tenant building, then the vacant tenant space shall be occupied by a conforming use or a Transitional Use as outlined in Section 17.110.080 (Standards for Residential Uses – Transitional Uses) of this Title.
  3. In nonresidential zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies greater than 50 percent of the total gross square footage of the multi-tenant building, then the vacant tenant space shall be occupied by a conforming use.
- F. **Proof of Operation.** In order for the business to prove continued operation, the business must submit a valid City business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the Community Development Director:
1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or
  2. Utility bills showing service to the specific business for the entire period in question.

**17.16.060 – Repairs and Maintenance. (RENUMBERED)**

On any nonconforming structure, or on any nonconforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place. However, the value of repair or replacement work during any five (5) year period shall not exceed 50 percent of the replacement cost of the whole structure. In addition, the square footage of the structure, whether conforming or nonconforming, shall not be increased and no more than 50 percent of the bearing walls may be repaired and/or replaced as part of repair and maintenance work for the structure.

**17.16.070 – Loss of a Legal Nonconforming Status. (RENUMBERED)**

- A. The right to continue a nonconforming use shall terminate when it is determined to be a public nuisance by order of an independent Hearing Officer pursuant to procedures provided in Chapter 8.44 (Property Maintenance) of the EMMC or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or the order of the court. In addition to the specific grounds for finding a nuisance as set forth in Chapter 8.44 (Property Maintenance) of the EMMC, a nonconforming use is a public nuisance if:
  - 1. The use interferes with the enjoyment of life or property in the neighborhood; or
  - 2. The use is a business establishment which permits persons to congregate for unreasonably long time periods in parking areas and/or pedestrian walkways resulting in unreasonable noise levels in residential areas during the hours of 9:00 p.m. to 7:00 a.m., or resulting in said persons obstructing or interfering with the free passageway in said parking areas or on said pedestrian walkways, or which becomes a place where an unreasonable number of violations of Chapter 9.12 (Alcoholic Beverages) of the EMMC or violations of alcoholic beverage control regulations occur; or
  - 3. The use is injurious to the health of persons in the neighborhood.
- B. The right to continue the use of a nonconforming structure shall terminate when the structure and/or the parcel on which it is located is determined to be a public nuisance by order of the Hearing Officer made pursuant to Chapter 8.44 (Property Maintenance) of the EMMC, or by judgment or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or order of the court. If the abatement of the nuisance required demolition of the structure the order, judgment or order of the court shall find that in fairness and in justice there is no other way reasonably to correct the nuisances other than by demolition of the structure.
- C. Where it cannot be found that demolition of a structure is appropriate, the Hearing Officer may permit the structure to remain in existence, but may impose one (1) or more conditions to bring the structure into conformity with the requirements of this Title so far as is reasonable in addition to any other conditions necessary to abate the public nuisance.

**17.16.080 – Legal Nonconforming Massage and Alternative Financial Services Establishments.**

- A. **Amortization Period and Extensions.** Table 17.16-3 prescribes the amortization periods and extensions for massage and alternative financial services establishments.
- B. **Application for an Extension:**
  - 1. The application shall be made in writing on a form prescribed by the Community Development Director. A complete application shall include all of the following:
    - a. The applicant's name and street address of business;
    - b. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;

- c. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;
- d. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;
- e. The applicant's signature;
- f. The term of the requested extension; and
- g. Documentation relevant to the factors listed in Subsection (B)(4) on the following page.

Table 17.16-3 – Amortization Permit and Extensions		
	Massage Establishment:	Alternative Financial Services Establishment:
Located in the C-3 (General Commercial) zoning district:	<p>Any establishment with a valid business license and certificate under Chapter 5.66 (Massage Establishments) of the EMMC prior to May 5, 2016:</p> <ul style="list-style-type: none"> <li>• Shall obtain a Conditional Use Permit (CUP) by May 5, 2019.</li> </ul>	<p>Any establishment with a valid business license prior to August 17, 2017:</p> <ul style="list-style-type: none"> <li>• Shall obtain a CUP by August 31, 2022.</li> <li>• Shall cease operations by September 1, 2022 if a CUP is not obtained. All signs, advertising and displays shall also be removed within 30 days.</li> </ul>
Not located in the C-3 zoning district:	<p>Any establishment not located in the C-3 zoning district as of August 31, 2022:</p> <ul style="list-style-type: none"> <li>• Shall terminate on or before September 1, 2022.</li> <li>• Shall remove all signs, advertising and displays within 30 days.</li> </ul>	<p>Any establishment not located in the C-3 zoning district as of August 31, 2024:</p> <ul style="list-style-type: none"> <li>• Shall terminate on or before September 1, 2024.</li> <li>• Shall remove all signs, advertising and displays within 30 days.</li> </ul>
Extension of the amortization period for establishments not located in the C-3 zoning district:	<p>Any establishment not located in the C-3 zoning district may apply for a time extension of the amortization period provided the following occurs:</p> <ul style="list-style-type: none"> <li>• Shall submit an application by August 31, 2022.</li> <li>• The maximum extension shall be two (2) years, or December 31, 2024.</li> <li>• The establishment shall terminate on or before January 1, 2025.</li> <li>• All signs, advertising and displays shall be removed within 30 days.</li> </ul>	<p>Any establishment not located in the C-3 zoning district may apply for a time extension of the amortization period provided the following occurs:</p> <ul style="list-style-type: none"> <li>• Shall submit an application by August 31, 2024.</li> <li>• The maximum extension shall be two (2) years, or December 31, 2026.</li> <li>• The establishment shall terminate on or before January 1, 2027.</li> <li>• All signs, advertising and displays shall be removed within 30 days.</li> </ul>

2. The applicant requesting to extend the amortization period shall bear the burden of proof in establishing that the amortization period established by this Section is unreasonable.
3. Within 60 days after a complete application is filed, the Planning Commission shall hear and act on the application. The applicant shall be notified in writing of the meeting date a minimum ten (10) days prior to the meeting. Public noticing shall not be required.
4. In determining whether to grant an extension of the amortization period, and in determining the appropriate length of such an extension, the Planning Commission and, the City Council on appeal, shall consider:
  - a. The amount of investment in the business;
  - b. The present actual and depreciated value of business improvements;
  - c. The applicable Internal Revenue Service (IRS) depreciation schedule or functional non-confidential equivalent;
  - d. The remaining useful life of the business improvements;
  - e. The remaining lease term;
  - f. The ability of the massage or alternative financial services establishment and/or land owner to change the use; and
  - g. The opportunity for relocation to a legally permissible site and the cost of relocation.
5. Denials. If the Planning Commission denies the request, the establishment shall close as prescribed in this Section. In addition, all signs, advertisements and displays related to the establishment shall be removed within 30 days thereafter.
6. Appeals. Planning Commission decisions regarding this Section are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## DIVISION 3 – MULTIUSE ZONING DISTRICT

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### **CHAPTER 17.30 – MIXED/MULTIUSE ZONING DISTRICT**

#### **Sections.**

17.30.010 – Summary of the Zoning District.

17.30.020 – Purpose.

17.30.030 – Permitted Uses.

17.30.040 – Development Standards.

17.30.050 – Frontage Regulations.

#### **17.30.010 – Summary of the Zoning District.** (NEW)

**Mixed/Multiuse (M/MU) Zoning District** – Consistent with the General Plan Land Use Designation of Mixed/Multiuse. This zoning district allows mixed/multiuse projects combining a complementary mix of housing and nonresidential uses along designated corridors. Such projects can be vertically integrated (commercial ground-floor frontage with residential above the first floor) or horizontal (housing adjacent to commercial and office uses). The scale, size and mix of land uses vary based on the location and character of the surrounding land uses. Densities up to 35 residential units per acre are allowed.

#### **17.30.020 – Purpose.**

- A. Create opportunities for new mixed/multiuse development along major corridors to provide “by-right” housing opportunities, reduce automobile dependence, improve air quality and revitalize and transition underutilized sites;
- B. Expand available land capacity and zoning tools to accommodate the City's projected need for housing;
- C. Encourage commercial and mixed/multiuse development at key intersections and nodes along major corridors and direct exclusively residential developments mid-block;
- D. Create a pedestrian-oriented mix of uses with convenient access between area neighborhoods, and among housing, employment centers, and retail services;
- E. Facilitate well-designed projects that combine residential and nonresidential uses, either vertically or horizontally, to promote a better balance of jobs, services and housing;
- F. Stimulate economic development and reinvestment based upon recognized urban design principles that allow property owners to respond with flexibility to market forces; and
- G. Encourage the development of a unique zone character through a streetscape that provides attractive features (e.g., landscaping, niche or linear parks, public spaces, courtyards.) designed to integrate the public realm (e.g., streets, sidewalks.) with development on adjacent private property.

**17.30.030 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.30-1 prescribes the land use regulations for the M/MU zoning district. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.30-1 is not permitted in the M/MU zoning district, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.30-1 – Permitted Uses – Mixed/Multiuse Zoning District		
Residential – Main Uses	M/MU	Notes
Live/work unit	M	17.110.050
Mixed-use, horizontal	P	17.110.060
Mixed-use development – vertical <sup>1</sup>	P	17.110.060
Multiple-family, five (5) or more attached dwellings on a lot	P	
<i>Religious institutions housing (reserved)</i>	--	17.110.070
Senior housing	C	
Residential – Ancillary Uses		
Accessory building	P	17.110.020
Accessory Dwelling Unit (ADU) and Junior ADU	P	17.110.030
Home occupation	P	17.110.040
Lighted outdoor sporting field or court, private	M	
Community Care Uses		
Adult daycare facility, general	C	
Childcare facility	C	
Elder care or assisted living facility	C	
Low barrier navigation center –		
Less than 25 beds/occupants	P	17.112.100
25 or more beds/occupants	A	17.112.100
Residential care facility, general	C	
Supportive or transitional housing	P	
Public & Quasi-Public Uses		
Electrical distribution substation	C	

<sup>1</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

Table 17.30-1 – Permitted Uses – Mixed/Multiuse Zoning District (continued)		
Public & Quasi-Public Uses (continued)	M/MU	Notes
Government or government related facility	P	
Recreation facility – public	P	
School & educational facility –		
College or university, public	P	
College or university, private	C	
K-12, public	P	
K-12, private	C	
Preschool, public	P	
Preschool, private	C	
Specialized education and training	M	
Tutoring and education center	P	
Urgent care medical center*	P	
Utility facility	C	
Wireless facility	See notes	17.90 & 17.92
<b>Assembly &amp; Entertainment Uses</b>		
Ancillary entertainment*	P	
Assembly or meeting facility	C	
Commercial entertainment	C	
Commercial recreation facility – indoor	C	5.78 for billiards
Community center	P	
Cultural institution	C	
Family entertainment center	C	
Gaming center or arcade	C	
Nightclub	C	5.32
Religious institution	C	
<b>Retail &amp; Office Uses</b>		
Alcohol sales <sup>2</sup> –		
Assembly and entertainment use, on-site <sup>3</sup>	C	17.112.030

<sup>2</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>3</sup> Only applicable for assembly and entertainment uses permitted in the M/MU zoning district.

Table 17.30-1 – Permitted Uses – Mixed/Multiuse Zoning District (continued)		
Retail & Office Uses (continued)	M/MU	Notes
Alcohol sales <sup>4</sup> (continued) –		
Bar or tavern, on-site	C	17.112.030
Brew pub, on-site and off-site	C	17.112.030
Liquor store, off-site	C	17.112.030
Restaurant, limited hours, on-site*	M	17.112.030
Restaurant, on-site*	C	17.112.030
Retail store, off-site	C	17.112.030
Cannabis activity, commercial – dispensary*	P	5.18
Convenience store or minimart*	C	
Food or beverage establishment –		
Bakery or pâtisserie, retail*	P	
Coffeehouse or café*	P	
Outdoor seating*	P	17.112.120
Restaurant*	P	
Grocery store*	P	
Multiple-tenant commercial center*	M	17.112.110
Offices –		
Ancillary*	P	
Administrative, business professional*	P	
Government*	P	
Medical*	P	
Office supply store*	P	
Pharmacy*	P	
Retail sales (unless listed as a separate use)*	P	
Secondhand vendor*	M	5.68 & 17.112.160
Showroom sales	P	
Significant tobacco retailer	C	17.112.170
<i>Temporary use (reserved)</i>	<i>T</i>	<i>17.124</i>

<sup>4</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

Table 17.30-1 – Permitted Uses – Mixed/Multiuse Zoning District (continued)		
Service Uses	M/U	Notes
Animal service –		
Animal grooming	P	
Veterinary service or animal hospital/clinic	P	
Appliance or electronics repair	P	
Automated Teller Machine (ATM), walk-up*	P	17.112.050
Drive-through business –		
Food or beverage establishment	C	17.112.080
Service or retail	M	17.112.080
Financial institution*	P	
Funeral home or mortuary <sup>5</sup>	P	
Hotels and motels	C	5.48 & 17.112.090
Office concierge service*	P	
Personal service use –		
General*	P	17.112.140
Restricted*	M	17.112.140
Philanthropic or charitable institution	P*	
Recycling facility –		
Mobile	P	17.112.150
Self-service	M	17.112.150
Wedding chapel	M	
<b>Industrial &amp; Transportation Uses</b>		
Vehicle parking –		
Attendant parking or valet parking	C	
Car sharing, residential	M	17.070.070(C)
Car sharing, nonresidential use <sup>6</sup>	M	
Parking structure <sup>7</sup>	M	
Shared parking	M	17.070.070(D)

<sup>5</sup> Funeral home or mortuary shall not include crematories.

<sup>6</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>7</sup> Parking structures shall be ancillary to a permitted use.

Key:

- \* Pedestrian oriented use and may occupy the ground floor of a vertical mixed-use building. Other uses shall not be permitted on the ground floor.
- Use not permitted.
- P Use permitted by-right.
- A Use permitted after review and approval of an Administrative Permit (AP).
- T Use permitted after review and approval of a Temporary Use Permit (TUP).
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).

**17.30.040 – Development Standards. (FULLY UPDATED)**

- A. **Development Standards.** Table 17.30-2 prescribes the development standards for the Mixed/Multiuse zoning district.
- B. **Commercial and Mixed-use Nodes.** Vertical mixed-use, commercial square footage or community uses (e.g. libraries, public plazas) shall be located at the following intersections:
  1. Peck Road and the following cross streets: Lower Azusa Road, Lambert Avenue, Forest Grove Street and Ramona Boulevard.
  2. Garvey Avenue and the following cross streets: Merced Avenue, Santa Anita Avenue, Tyler Avenue and Peck Road.
  3. Durfee Avenue and Elliott Avenue.

Table 17.30-2 – Development Standards – Mixed/Multiuse Zoning District	
Development Standard <sup>8</sup>	All Projects
Land use description	Mixed/Multiuse
Maximum height <sup>9</sup>	4 stories & 50 ft.
Minimum yard setbacks –	
Front and street side	Min. 5 ft. & max. 15 ft.
Interior side and rear	0 ft.
Additional buffer standards –	
Street side when abutting an R-zoned property	10 ft. for the first 20 ft. from the R-zoned property line
Interior side when abutting an R-zoned property	15 ft.
Rear when abutting an R-zoned property	20 ft.

<sup>8</sup> All street setbacks that separate a driveway or parking area shall be fully landscaped as prescribed in Sections 17.72.040, 17.72.050 and 17.72.060.

<sup>9</sup> Refer to Section 17.60.030 for additional height exceptions and restrictions.

Table 17.30-2 – Development Standards – Mixed/Multiuse Zoning District (continued)		
Development Standard	All Projects	
Minimum Distance between buildings	20 ft. if one of the buildings is greater than 30 ft. high; 15 ft. if one of the buildings is 20 ft. to 30 ft. high; and 10 ft. in all other instances	
Maximum lot coverage	80%	
Minimum parking standards –		
Surface parking	Shall be set back 10 ft. along major and secondary arterials (see 2011 General Plan Figure C-4); Shall meet minimum yard setbacks for all other streets property lines	
Above-ground structure	Ground level shall be fully screened and set back 10 ft. from any front or street side property line	
Garage/tuck-under parking	Shall not face a front or street side property line	
Underground parking	Any ramps shall be fully screened with landscaping and set back a minimum 10 ft. from any front or street side property line	
<b>Projects with Nonresidential</b>		
Minimum public open space area <sup>10</sup>	For projects with more than 3,500 sq. ft. of nonresidential space = 10% of the combined nonresidential footprint <sup>11</sup>	
Maximum Floor Area Ratio (FAR)	1.0 (for the nonresidential portion only)	
	Residential Only <sup>12</sup>	Mixed-use w/ Residential <sup>13</sup>
Minimum lot area	20,000 sq. ft.	25,000 sq. ft.
Minimum lot frontage	100 linear ft.	120 linear ft.
Minimum density	25 units/acre	15 units/acre if FAR is >0.30 20 units/acre if FAR is 0.10 to 0.30
<b>Project with Residential</b>		
Maximum density by lot area –		
Up to 25,000 sq. ft.	1 unit/1,700 sq. ft. or 27.2 units/acre	
25,001 to 30,000 sq. ft.	1 unit/1,500 sq. ft. or 29.0 units/acre	
30,001 to 35,000 sq. ft.	1 unit/1,400 sq. ft. or 31.1 unit/acre	
35,001 to 40,000 sq. ft.	1 unit/1,300 sq. ft. or 33.5 units/acre	
Over 40,000 sq. ft.	1 unit/1,244 sq. ft. or 35.0 units/acre	

<sup>10</sup> Refer to Section 17.30.070 for additional requirements.

<sup>11</sup> The public open space amenity may be divided into subareas, provide each subarea is a minimum 350 square feet.

<sup>12</sup> The residential only minimums shall only apply to properties that abut a major or secondary arterial (see 2011 General Plan Figure C-4).

<sup>13</sup> For mixed-use projects with residential, a minimum 50% of the total floor area shall be for residential uses.

Table 17.30-2 – Development Standards – Mixed/Multiuse Zoning District (continued)		
	Residential Only	Mixed-use w/ Residential <sup>14</sup>
Open space –		
Minimum overall	250 sq. ft.	200 sq. ft.
Minimum private per unit	60 sq. ft.	40 sq. ft.
Minimum common	100 sq. ft.	80 sq. ft.

**C. Residential Open Space Requirements:**

1. Private open space:

- a. Private open space areas shall be provided for each unit as outlined in Table 17.30-2. Such spaces shall be directly accessible from the unit it serves.
- b. Private open space areas shall have a minimum dimension of six (6) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. The minimum dimension may be reduced to four (4) feet for upper floor balconies. In addition, it shall be enclosed by a fence or building walls on all sides.

2. Common open space:

- a. Common open space areas shall be provided for each unit as outlined in Table 17.30-2. Such spaces shall be conveniently located and accessible to all units.
- b. Common open space areas shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, each area shall have a minimum overall area of 500 square feet.

3. Balconies and recreation rooms:

- a. Up to 75 percent of the overall open space may be in the form of balconies. When used as private open space, it shall be directly accessible from the unit it serves.
- b. Up to 30 percent or 600 square feet, whichever is greater, of the common open space areas may be in the form of recreation rooms.

4. Recreational amenities. For projects with 25 or more units, one (1) common recreational amenity shall be provided for each 25 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal and/or occupy more area, specified items may be counted as two (2) amenities, as noted.

- a. Clubhouse (2).
- b. Swimming pool (2).
- c. Sauna (1).

<sup>14</sup> The reduced open space standards shall only apply to units that are within a vertical mixed-use building.

- d. Jacuzzi (1).
- e. Tennis court (1 per court).
- f. Basketball court (1 per court).
- g. Racquetball court (1 per court).
- h. Bocce ball court (1 per 2 courts).
- i. Weightlifting facility (1).
- j. Children's playground equipment (1).
- k. Citrus or vegetable gardens (1).
- l. Day care facility (2).
- m. Other recreational amenities deemed adequate by the Community Development Director.

C. **Public Open Space Requirements.** Each project proposed within a mixed/multiuse zoning district must include a public open space amenity, or some form of physical interface for the pedestrian. Such features may include, but not be limited to:

1. Formal plazas. A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
2. Urban gardens. An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens may include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Sculptures or other forms of public art would typically be included within the urban garden. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
3. Covered colonnades. Colonnades are linear in design and generous in depth. The intent is to provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade.
4. Sidewalk dining. Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.
5. Pedestrian alleys and walkways. A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to a public space or some other feature within the interior of a development. They must be designed in such a manner as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations

to a well-designed pedestrian alley or walkway. Public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways.

- E. **Other Development Standards.** Table 17.30-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to the M/MU zoning district:

Table 17.30-3 – Other Development Standards	
Development Standard	Chapter or Section
Height exceptions and restrictions	17.60.030
Landscaping	17.72 & 17.74
Outdoor display and storage	17.60.040
Outdoor lighting	17.60.050
Parking	17.70
Refuse storage facilities	17.60.080
Screening	17.60.100
Security bars	17.60.110
Walls, fences and hedges	17.60.120

**17.30.050 – Frontage Regulations. (FULLY UPDATED)**

**A. Retail Storefronts:**

1. Elevation of ground floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
2. Minimum ground floor plate height. The minimum height shall be 12 feet floor-to-floor.
3. Storefront entrances. All ground floor tenants that have street frontage shall have an entrance that fronts a street.
4. Lobby entrances. Lobby entrances to upper floor tenants shall be located on an elevation fronting a street.
5. Recessed entrances. Entrances may be recessed into the facade.
6. Display windows. A minimum 50 percent of ground floor elevations that front a street shall be large storefront display windows.
7. Awnings and marquees. Awnings or marquees shall be incorporated over storefront windows and entrances. Awning and marquees may project up to six (6) feet from the facade and extend over the sidewalk provided that at least eight (8) feet of vertical clearance is provided.
8. Projecting elements. Projecting elements such as balconies, shade structure and bay windows may project up to four (4) feet into a street yard setback.

**B. Residential Fronts:**

1. Elevation of ground floor. The ground floor elevation shall be located within three (3) feet of the ground surface of the adjacent sidewalk or walkway.
2. Minimum ground floor plate height. The minimum height shall be nine (9) feet floor-to-floor.
3. Ground floor unit entrances. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
4. Upper floor unit entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along an elevation fronting a street.
5. Recessed entrances. Entrances may be recessed into the facade.
6. Stoops and front porches. Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to four (4) feet into a street yard setback.
7. Projecting elements. Projecting elements such as balconies, roof overhangs, shade structures, and bay windows on upper floors may project four (4) feet into a street yard setback.

- C. Director Adjustments.** The Community Development Director may reduce the minimum ground floor plate height by ten (10) percent if lower heights are necessary to meet Los Angeles County Fire Department requirements. However, the elevation should still be designed to give the appearance that the standard is being met.

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## **DIVISION 2 – RESIDENTIAL ZONING DISTRICTS & OVERLAYS**

### **CHAPTER 17.20 – ONE-FAMILY DWELLING ZONING DISTRICTS**

#### **Sections.**

17.20.010 – Summary of the Zoning Districts.

17.20.020 – Purpose.

17.20.030 – Applicability

17.20.040 – Permitted Uses.

17.20.050 – Development Standards.

#### **17.20.010 – Summary of the Zoning Districts. (NEW)**

- A. **One-family Dwelling (R-1A) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes smaller lots that allows for one (1) dwelling unit on each lot.
- B. **One-family Dwelling (R-1B) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes deeper lots that allows for two (2) or more detached dwelling units on each lot under limited conditions. Also includes smaller lots that allow for one (1) dwelling unit on each lot.
- C. **One-family Dwelling (R-1C) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes deeper lots with one (1) dwelling on each lot that allows for the keeping of horses and other large, domesticated animals. Many lots currently are, or previously were, developed with equestrian uses.

#### **17.20.020 – Purpose. (FULLY UPDATED)**

- A. Provide a variety of single-family residential dwellings built to suburban standards characterized by single- and two-story structures separated by ample green space to suit a spectrum of individual lifestyles and needs.
- B. Maintain the existing character of the City’s low-density, single-family residential neighborhoods, while providing new opportunities for unit additions and infill housing.
- C. Ensure that the scale and design of new development, alterations and additions to existing dwellings are compatible with the scale, mass and character of their neighborhoods, and protect adjacent properties from unreasonable obstruction of light and air.
- D. Provide for appropriate densities within the ranges established in the General Plan.
- E. Provide opportunities for other neighborhood uses such as schools, parks, religious assembly, community centers and daycare centers that serve and are compatible with the surrounding residential neighborhood.

**17.20.030 – Applicability. (NEW)**

This Chapter identifies allowable land uses, permitted requirements and development standards for One-family Dwelling zoning districts and applies to all areas in the City identified with an R-1A, R-1B or R-1C on the City's Zoning Map.

**17.20.040 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.20-1 prescribes the land use regulations for each One-family Dwelling zoning district. Additional use-specific regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.20-1 shall not be permitted in the R-1A, R-1B or R-1C zoning district, except as otherwise permitted in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.20-1 – Permitted Uses – One-family Dwelling Zoning Districts				
Residential – Main Uses	R-1A	R-1B	R-1C	Notes
Residential dwelling, single-family, one (1) on a lot, one (1) story	P	P	P	
Residential dwellings, single-family, greater than one (1) story	P	P/D <sup>1</sup>	D <sub>1</sub>	17.122
Residential dwellings, single-family, two (2) or more detached on a lot	--	P	--	
Factory-built housing	P	P	P	
Planned Residential Development (PRD)	--	R	--	17.126
<i>Religious institutions housing (reserved)</i>	--	--	--	17.110.070
Urban dwelling	P	P	--	17.110.100
Urban lot split	P	P	--	17.110.110
Residential – Ancillary Uses				
Accessory building	P	P	P	17.110.020
Accessory Dwelling Unit (ADU) and Junior ADU	P	P	P	17.110.030
Animals, breeding and raising	--	P	P	
Animals, horses	--	P	P	
Animals, husbandry product	--	C	C	
Community garden	M	M	M	
Garage sale	P	P	P	5.44

<sup>1</sup> A maximum of 1½-stories shall require Community Development Director approval for properties located in the RHOD overlay.

Table 17.20-1 – Permitted Uses – One-family Dwelling Zoning Districts (continued)				
Residential – Ancillary Uses (continued)	R-1A	R-1B	R-1C	Notes
Greenhouse or conservatory, private	P	P	P	
Home occupation	P	P	P	17.110.040
Lighted outdoor sporting field or court, private	M	M	--	
Trailer, temporary	P	P	P	
Transitional parking	C	C	--	
Transitional use	C	C	--	17.110.090
Community Care Uses				
Adult daycare home –				
Small, less than seven (7) adults	P	P	P	
Large, seven (7) to 12 adults	C	C	--	
Family daycare home –				
Small, less than nine (9) children	P	P	P	
Large, nine (9) to 14 children	A	A	A	
Group home –				
Small, less than (7) residents	P	P	P	
Large, seven (7) or more residents	A	A	A	
Residential care home –				
Small, less than seven (7) residents	P	P	P	
Large, seven (7) to 12 residents	A	A	A	
Public & Quasi-Public Uses				
Government or government related facility	P	P	--	
Recreation facility –				
Public	P	P	P	
Private	C	C	--	
School & educational facility –				
K-12, public	P	P	--	
Preschool, public	P	P	--	
Utility facility	C	C	--	
Wireless facility	See notes			17.90 & 17.92

Key:

-- Use not permitted.

P Use permitted by-right.

A Use permitted after review and approval of an Administrative Permit (AP).

D Use permitted after review and approval of the Community Development Director.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

R Use permitted after review and approval of a Planned Residential Development (PRD) permit.

**17.20.050 – Development Standards. (FULLY UPDATED)**

A. **Development Standards.** Table 17.20-2 prescribes the development standards for each One-family Dwelling zoning district. Refer to Figure 17.20-1 for information on setbacks and height in a graphic form.

Table 17.20-2 – Development Standards – One-family Dwelling Zoning Districts			
Development Standard	R-1A	R-1B	R-1C
Land use description	One-family dwelling	One-family dwelling	One-family dwelling
Maximum height	2 stories & 30 ft.	2 stories & 30 ft.	1½ stories & 25 ft.
Maximum top plate height	1 story: 14 ft. 2 story: 24 ft.	1 story: 14 ft. 2 story: 24 ft.	18 ft.
Minimum Yard Setbacks <sup>2</sup>			
1 <sup>st</sup> story front	20 ft.	20 ft.	20 ft.
2 <sup>nd</sup> story front	5 ft. additional from the 1 <sup>st</sup> story	5 ft. additional from the 1 <sup>st</sup> story	N/A
1 <sup>st</sup> story street side	10 ft.	10 ft.	10 ft.
2 <sup>nd</sup> story street side	5 ft. additional from the 1 <sup>st</sup> story	5 ft. additional from the 1 <sup>st</sup> story	N/A
1 <sup>st</sup> story interior side	5 ft.	5 ft.	5 ft.
2 <sup>nd</sup> story interior side	5 ft. additional from the 1 <sup>st</sup> story	5 ft. additional from the 1 <sup>st</sup> story	N/A
Rear	10 ft.	20 ft.	35 ft.
Minimum Lot Dimensions			
Area	7,260 sq. ft.	7,260 sq. ft.	10,000 sq. ft.
Width	60 ft.	60 ft.	60 ft.
Width, cul-de-sac	35 ft.	35 ft.	35 ft.
Depth	100 ft.	100 ft.	100 ft.

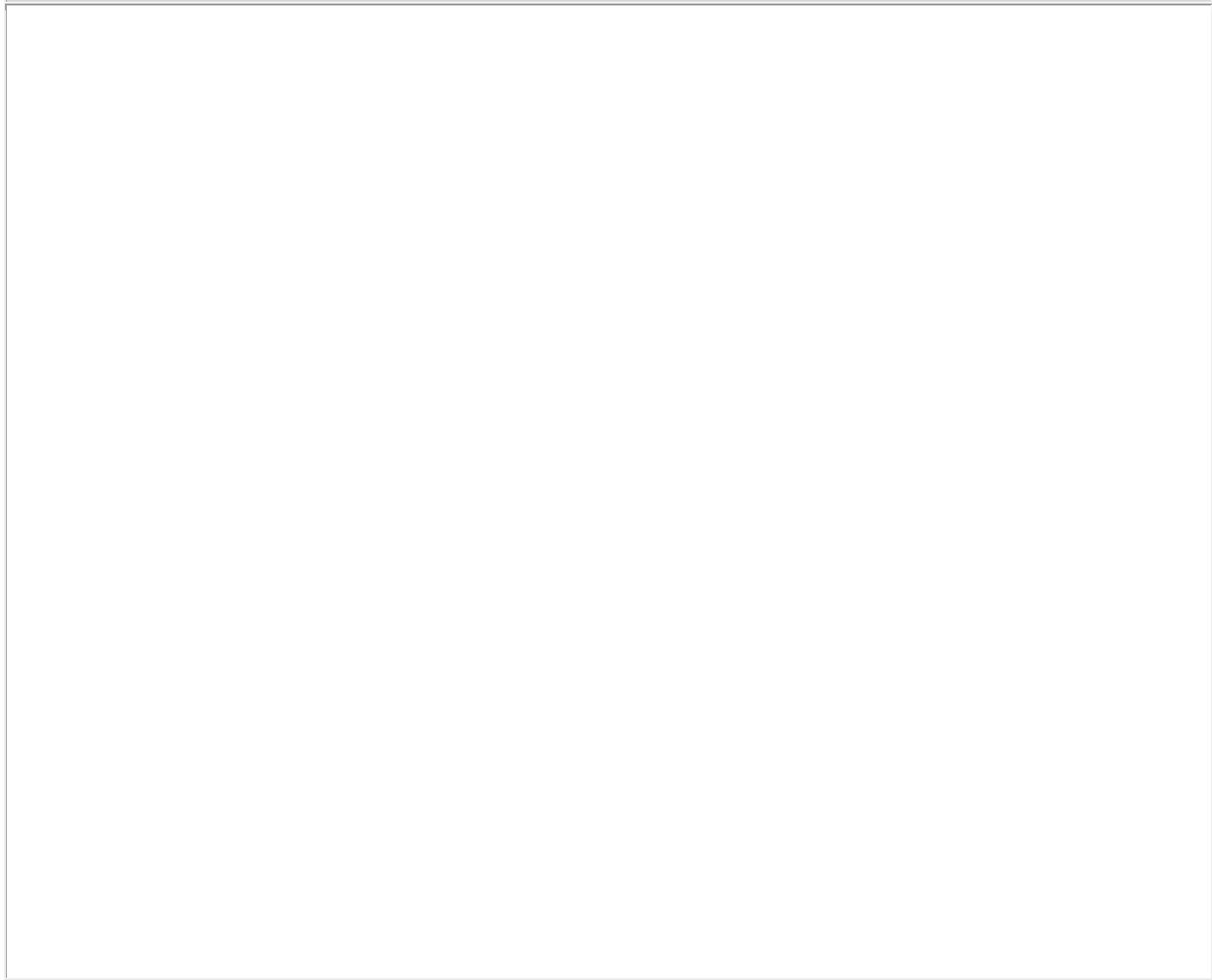
<sup>2</sup> Refer to Section 17.60.130 for additional yard exceptions. All street setbacks shall be fully landscaped as prescribed in Section 17.72.050.

Table 17.20-2 – Development Standards – One-family Dwelling Zoning Districts (continued)			
Maximum Density	R-1A	R-1B	R-1C
≤100 ft. of frontage	1 unit/lot	1 unit/ 8,720 sf.	1 unit/lot
101 to 150 ft.		1 unit/ 7,920 sf.	
>150 ft. of frontage		1 unit/ 7,260 sf.	
Maximum Floor Area			
≤10,000 sq. ft.	0.35		
10,001 to 15,000 sq. ft.	0.30 or 3,500 sq. ft., whichever is greater		
15,001 to 20,000 sq. ft.	0.25 or 4,500 sq. ft., whichever is greater		
>20,000 sq. ft.	0.20 or 5,000 sq. ft., whichever is greater		
Other Standards			
Maximum lot coverage	35%	30%	30%
Minimum dwelling size <sup>3</sup>	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Minimum distance between dwellings	N/A	40 ft. (the minimum front and rear yard)	N/A
Minimum distance between other structures	6 ft.	6 ft.	6 ft.

- B. **Undergrounding of Utilities.** For all developments with five (5) or more dwelling units, all utility distribution lines including but not limited to: electric; communication; natural gas and cable TV lines shall be placed underground.
- C. **Lighting System.** For all developments with three (3) or more dwelling units, an on-site lighting system shall be installed for all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from the dwelling units and adjacent properties.
- D. **Keeping of Animals:**
  - 1. The following are permitted in the R-1B and R-1C zoning districts:
    - a. The breeding, hatching and raising of poultry, fowl, birds, rabbits, chinchillas, earthworms, fish, frogs and bees are permitted for domestic or commercial use.
    - b. The keeping of horses:
      - i. In the R-1B zoning district, the lot shall have a minimum area of 21,780 sq. ft., with no more than one (1) horse permitted per one-quarter acre.
      - ii. In the R-1C zoning district, the lot shall have a minimum area of 7,500 sq. ft., with no more than one (1) horse permitted per 7,500 sq. ft. of lot area.

<sup>3</sup> This requirement shall not apply to ADUs and urban dwellings.

Figure 17.20-1 – Height and Setbacks



- c. The keeping of other animals in the R-1C zoning district:
  - i. Up to three (3) goats and the offspring less than one (1) year of age.
  - ii. Up to three (3) sheep and the offspring less than one (1) year of age.
  - iii. One (1) cow, but only for personal use of the family residing upon the premises.
  - iv. Any program of animal husbandry as a member of any national or nonprofit educational or character building organization, for the family residing upon the premises.
2. There shall be no killing or dressing of any animals or poultry for commercial purposes.
3. Animal enclosures and related activities. Refer to Section 17.22.040(F) (Rurban Homesteads Overlay District – Development Standards) of this Title.

- E. **Other Development Standards.** Table 17.20-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to One-family Dwelling zoning districts:

Table 17.20-3 – Other Development Standards	
Development Standard	Chapter or Section
Additions to nonconforming setbacks	17.16.020(D)
Existing flag lots	17.60.020
Height exceptions and restrictions	17.60.030
Landscaping	17.72 & 17.74
Outdoor lighting	17.60.050
Parking	17.70
Private streets and private driveways	17.60.070
Refuse storage facilities	17.60.080
Screening	17.60.100
Walls, fences and hedges	17.60.120
Yard encroachments	17.60.130

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## **CHAPTER 17.22 - RURBAN HOMESTEADS OVERLAY DISTRICT**

### **Sections.**

17.22.010 – Purpose.

17.22.020 – Applicability.

17.22.030 – Use Regulations.

17.22.040 – Development Standards.

### **17.22.010 - Purpose.** (RENUMBERED)

The Rurban Homesteads Overlay District (RHOD) was established to preserve rural character, promote a low-density, rural residential lifestyle, and ensure continued availability of lots that allow animal keeping, agricultural cultivation and retain the area's homestead heritage.

It is the intent of the Rurban Homesteads Overlay District to protect areas for low-density, rural development by retaining large lots in a configuration that enables animal raising and keeping and to ensure that new residential development and alterations and additions to existing residences are compatible with the scale, mass and character of the rural neighborhood.

### **17.22.020 - Applicability.** (NEW)

The Rurban Homesteads Overlay District applies to all areas in the City identified with an RHOD on the City's Zoning Map.

### **17.22.030 – Use Regulations.** (RENUMBERED)

No lot, premise, building, or structure in the Rurban Homestead Overlay District shall be used for any use or purpose other than those specified below:

- A. **One-family Dwelling.** Not more than one (1) one-family dwelling on any lot as defined by Chapter 17.150 (Use Definitions) of this Title.
- B. **Accessory Buildings.** Accessory buildings necessary or incidental to each one-family dwelling, located on the same lot or parcel of land, including a private garage for each lawful dwelling. The capacity of each such garage shall not exceed three (3) automobiles. See Section 17.110.020 (Regulations for Specific Uses – Accessory Buildings) of this Title for additional standards.
- C. **Accessory Dwelling Units (ADUs).** ADUs and Junior ADUs are regulated pursuant to Section 17.110.030 (Regulations for Specific Uses – Accessory Dwelling Units) of this Title. The architectural style and materials of ADUs and Junior ADUs shall match that of the primary building on the property.
- D. **Horses.** The keeping of not more than one (1) horse for each 7,500 square feet of lot area.
- E. **Other Animals.** The keeping of not more than three (3) female goats and their offspring less than one (1) year of age, and the keeping of not more than three (3) sheep and their

offspring less than one (1) year of age, and the keeping of not more than one (1) cow, but only for the personal use of the family residing upon the premises or in the conduct by any member of the family residing upon the premises of any program of animal husbandry as a member of any national or nonprofit educational or character building organization.

**17.22.040 – Development Standards. (RENUMBERED)**

The regulations applicable to lots, premises, buildings and structures in the underlying zone shall apply to and be complied with as to every lot, premises, building, and structure in the Rurban Homesteads Overlay District.

- A. **Minimum Lot Area and Width.** Each lot shall have a lot area of not less than 10,000 square feet and a width of not less than 60 feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this Title, the lot may be occupied by not more than one (1) dwelling unit.
- B. **Street Frontage Required.** Every lot shall abut a public street for a distance of at least 60 feet. Flag lots and Planned Residential Developments shall be prohibited.
- C. **Lot Design.** Lots shall be rectangular in shape, with side parcel lines as close as practical to ninety-degree angles with front and rear parcel lines. Lot depth shall be a minimum of two (2) times the lot width. Flag lots and Planned Residential Development shall be prohibited.
- D. **First Floor Top Plate Height.** First floor top plate height shall not exceed 12 feet in the front one-third (1/3) of the structure.
- E. **Building Height.** The maximum allowable height is 25 feet and one (1) and one-half (½) stories. New development, additions and alterations that will result in more than one (1) story are subject to the following:
  - 1. Configuration. Floor area above the first story shall be wholly built into the framing of the roof.
  - 2. Floor area limit. Habitable floor area above the first story shall not exceed 60 percent of the first story roofed area.
  - 3. Dormer. Dormers shall not exceed the height of the building ridge line, shall not overhang the outer face of the wall below, or exceed 60 percent of the length of the roof.
  - 4. Balconies or patios. Balconies or patios above the first floor are prohibited.
  - 5. Design Review. All applications for new development or additions that will result in more than one (1) story shall require Design Review pursuant to Chapter 17.122 (Design Review) of this Title and as follows:
    - a. Application requirement. In addition to other materials required for the submittal of a Design Review application, supporting materials shall be submitted to describe and provide visual representation of existing conditions and the proposed project. Supporting materials may include, but are not limited to: statements; photographs;

plans; drawings; renderings; models; material samples; and the erection of story poles at the site.

- b. Review Authority. Design Review shall be conducted by the Community Development Director.
  - c. Notice. At least ten (10) days prior to the date of action, notice of the application shall be posted on-site and mailed to all residents and property owners of record within a 300 foot radius of the subject property as shown on the latest available assessment roll. The notice shall include a general description of the application, the location of the property, the date of the decision, the procedure for submitting comments, and the procedure for appealing the decision.
  - d. Call-up for Planning Commission review. The Community Development Director may refer items directly to the Planning Commission when, in his/her discretion, the public interest would be better served by having the Planning Commission conduct Design Review. In addition, the applicant or any resident or property owner within the mailing radius may submit a written request to the Community Development Director for a call-up.
  - e. Appeals. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title.
- F. **Animal Enclosures and Related Activities.** Animal enclosures include barns, stables, corrals, pens, coops, bins, chutes or other enclosures designed or used for the keeping or shelter of animals. These standards shall not apply to fenced pastures or other contained animal grazing or roaming areas.
- 1. Location. Roofed animal enclosures shall be set back a minimum of 75 feet from the front lot line and 35 feet from any dwelling or other building used for human habitation other than the dwelling of the owner.
  - 2. Size:
    - a. Unroofed animal enclosure areas shall not count towards floor area calculations, accessory structure size or lot coverage. Up to 800 square feet of roofed animal enclosures shall be exempt from floor area calculations and accessory structure size. In addition, roofed animal enclosures greater than 800 square feet and existing prior to May 1, 2018, shall be exempt from floor area calculations and accessory structure size.
    - b. Animal housing, premises and quarters must be of sufficient size, kept clean and in a sanitary condition, properly ventilated and in good repair at all times. Sufficient size is defined as a minimum of 500 square feet of interior measurement of corral space and, for horses, each individual box stall must contain a minimum dimension of eight (8) feet in width and 12 feet in length.
  - 3. Animal enclosures shall comply with all development standards of the land use district and adopted City codes.

4. Maintenance:
  - a. Water troughs shall be cleaned out weekly. Mosquito fish or other mosquito prevention measures shall be used in water troughs or in any standing water.
  - b. Vermin, flies, standing surface water, refuse, and manure must be controlled and not accumulate so as not to be a nuisance for adjacent properties. Property owner is subject to Chapter 8.12 (Property Maintenance) of the El Monte Municipal Code (EMMC).
  - c. Site must control dust, fumes, odors, vapors and/or unsanitary conditions. Property owner is subject to Chapter 8.12 (Property Maintenance) of the EMMC.
  - d. Plugged in amplified noise on site relative to the operation of horses or large animals shall not be allowed.
5. Manure storage and disposal:
  - a. All manure disposal/storage shall be covered and protected from drainage flows, rain, and wind. Area used for non-containerized manure disposal/storage must cause no nuisance and be kept a minimum distance below and located so that it drains away from the neighboring property, facilities and water supplies.
  - b. Manure must be disposed off-site at a frequency that prevents overflowing of manure bin, or storage area, and which prevents strong odors, accumulation of flies, or vermin from creating a nuisance condition. Manure storage shall be located away from the street.
6. Trailer parking. Horse or large animal trailers shall be located outside of the required front yard setback. Trailer parking is prohibited within the public right-of-way. All parking shall comply with Chapter 17.7 0 (Parking Requirements) of this Title.
- G. **Trees.** All new development and additions more than ten (10) percent of the floor area on the site shall provide a minimum of one (1) tree within the required front setback for every 35 feet of street frontage. If a tree already exists within the required front setback, the applicant shall not be required to plant a new tree.
- H. **Other Standards.** For all other standards and requirements, refer to the underlying zone.

## **CHAPTER 17.24 – MULTIPLE-FAMILY DWELLING ZONING DISTRICTS**

### **Sections.**

17.24.010 – Summary of the Zoning Districts.

17.24.020 – Purpose.

17.24.030 – Applicability

17.24.040 – Permitted Uses.

17.24.050 – Development Standards.

### **17.24.010 – Summary of the Zoning Districts.** (NEW)

- A. **Low-density Multiple-family Dwelling (R-2) Zoning District** – Consistent with the General Plan land use designation of Medium Low Density Residential. This zoning district allows for attached and detached single-family dwellings, attached products with four (4) or fewer units and Planned Residential Developments.
- B. **Medium-density Multiple-family Dwelling (R-3) Zoning District** – Consistent with the General Plan Land Use Designation of Medium Density Residential. This zoning district allows for apartments, townhouses and Planned Residential Developments (PRDs).
- C. **High-density Multiple-family Dwelling (R-4) Zoning District** – Consistent with the General Plan Land Use Designation of High Density Residential. This zoning district allows for the highest residential densities for apartments, townhouses, condominiums and PRDs.

### **17.24.020 – Purpose.** (FULLY UPDATED)

- A. Provide a variety of multi-family residential dwellings ranging from suburban to more urban standards characterized by multi-story residential structures focused around common open space areas and other amenities to suit a spectrum of individual lifestyles and needs.
- B. Maintain the existing character of the City’s multiple-family residential neighborhoods, while providing new opportunities for unit additions and infill housing.
- C. Ensure that the scale and design of new development and alterations and additions to existing dwellings are compatible with the scale, mass and character of their neighborhoods, and protect adjacent properties from unreasonable obstruction of light and air.
- D. Provide for appropriate densities within the ranges established in the General Plan.
- E. Create opportunities to develop walkable neighborhoods in close proximity to commercial areas, recreational amenities and different modes of transit.

### **17.24.030 – Applicability.** (NEW)

This Chapter identifies allowable land uses, permitted requirements and development standards for Multiple-family Residential Dwelling zoning districts and applies to all areas in the City identified with an R-2, R-3 or R-4 on the City's Zoning Map.

**17.24.040 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.24-1 prescribes the land use regulations for each Multiple-family Dwelling zoning district. Additional use-specific regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.24-1 shall not be permitted in the R-2, R-3 or R-4 zoning district, except as otherwise provided in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.24-1 – Permitted Uses – Multiple-family Dwelling Zoning Districts				
Residential – Main Uses	R-2	R-3	R-4	Notes
Residential dwelling, single-family, one (1) on a lot <sup>4</sup>	P	P	P	
Residential dwellings, two-family, two (2) attached or detached on a lot	P	P	P	
Residential dwellings, multiple-family, three (3) or more attached or detached on a lot	P	P	P	
Factory-built housing	P	P	P	
Mobile home or trailer park	--	--	C	
Planned Residential Development (PRD)	R	R	R	17.127
<i>Religious institutions housing (reserved)</i>	--	--	--	17.110.070
Senior housing	--	C	C	
Residential – Ancillary Uses				
Accessory building	P	P	P	17.110.020
Accessory Dwelling Unit (ADU) and Junior ADU	P	P	P	17.110.030
Animals, husbandry product	C	C	C	
Community garden	M	M	M	
Garage sale	P	P	P	5.44
Greenhouse or conservatory, private	P	P	P	
Home occupation	P	P	P	17.110.040
Lighted outdoor sporting field or court, private	M	M	M	
Trailer, temporary	P	P	P	
Transitional parking	M	M	M	
Transitional use	M	M	M	17.110.090

<sup>4</sup> Subject to the development standards of the R-1A zoning district.

Table 17.24-1 – Permitted Uses – Multiple-family Dwelling Zoning Districts (continued)				
Community Care Uses	R-2	R-3	R-4	Notes
Adult daycare home –				
Small, less than seven (7) adults	P	P	P	
Large, seven (7) to 12 adults	C	C	C	
Family daycare home –				
Small, less than nine (9) children	P	P	P	
Large, nine (9) to 14 children	A	A	A	
Group home –				
Small, less than (7) residents	P	P	P	
Large, seven (7) or more residents	A	A	A	
Residential care home –				
Small, less than seven (7) residents	P	P	P	
Large, seven (7) to 12 residents	A	A	A	
Supportive or transitional housing	P	P	P	
<b>Public &amp; Quasi-Public Uses</b>				
Government or government related facility	P	P	P	
Recreation facility –				
Public	P	P	P	
Private	C	C	C	
School & educational facility –				
K-12, public	P	P	P	
K-12, private	--	C	C	
Preschool, public	P	P	P	
Preschool, private	--	C	C	
Utility facility	C	C	C	
Wireless facility	See notes			17.90 and 17.92
<b>Other Uses</b>				
Car sharing, residential use	--	M	M	17.70.070(D)
Cultural institution	--	C	C	
Philanthropic or charitable institution	--	C	C	
Religious institution	--	C	C	

Key:

-- Use not permitted.

P Use permitted by-right.

A Use permitted after review and approval of an Administrative Permit (AP).

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

R Use permitted after review and approval of a Planned Residential Development (PRD) permit.

**17.24.050 – Development Standards. (FULLY UPDATED)**

A. **Development Standards.** Table 17.24-2 prescribes the development standards for each Multiple-family Dwelling zoning district:

Table 17.24-2 – Development Standards – Multiple-family Dwelling Zoning Districts			
Development Standard	R-2	R-3	R-4
Land use description	Low Density Multi-Family	Medium Density Multi-Family	High Density Multi-Family
Maximum height <sup>5</sup>	2 stories & 30 ft.	2 stories & 30 ft.	3 stories & 40 ft.
Minimum Yard Setbacks <sup>6</sup>			
1 <sup>st</sup> story front	20 ft.		
2 <sup>nd</sup> story front	An additional 5 ft. from the 1 <sup>st</sup> floor building wall line.		
1 <sup>st</sup> story street side	10 ft.		
2 <sup>nd</sup> story street side	An additional 5 ft. from the 1 <sup>st</sup> floor building wall line.		
1 <sup>st</sup> story interior side	5 ft.	10 ft.	
2 <sup>nd</sup> story interior side	An additional 2 ft. from the 1 <sup>st</sup> floor building wall line.		
Rear	20 ft. if abutting R-1; Otherwise, 10 ft.		
Minimum Lot Dimensions			
Area	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
Width	60 ft.	60 ft.	60 ft.
Width, cul-de-sac	35 ft.	35 ft.	35 ft.
Depth	100 ft.	100 ft.	100 ft.
Maximum Density			
≤100 ft. of frontage	1 unit/ 5,445 sq. ft.	1 unit/ 4,356 sq. ft.	1 unit/ 1,740 sq. ft.
101 to 150 ft.		1 unit/ 3,630 sq. ft.	
>150 ft. of frontage		1 unit/ 3,111 sq. ft.	

<sup>5</sup> Refer to Section 17.60.030 for additional height exceptions and restrictions.

<sup>6</sup> Refer to Section 17.60.130 for additional yard exceptions. All street setbacks shall be fully landscaped as prescribed in Section 17.72.050.

Table 17.24-2 – Development Standards – Multiple-family Dwelling Zoning Districts			
Maximum Floor Area Ratio	R-2	R-3	R-4
1 unit <sup>7</sup>	N/A	N/A	N/A
2 units	0.40	0.40	0.40
3 to 10 units	0.50	0.60	0.70
More than 10 units	0.40	0.50	0.60
More than 10 units with a Floor Area Ratio (FAR) bonus <sup>8</sup>	0.50	0.60	0.80
Minimum Usable Open Space <sup>9</sup>			
2 to 10 units	600 sq. ft./unit (w/ 200 sq. ft. private)	550 sq. ft./unit (w/ 150 sq. ft. private)	500 sq. ft./unit (w/ 100 sq. ft. private)
>10 units	600 sq. ft./unit (w/ 150 sq. ft. private)	500 sq. ft./unit (w/ 100 sq. ft. private)	400 sq. ft./unit (w/ 75 sq. ft. private)
Other Standards			
Maximum lot coverage	40%	40%	45%
Maximum length of building walls	80 ft. with an offset of 5 ft.	100 ft. with an offset of 5 ft.	120 ft. with an offset of 5 ft.
Minimum distance between dwellings	8 ft.	10 ft.	12 ft.
Minimum distance between other structures	6 ft.	6 ft.	6 ft.
Minimum dwelling size <sup>10</sup>	Studio: 500 sq. ft. 1-bedroom: 600 sq. ft. 2-bedroom: 800 sq. ft. 3-bedroom: 1,000 sq. ft.	4-bedrooms: 1,200 sq. ft. Each additional bedroom: 100 sq. ft.	

**B. Floor Area Ratio (FAR) Bonus: (NEW)**

1. Eligible housing development projects must satisfy all of the following criteria:
  - a. The property shall be zoned R-3, R-4, Office Commercial (C-1) or Neighborhood Commercial (C-2), or within one-quarter (¼) mile of a Major Transit Intersection and zoned General Commercial (C-3).
  - b. The property shall have a minimum area of 10,000 square feet; and
  - c. The project shall have a minimum of 11 units.

<sup>7</sup> Subject to the development standards of the R-1A zoning district.

<sup>8</sup> Refer to Section 17.24.050(B) for information on the City’s Floor Area Ratio (FAR) bonus.

<sup>9</sup> Refer to Section 17.24.050(D) for additional information on Open Space standards.

<sup>10</sup> This requirement shall not apply to ADUs.

2. The total maximum allowable FAR bonus for eligible projects shall be as follows:
  - a. The maximum bonus shall be 0.10 for properties zoned R-3.
  - b. The maximum bonus shall be 0.20 for properties zoned R-4 or C-1.
  - c. The maximum bonus shall be 0.25 for properties zoned C-2, or within one-quarter (¼) mile of a Major Transit Intersection and zoned C-3.
3. Table 17.24-3 provides the list of qualifying enhancements and the allowable FAR bonus:

Table 17.24-3 – Floor Area Ratio (FAR) Bonus		
Affordable Units <sup>11</sup>		Bonus
1.	Reserve 10% of the units for moderate income households.	0.025
2.	In lieu of #1 above, reserve 15% of the units for moderate income households.	0.050
3.	Reserve 5% of the units for lower or very low income households.	0.050
4.	In lieu of #3 above, reserve 10% of the units for lower or very low income households.	0.075
	Total maximum bonus for affordable units:	0.075
Environmental		
5.	Demonstrate a minimum 40% of the energy demands for each unit comes from renewable sources.	0.025
6.	Individual garages – provide the regular amount of short-term bicycle parking Shared garages – double the required bicycle parking	0.025
7.	Provide electric charging stations at the rate of 1 for each garage. In addition, provide electric charging stations at a rate of 15% of the required guest parking spaces, or 2 spaces, whichever is greater.	0.025
8.	Cover a minimum 25% of roofed areas with vegetation, over a waterproofing membrane (i.e. green roofs).	0.050
9.	Achieve the Leadership in Energy and Environmental Design (LEED) equivalent of Gold.	0.025
10.	In lieu of #9 above, achieve the LEED equivalent of Platinum.	0.050
	Total maximum bonus for environmental:	0.100

<sup>11</sup> In calculating the number of affordable units, fractions would be rounded up to the next whole number. For example, if a project had 38 units, ten (10) percent would be 3.8, rounded up to 4.0 units.

Table 17.24-3 – Floor Area Ratio (FAR) Bonus (continued)		
Open Space		Bonus
11.	Have a minimum 50% of the unit entrances face a street or a main common space area.	0.025
12.	Exceed the minimum overall open space requirement by 15%.	0.025
13.	Have 1 or more main common open space areas directly face a street.	0.025
	Total maximum bonus for open space:	0.050
Design and Massing		
14.	Limit the height of buildings to 1 story for the first 15 feet of the units that face the street on properties zoned R-3 (measured from the street setback).	0.025
15.	Limit the height of buildings to 1 or 2 stories for the first 15 feet of the units that face the street on properties zoned R-3 or C-1 (measured from the street setback).	0.025
16.	Have upper stories of units that face the street step back a minimum 5 feet compared to the first story.	0.025
17.	Have porches make up a minimum 30 percent of the width of all units that face the street.	0.025
18.	For projects where a minimum 50% of the units are 1 and/or 2 stories in height, have the first story top plate a maximum 12 feet high and the second story top plate a maximum 20 feet high.	0.025
19.	Locate all garages at the rear or side of each unit, so the entrances are not visible from the street.	0.025
	Total maximum bonus for design and massing:	0.075
Other items		
20.	Consolidate 3 or more parcels.	0.015
21.	Incorporate public art on site.	0.015
22.	Incorporate up to 2 additional items as deemed appropriate by the Community Development Director, which exceed Zoning Code requirements related to affordable units, environmental, open space and/or design and massing.	Up to 0.025 for each

**C. Usable Open Space: (FULLY UPDATED)**

1. Private open space:
  - a. Private open space shall be provided for each unit as outlined in Table 17.24-2. Such space shall be directly accessible from the unit it serves.
  - b. For properties zoned R-2 and R-3, private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall be enclosed by a fence or building walls on all sides.

- c. For properties zoned R-4, private open space shall have a minimum dimension of six (6) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. The minimum dimension may be reduced to four (4) feet for upper floor balconies. In addition, it shall be enclosed by a fence or building walls on all sides.
- 2. Common open space:
  - a. General common open space shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall have a minimum overall area of 500 square feet.
  - b. Main common open space areas shall have a minimum dimension of 20 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall have a minimum overall area of 1,000 square feet.
- 3. Balconies and Recreation Rooms:
  - a. For properties zoned R-2 and R-3, up to 25 percent of the overall open space may be in the form of balconies. When used as private open space, the balcony shall be directly accessible from the unit it serves.
  - b. For properties zoned R-4, up to 50 percent of the overall open space may be in the form of balconies. When used as private open space, the balcony shall be directly accessible from the unit it serves.
  - c. For properties zoned R-3 with 11 or more units, up to 600 square feet of the overall open space may be in the form of recreation rooms.
  - d. For properties zoned R-4, up to 800 square feet of the overall open space may be in the form of recreation rooms.
- 4. Residential use expansions. Nonconforming uses shall also be in compliance with Section 17.16.040 (Nonconforming Provisions – Nonconforming Residential Uses) of this Title:
  - a. For properties with two (2) or three (3) existing units. If one (1) new unit is proposed (either through new construction or alteration of an existing structure), the required open space for the new unit shall be provided.
  - b. If more than one (1) unit is proposed, the entire property shall meet current open space requirements.
- D. **Undergrounding of Utilities.** For all developments with five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines shall be placed underground.
- E. **Lighting System.** For all developments with three (3) or more dwelling units, an on-site lighting system shall be installed for all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from the dwelling units and adjacent properties.

- F. **Other Development Standards.** Table 17.24-4 denotes additional development standards found in other Chapters or Sections of this Title that apply to Multiple-family Dwelling zoning districts:

Table 17.24-4 – Other Development Standards	
Development Standard	Chapter or Section
Existing flag lots	17.60.020
Height exceptions and restrictions	17.60.030
Landscaping	17.72 and 17.74
Outdoor lighting	17.60.050
Parking	17.70
Private streets and private driveways	17.60.070
Refuse storage facilities	17.60.080
Screening	17.60.100
Walls, fences and hedges	17.60.120
Yard encroachments	17.60.130

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# **DIVISION 4 – COMMERCIAL & MANUFACTURING ZONING DISTRICTS**

## **CHAPTER 17.40 – COMMERCIAL ZONING DISTRICTS**

### **Sections.**

17.40.010 – Summary of Zoning Districts.

17.40.020 – Purpose.

17.40.030 – Permitted Uses.

17.40.040 – Development Standards.

### **17.40.010 – Summary of Zoning Districts. (NEW)**

- A. **Office Commercial (C-1) Zoning District** – Consistent with the General Plan Land Use Designation of Office Commercial. This zoning district includes low-scale, two (2) story offices and other supporting uses such as restaurants in areas where such uses may serve as a buffer between less compatible uses.
- B. **Neighborhood Commercial (C-2) Zoning District** – Consistent with the General Plan Land Use Designation of Neighborhood Commercial. This zoning district includes convenient, small to medium-scale retail, office and personal services businesses in close proximity to residential neighborhoods.
- C. **General Commercial (C-3) Zoning District** – Consistent with the General Plan Land Use Designations of General Commercial and Regional Commercial. This zoning district includes a wide range of retail sales, business, professional and personal service uses, as well as recreation, entertainment and transient lodging to serve the community and the region.

### **17.40.020 – Purpose. (NEW)**

- A. Provide a variety of commercial uses that meet the needs of private enterprise and current and future residents that do not generate significant levels of traffic or parking impacts.
- B. Promote the development of distinctive regional uses that generate revenues such as new vehicle automobile dealerships, hotels and shopping centers. Such uses should be focused adjacent to the freeway or at major intersections.
- C. Allow for the development of offices including professional, medical and financial, where the City can evolve into a growing business hub.
- D. Allow for the development of limited residential uses when such uses are compatible with neighborhood commercial environments and/or near major transit hubs.
- E. Provide for appropriate buffers between commercial and residential uses to preserve both commercial feasibility and residential environments.
- F. Provide development standards that support the adaptive reuse of existing buildings when appropriate and the construction of new projects utilizing sustainable principles.

**17.40.030 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.40-1 prescribes the land use regulations for commercial zoning districts. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.40-1 is not permitted in commercial zoning districts, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts				
Residential – Main Uses	C-1	C-2	C-3 <sup>1</sup>	Notes
Factory-built housing	P	P	P	
Live/work units	C	C	C	17.110.050
Mixed-use development – horizontal	--	--	P	17.110.060
Multiple-family, three (3) or more attached or detached dwellings on a lot	P	P	P	17.40.040(B)
Planned Residential Developments (PRD)	R	R	R	17.126
<i>Religious institutions housing (reserved)</i>	--	--	--	<i>17.110.070</i>
Senior housing	C	C	C	
Single Room Occupancy (SRO) units	--	--	C	17.110.080
Residential – Ancillary Uses				
Accessory building	P	P	P	17.110.020
Home occupation	P	P	P	17.110.040
Lighted outdoor sporting field or court, private	M	M	M	
Community Care Uses				
Adult daycare facility, general*	C	C	C	
Alcoholism or drug abuse treatment facility	--	--	C	
Childcare facility*	C	C	C	
Elder care or assisted living facility*	--	C	C	
Emergency shelter –				
Less than 25 beds/occupants	--	--	P	17.112.100
25 or more beds/occupants	--	--	C	17.112.100

<sup>1</sup> Residential uses are only permitted within ¼-mile of an Major Transit Intersection (MTI).

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued)				
Community Care Uses (continued)	C-1	C-2	C-3	Notes
Low barrier navigation center –				
Less than 25 beds/occupants	P	P	P <sup>2</sup>	17.112.100
25 or more beds/occupants	A	A	A <sub>2</sub>	17.112.100
Residential care facility, general	--	C	C	
Social rehabilitation facility	--	--	C	
Supportive or transitional housing	P	P	P <sub>2</sub>	
<b>Public &amp; Quasi-Public Uses</b>				
Electrical distribution substation	C	C	C	
Government or government related facility*	P	P	P	
Hospital or clinic –				
Hospital	--	--	C	
Urgent care medical center*	P	P	P	
Recreation facility –				
Public	P	P	P	
Private	--	C	C	
School & educational facility –				
College or university, public	--	C	C	
College or university, private	--	C	C	
K-12, public	P	P	P	
K-12, private	C	C	C	
Preschool, public	P	P	P	
Preschool, private	C	C	C	
Specialized education and training*	--	M	M	
Tutoring and education center*	P	P	P	
Utility facility	C	C	C	
Wireless facility*	See notes			17.90 & 17.92
<b>Assembly &amp; Entertainment Uses</b>				
Ancillary entertainment*	--	P	P	
Assembly or meeting facility	--	C	C	
Commercial entertainment	--	--	C	

<sup>2</sup> Uses only permitted within ¼-mile of an MTI.

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued)				
Assembly & Entertainment Uses (continued)	C-1	C-2	C-3	Notes
Commercial recreation facility –				
Indoor	--	--	C	5.78 for billiards
Outdoor	--	--	C	
Community center	P	P	P	
Cultural institution	C	C	C	
Family entertainment center	--	--	C	
Gaming center or arcade	--	C	C	
Nightclub	--	--	C	5.32
Religious institution*	C	C	C	
<b>Retail &amp; Office Uses</b>				
Alcohol sales <sup>3</sup> –				
Assembly and entertainment use, on-site <sup>4</sup>	C	C	C	17.112.030
Bar or tavern, on-site	--	C	C	17.112.030
Brew pub, on-site and off-site	--	--	C	17.112.030
Liquor store, off-site	--	C	C	17.112.030
Restaurant, limited hours, on-site*	M	M	M	17.112.030
Restaurant, on-site*	C	C	C	17.112.030
Retail store, off-site*	--	C	C	17.112.030
Cannabis activity, commercial – dispensary*	P	P	P	5.18
Convenience store or minimart*	--	C	C	
Food or beverage establishment –				
Bakery or pâtisserie, retail*	P	P	P	
Bakery, commercial	--	--	P	
Coffeehouse or café*	P	P	P	
Outdoor seating*	P	P	P	17.112.120
Restaurant*	P	P	P	
Grocery store*	--	P	P	
Multiple-tenant commercial center*	P	M	M	17.112.110

<sup>3</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>4</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued)				
Retail & Office Uses (continued)	C-1	C-2	C-3	Notes
Offices –				
Ancillary*	P	P	P	
Administrative, business professional*	P	P	P	
Government*	P	P	P	
Medical and dental*	P	P	P	
Office supply store*	P	P	P	
Pawnbroker or pawnshop	--	--	C	5.68 & 17.112.130
Pharmacy*	P	P	P	
Retail sales (unless listed as a separate use)*	--	P	P	
Secondhand vendor*	--	M	M	5.68 & 17.112.160
Showroom sales	P	P	P	
Significant tobacco retailer	--	--	C	17.112.170
<i>Temporary use (reserved)*</i>	--	--	--	17.124
Vehicle retail use –				
Parts and accessory store*	--	P	P	
Sale and lease, limited	--	M	M	
Sale and lease, general new and used	--	C	C	17.112.180
Sale and lease, general used	--	--	C	17.112.180
Sale and lease, major	--	--	C	17.112.180
Warehouse retailer or retail warehouse	--	P	P	
Wholesaler	--	--	P	
<b>Service Uses</b>				
Alternative financial establishment*	--	--	M	17.112.040
Ambulance service	--	--	C	
Animal service –				
Animal boarding/kennel	--	--	C	
Animal grooming*	P	P	P	
Veterinary service or animal hospital/clinic	--	P	P	
Appliance or electronics repair	--	P	P	
Automated Teller Machine (ATM), walk-up*	P	P	P	17.112.050
Bail bonds	--	--	M	

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued)				
Service Uses (continued)	C-1	C-2	C-3	Notes
Collection containers –				
Small	--	A	A	17.112.060
Large	--	--	A	17.112.060
Correctional facility	--	--	C	17.112.070
Drive-thru business –				
Food or beverage establishment	--	C	C	17.112.080
Service or retail	M	M	M	17.112.080
Financial institution*	P	P	P	
Funeral home or mortuary	--	P <sup>5</sup>	P	
Hotels and motels*	--	--	C	5.48 & 17.112.090
Office concierge service*	P	P	P	
Personal service use –				
General*	P	P	P	17.112.140
Restricted*	--	M	M	17.112.140
Massage	--	--	C	5.56 & 17.112.140
Philanthropic or charitable institution*	P	P	P	
Recycling facility –				
Mobile	P	P	P	17.112.150
Self-service	--	A	A	17.112.150
Small	--	--	M	17.112.150
Vehicle service uses –				
Repair, minor	--	C	C	17.112.190
Repair, major	--	--	C	17.112.190
Rental, automobile	--	C	C	
Rental, truck	--	--	C	
Service station, minimum	--	C	C	17.112.200
Service station, full	--	--	C	17.112.200
Washing facility	--	C	C	17.112.210
Wedding chapel*	--	M	M	

<sup>5</sup> Funeral home or mortuary shall not include crematories.

Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued)				
Industrial & Transportation Uses	C-1	C-2	C-3	Notes
Cannabis, commercial –				
Cultivation, distributor, manufacturing and Microbusiness	--	--	p <sup>6</sup>	5.18
Testing laboratory*	P	P	P	5.18
Manufacturing, ancillary	--	--	A	
Passenger transport or taxi service	--	--	C	
Vehicle parking –				
Attendant or valet parking	--	C	C	
Car sharing, residential use*	M	M	M	17.70.070(C)
Car sharing, nonresidential use* <sup>7</sup>	M	M	M	
Parking structure* <sup>8</sup>	--	--	M	
Shared parking*	M	M	M	17.70.070(D)
Vehicle parking, limited (short-term)	--	--	A	17.124

Key:

\* Use permitted on properties zoned C-3 and developed with a horizontal mixed-use project.

-- Use not permitted.

P Use permitted by-right.

A Use permitted after review and approval of an Administrative Permit (AP).

T Use permitted after review and approval of a Temporary Use Permit (TUP).

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

R Use permitted after review and approval of a Planned Residential Development (PRD) Permit.

#### **17.40.040 – Development Standards. (FULLY UPDATED)**

A. **Development Standards.** Table 17.40-2 prescribes the development standards for commercial zoning districts:

Table 17.40-2 – Development Standards – Commercial Zoning Districts			
Development Standard	C-1	C-2	C-3
Land use description	Professional Office	Retail Commercial	General Commercial
Maximum height <sup>9</sup>	2 stories & 30 ft.	3 stories & 40 ft.	4 stories & 50 ft.

<sup>6</sup> Limited to the East Valley Entryway Area as shown on Exhibit A of City Council Ordinance No. 2924.

<sup>7</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>8</sup> Parking structures shall be ancillary to a permitted use.

<sup>9</sup> Refer to Section 17.60.030 of this Title for additional height exceptions and restrictions.

Table 17.40-2 – Development Standards – Commercial Zoning Districts (continued)			
Minimum Yard Setbacks <sup>10</sup>	C-1	C-2	C-3
Front	10 ft.	10 ft.	5 ft.
Street side	5 ft.	5 ft.	5 ft.
Interior side <sup>11</sup>	0 ft.	0 ft.	0 ft.
Rear	10 ft.	15 ft.	20 ft.
Buffer standards –			
Street side when abutting an R-zoned property	10 ft. for the first 15 ft. from the R-zoned property	10 ft. for the first 20 ft. from the R-zoned property	10 ft. for the first 25 ft. from the R-zoned property
Interior side when abutting an R-zoned property	10 ft.	15 ft.	20 ft.
Rear when abutting an R-zoned property	15 ft.	20 ft.	25 ft.
Other standards			
Minimum distance between on-site buildings	10 ft.	1 building greater than 30 ft. high: 20 ft. All other instances: 10 ft.	
Maximum lot coverage	45%	50%	50%
Maximum Floor Area Ratio (FAR)	0.50 to 0.75 (see 2011 General Plan Figure LU-1)		0.75 to 1.00 (see General Plan Figure LU-1)

**B. Multiple-family Residential Developments.** Residential projects shall comply with all provisions of the Medium Density Multiple-Family (R-4) zoning district, with exception to the following:

1. The minimum front yard setback shall be ten (10) feet. All street setbacks shall be fully landscaped as prescribed in Section 17.72.060 (Landscaping Requirements) of this Title.
2. The minimum lot size shall be 10,000 square feet for properties zoned C-1 and C-2 and shall be 15,000 square feet for properties within one-quarter (¼) mile of a Major Transit Intersection (MTI) and zoned C-3.
3. The minimum interior side yard setback shall be five (5) feet.
4. The minimum residential density shall be 20 units per acre. This may be reduced to 15 units per acre for properties developed with a horizontal mixed-use project.
5. Minimum open space:

<sup>10</sup> All street setbacks shall be fully landscaped as prescribed in Section 17.72.060.

<sup>11</sup> Interior side yard setback shall be a minimum 10 ft. if abutting an R-use.

- a. The minimum usable open space shall be 400 square feet for each dwelling unit for properties zoned C-1. At least 75 square feet of the required open space shall be private open space.
  - b. The minimum usable open space shall be 300 square feet for each dwelling unit for properties zoned C-2 or within one-quarter (¼) mile of an MTI and zoned C-3. At least 60 square feet of the required open space shall be private open space.
  - c. Private open space shall be contiguous to each unit. The remaining usable open space may be private or common.
6. The maximum allowable Floor Area Ratio (FAR) shall not exceed 0.60. However, an FAR Bonus may be permitted, per the requirements of Subsection 17.24.040(B) (Multiple-Family Dwelling Zoning Districts – Floor Area Ratio Bonus) of this Title:
- a. The maximum bonus shall be 0.20 for properties zoned C-1.
  - b. The maximum bonus shall be 0.25 for properties zoned C-2, or within one-quarter (¼) mile of an MTI and zoned C-3.
  - c. The maximum FAR for properties developed with horizontal mixed-use. The maximum FAR for the residential portion of the property shall be calculated as outlined in this Subsection. The maximum FAR for the nonresidential portion of the property shall be calculated as identified in 2011 General Plan Figure LU-1 (Land Use Policy Plan). FAR shall not be transferred between the residential and nonresidential portions of the property.
- C. **Other Development Standards.** Table 17.40-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to the commercial zoning districts:

Table 17.40-3 – Other Development Standards	
Development Standard	Chapter or Section
Height exceptions and restrictions	17.60.030
Landscaping	17.72 & 17.74
Outdoor display and storage	17.60.040
Outdoor lighting	17.60.050
Parking	17.70
Refuse storage facilities	17.60.080
Screening	17.60.100
Security bars	17.60.110
Walls, fences and hedges	17.60.120

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## **CHAPTER 17.42 – MANUFACTURING ZONING DISTRICTS**

### **Sections.**

17.42.010 – Summary of Zoning Districts.

17.42.020 – Purpose.

17.42.030 – Permitted Uses.

17.42.040 – Development Standards.

### **17.42.010 – Summary of Zoning Districts. (NEW)**

- A. **Light Manufacturing (M-1) Zoning District** – Consistent with the General Plan Land Use Designation of Industrial/Business Park. This zoning district is established to provide areas appropriate for a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, wholesaling, warehousing, and distribution activities. Other uses such as office, retail and restaurants are permitted.
- B. **General Manufacturing (M-2) Zoning District** – Consistent with the General Plan Land Use Designation of Industrial/Business Park. This zoning district is primarily located in the City’s Northwest Industrial District. In addition to the uses permitted in M-1 zoning district, the M-2 zoning district is intended to accommodate a broader range of industrial uses.

### **17.42.020 – Purpose. (NEW)**

- A. Designate adequate land for industrial, office and research and development uses to strengthen the City’s economic base and provide a range of employment opportunities for the current and future population of the City and region.
- B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing to ensure compatibility in use and form with existing and planned land uses.
- C. Provide development standards that support the adaptive reuse of existing buildings when appropriate and construction of new projects utilizing sustainable principles.
- D. Protect sensitive land uses in close proximity to manufacturing zoning districts including single-family residential, multiple-family residential and educational facilities.

### **17.42.030 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.42-1 prescribes the land use regulations for manufacturing zoning districts. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.42-1 is not permitted in manufacturing zoning district, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts			
Community Care Uses	M-1	M-2	Notes
Alcoholism or drug abuse treatment facility	C	C	
Emergency shelter –			
Less than 25 beds/occupants	P	P	17.112.100
25 or more beds/occupants	C	C	17.112.100
Social rehabilitation facility	C	C	
Public & Quasi-Public Uses			
Electrical distribution substation	M	M	
Government or government related facility	P	P	
Specialized education and training	M	M	
Urgent care medical center	P	P	
Utility facility	C	C	
Wireless facility	See notes		17.90 & 17.92
Assembly & Entertainment Uses			
Ancillary entertainment	P	P	
Adult entertainment establishment	C	C	5.98 & 17.112.020
Assembly or meeting facility	C	C	
Commercial entertainment	C	C	
Commercial recreation facility –			
Indoor	C	C	5.78 for billiards
Outdoor	C	C	
Cultural institution	P	P	
Family entertainment center	C	C	
Nightclub	C	C	5.32
Retail & Office Uses			
Alcohol sales <sup>12</sup> –			
Assembly and entertainment use, on-site <sup>13</sup>	C	C	17.112.030
Bar or tavern, on-site	C	C	17.112.030
Brew pub, on-site and off-site	C	C	17.112.030

<sup>12</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>13</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued)			
Retail & Office Uses (continued)	M-1	M-2	Notes
Alcohol sales <sup>14</sup> (continued) –			
Liquor store, off-site	C	C	17.112.030
Restaurant, limited hours, on-site	M	M	17.112.030
Restaurant, on-site	C	C	17.112.030
Retail store, off-site	C	C	17.112.030
Cannabis activity, commercial – dispensary	P	P	5.18
Convenience store or minimart	C	C	
Food or beverage establishment –			
Bakery or pâtisserie, retail	P	P	
Bakery, commercial	P	P	
Coffeehouse or café	P	P	
Outdoor seating	P	P	17.112.120
Restaurant	P	P	
Grocery store	P	P	
Multiple-tenant commercial center	M	M	17.112.110
Offices –			
Ancillary	P	P	
Administrative, business professional	P	P	
Government	P	P	
Medical and dental	P	P	
Office supply store	P	P	
Pawnbroker or pawnshop	C	C	5.68 & 17.112.130
Pharmacy	P	P	
Retail sales (unless listed as a separate use)	P	P	
Secondhand vendor	M	M	5.68 & 17.112.160
Showroom sales	P	P	
Significant tobacco retailer	C	C	17.112.170
<i>Temporary use (reserved)</i>	--	--	17.124

<sup>14</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued)			
Retail & Office Uses (continued)	M-1	M-2	Notes
Vehicle retail use –			
Parts and accessory store	P	P	
Sale and lease, limited	P	P	
Sales and lease, major	C	C	17.112.180
Warehouse retailer or retail warehouse	P	P	
Wholesaler	P	P	
Service Uses			
Ambulance service	M	M	
Animal service –			
Animal boarding/kennel	M	M	
Animal grooming	P	P	
Veterinary service or animal hospital/clinic	P	P	
Appliance or electronics repair	P	P	
Automated Teller Machine (ATM), walk-up	P	P	17.112.050
Bail bonds	P	P	
Correctional facility	C	C	17.112.070
Drive-thru business –			
Food or beverage establishment	C	C	17.112.080
Service or retail	M	M	17.112.080
Financial institution	P	P	
Funeral home and mortuary	P	P	
Office concierge service	P	P	
Personal service use –			
General	P	P	17.112.140
Restricted	M	M	17.112.140
Philanthropic or charitable institution	P	P	
Recycling facility –			
Mobile	P	P	17.112.150
Self-service	P	P	17.112.150
Small	A	A	17.112.150
Large	M	M	17.112.150

Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued)			
Service Uses (continued)	M-1	M-2	Notes
Self-storage	C	C	
Vehicle service uses –			
Repair, minor	C	C	17.112.190
Repair, major	C	C	17.112.190
Rental, automobile	M	M	
Rental, truck	C	C	
Service station, minimum	C	C	17.112.200
Service station, full	C	C	17.112.200
Washing facility	C	C	17.112.210
Wedding chapel	M	M	
<b>Industrial &amp; Transportation Uses</b>			
Cannabidiol (CBD) products manufacturer	P	P	
Cannabis, commercial –			
Cultivation, distributor, manufacturing and Microbusiness	P	P	5.18
Testing laboratory	P	P	5.18
Courier service or messengers	M	M	
Distribution, fulfillment or warehouse center –			
Less than 100,000 square feet	P	P	
100,000 square feet or greater	C	C	
Hazardous materials, any use involving storage of	C	C	17.50.100
Industrial hemp processing	C	C	
Impound or tow yard	--	C	
Laboratory, testing	P	P	
Laundry or dry cleaning plant	P	P	
Machine shop	P	P	
Manufacturing (unless listed as a separate use)			
Ancillary	P	P	
Light	P	P	
General	--	P	

Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued)			
Industrial & Transportation Uses (continued)	M-1	M-2	Notes
Recycling processing facility	--	C	
New industrial construction over 5,000 sq. ft. and within 150 ft. of a residential zoning district	C	C	
Passenger transport or taxi service	C	C	
Research and development	P	P	
Rock, sand and gravel storage and distribution	--	C	
Towing facility	--	C	
Truck terminal	C	C	
Vehicle parking –			
Attendant or valet parking	C	C	
Car sharing, nonresidential use <sup>15</sup>	M	M	
Parking structure <sup>16</sup>	M	M	
Shared parking	M	M	17.70.070(D)
Vehicle parking, limited (short-term)	A	A	
Vehicle parking, limited (long-term)	C	C	
Vehicle parking, general	--	C	

Key:

-- Use not permitted.

P Use permitted by-right.

A Use permitted after review and approval of an Administrative Permit (AP).

T Use permitted after review and approval of a Temporary Use Permit (TUP).

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

#### **17.42.040 – Development Standards. (FULLY UPDATED)**

- A. **Development Standards.** Table 17.42-2 prescribes the development standards for manufacturing zoning districts:

<sup>15</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>16</sup> Parking structures shall be ancillary to a permitted use.

Table 17.42-2 – Development Standards – Manufacturing Zoning Districts		
Development Standard	M-1	M-2
Land use description	Light Manufacturing	General Manufacturing
Maximum height <sup>17</sup>	75 ft.	
Minimum Yard Setbacks <sup>18</sup>		
Front	Minimum 50 ft. from centerline of street, provided there is a minimum landscaped setback as follows: <ul style="list-style-type: none"> <li>• 15 ft. setback for the following streets: Arden Dr, Baldwin Ave, Ellis Ln, Lower Azusa Rd, Temple City Blvd. and Valley Blvd.</li> <li>• 10 ft. for all other streets.</li> </ul>	
Street side	10 ft.	
Interior side <sup>19</sup>	0 ft.	
Rear <sup>20</sup>	0 ft.	
Buffer standards –		
Street side when abutting an R-zoned property	15 ft. for the first 30 ft. from the R-zoned property line	
Interior side when abutting an R-zoned property	25 ft.	
Rear when abutting an R-zoned property	30 ft.	
Other Standards		
Minimum distance between on-site buildings	<ul style="list-style-type: none"> <li>• 30 ft. if one of the buildings is greater than 40 ft. in height</li> <li>• 20 ft. if one of the buildings is greater than 30 ft. in height</li> <li>• 10 ft. in all other instances</li> </ul>	
Maximum lot coverage	N/A	
Maximum Floor Area Ratio (FAR)	1.0	

B. **Other Development Standards.** Table 17.42-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to manufacturing zoning districts:

<sup>17</sup> Refer to Section 17.60.030 for additional height exceptions and restrictions.

<sup>18</sup> All street setbacks shall be fully landscaped as prescribed in Section 17.72.060.

<sup>19</sup> Interior side yard setback shall be a minimum 10 ft. if abutting an R-use.

<sup>20</sup> Rear yard setback shall be a minimum 15 ft. if abutting an R-use.

Table 17.42-3 – Other Development Standards	
Development Standard	Chapter or Section
Height exceptions and restrictions	17.60.030
Landscaping	17.72 & 17.74
Outdoor display and storage	17.60.040
Outdoor lighting	17.60.050
Parking	17.70
Refuse storage facilities	17.60.080
Screening	17.60.100
Security bars	17.60.110
Walls, fences and hedges	17.60.120

## **CHAPTER 17.44 – PUBLIC AND QUASI-PUBLIC ZONING DISTRICTS**

### **Sections.**

17.44.010 – Summary and Purpose of Zoning Districts.

17.44.020 – Permitted Uses.

17.44.030 – Development Standards.

### **17.44.010 – Summary and Purpose of Zoning Districts.**

- A. **Public Facilities (PF) Zoning District** – Consistent with the General Plan Land Use Designation of Public Facilities. This zoning district primarily includes land and facilities owned and maintained by government agencies (federal, state and local) and public utilities. This includes public schools, police and fire-related facilities, Superior Courthouse, public libraries and community centers.
- B. **Open Space (OS) Zoning District** – Consistent with the General Plan Land Use Designation of Open Space. This zoning district refers to areas designated for parks, open space, linear parks, trails, and other similar recreational uses. It includes areas as diverse as Peck Water Conservation Park, the Emerald Necklace, pocket parks, plazas, and other gathering places.
- C. **Airport (AP), Railroad (RR), River/Wash (RW) and Transitway (TW) Zoning Districts** – Consistent with multiple General Plan Land Use Designations, depending on the zoning district and primary use. The AP zoning district applies solely to the El Monte Airport and encompasses all aviation-related businesses on the airport site. In addition to the airport, El Monte’s physical landscape has a significant amount of transportation infrastructure. This includes railroads, freeway systems, rivers/washes and the transitway.
- D. **Residential Mobilehome Park (RPM) Zoning District** – Consistent with the General Plan Land Use Designations of Medium Density Residential or High Density Residential. A majority of the City’s 1,300 mobile home units are on land zoned specifically for mobilehome parks.

### **17.44.020 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.44-1 prescribes the land use regulations in public and quasi-public zoning districts. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.44-1 is not permitted in public and quasi-public zoning districts, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.44-1 – Permitted Uses – Public and Quasi-Public Zoning Districts							
Residential Uses	PF <sup>21</sup>	OS	AP <sup>22</sup>	RR	RW	TW	RMP
Mobile home or trailer park	--	--	--	--	--	--	C
Public & Quasi-Public Uses							
Encroachment use <sup>23</sup>	--	--	--	C	--	--	--
Government or government related facility	P	--	P	--	--	--	--
Recreation facility –							
Public <sup>24</sup>	--	P	--	P	P	--	--
Private	--	C	--	--	--	--	--
School & educational facility –							
College or university, public	P	--	--	--	--	--	--
K-12, public	P	--	--	--	--	--	--
Preschool, public	C	--	--	--	--	--	--
Specialized education and training	M	--	M	--	--	--	--
Tutoring and education center	P	--	--	--	--	--	--
Community Care Uses							
Childcare facility	C	--	--	--	--	--	--
Assembly & Entertainment Uses							
Cultural institution	P	P	--	--	--	--	--
Community center	P	--	--	--	--	--	--
Retail & Office Uses							
Coffeehouse or café	M	P	P	--	--	--	--
Encroachment use <sup>25</sup>	--	--	--	C	--	--	--
Office –							
Ancillary	P	P	P	--	--	--	--
Business professional	--	--	P	--	--	--	--

<sup>21</sup> Primary uses limited to government or government related facilities, public colleges or universities, public K-12 schools, cultural institutions, community centers and government offices. All other uses shall be ancillary.

<sup>22</sup> The list of permitted uses are based on the 1995 “El Monte Airport Master Plan Report.” If the County of Los Angeles adopts a new Master Plan, that Plan shall supersede this list.

<sup>23</sup> A property adjacent to land zoned RR may encroach into the RR zoning district up to 50 feet. The development standards for the RR zoned portion shall be the same as development standards for the adjacent property.

<sup>24</sup> Limited to linear parks, trails, bicycle paths and similar uses in the RR and RW zoning districts.

<sup>25</sup> A property adjacent to land zoned RR may encroach into the RR zoning district up to 50 feet. The development standards for the RR zoned portion shall be the same as development standards for the adjacent property.

Table 17.44-1 – Permitted Uses – Public and Quasi-Public Zoning Districts (continued)							
Retail & Office Uses (continued)	PF <sup>26</sup>	OS	AP <sup>27</sup>	RR	RW	TW	RMP
Office (continued) –							
Government	P	--	P	--	--	--	--
Restaurant	M	M	P	--	--	--	--
Restaurant, with on-site alcohol sales <sup>28</sup>	C	C	M	--	--	--	--
Retail stores <sup>29</sup>	--	--	P	--	--	--	--
<i>Temporary use<sup>30</sup> (reserved)</i>	--	--	--	--	--	--	--
Service Uses							
Vehicle retail and service uses –							
Vehicle rental, automobile	--	--	M	--	--	--	--
Vehicle repair, minor	--	--	M	--	--	--	--
Industrial & Transportation Uses							
Aircraft servicing facilities	--	--	P	--	--	--	--
Aircraft storage and parking	--	--	P	--	--	--	--
Airport	--	--	P	--	--	--	--
Encroachment use <sup>31</sup>	--	--	--	C	--	--	--
Parking structure	C	C <sup>32</sup>	--	--	--	--	--
Terminal building	--	--	P	--	--	--	--
Transportation use <sup>33</sup>	--	--	--	P	--	P	--
Vehicle parking, limited (long term)	--	--	M	--	--	--	--
Wireless facility	Refer to Chapters 17.90 & 17.92 of this Title						

Key:

-- Not permitted.

P Permitted by-right.

<sup>26</sup> Primary uses limited to government or government related facility, public colleges or universities, public K-12 schools, cultural institutions, community centers and government office. All other uses shall be ancillary.

<sup>27</sup> The list of permitted uses are based on the 1995 "El Monte Airport Master Plan Report." If the County of Los Angeles adopts a new Master Plan, that Plan shall supersede this list.

<sup>28</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>29</sup> Less than 3,500 square feet in area.

<sup>30</sup> Refer to Chapter 17.124 for additional requirements.

<sup>31</sup> A property adjacent to land zoned RR may encroach into the RR zoning district up to 50 feet. The development standards for the RR zoned portion shall be the same as development standards for the adjacent property.

<sup>32</sup> Parking structures must be fully subterranean and ancillary to a public or private recreational facility.

<sup>33</sup> Transportation uses shall be limited to railroads for the RR zoning district.

- T Permitted after review and approval of a Temporary Use Permit (TUP).
- M Permitted after review and approval of a Minor Use Permit (MUP).
- C Permitted after review and approval of a Conditional Use Permit (CUP).

**17.44.030 – Development Standards.**

**A. PF and OS Zoning Districts:**

1. Setbacks:

- a. Street yard. There shall be a minimum setback of ten (10) feet for all structures and parking areas. The setback shall be landscaped and maintained with an underground irrigation system.
- b. Interior side yard. For buildings, there shall be a minimum interior side yard setback of ten (10) feet if it abuts a residentially zoned property. No setback shall be required for a building if it abuts a nonresidential property.
- c. Rear yard. For buildings, there shall be a minimum rear yard setback of 20 feet if it abuts a residentially zoned property. No setback shall be required for a building if it abuts a non-residentially zoned property.

2. Height:

- a. Private facilities. Structures associated with a private facility shall not exceed a height of two (2) stories and 30 feet.
- b. Public facilities. Structures associated with a public facility shall comply with the variable height requirements as outlined in Section 17.40.010 (Height Exceptions and Restrictions) of this Title.

**B. AP Zoning District.** The development standards shall be based on the 1995 “El Monte Airport Master Plan Report.” If the County of Los Angeles adopts a new Master Plan, that Plan shall supersede any applicable development standard.

**C. RR, RW and TW Zoning Districts.** The development standards shall be established through the public review process.

**D. RPM Zoning District.** The development standards shall be established through the Conditional Use Permit process.

**E. Other Development Standards.** Table 17.44-2 denotes additional development standards found in other Chapters or Sections of this Title that apply to public and quasi-public zoning districts:

Table 17.44-2 – Other Development Standards	
Development Standard	Chapter or Section
Height exceptions and restrictions	17.60.030
Landscaping	17.72 and 17.74
Outdoor lighting	17.60.050

Table 17.44-2 – Other Development Standards (continued)

Development Standard	Chapter or Section
Parking	17.70
Refuse storage facility	17.60.080
Screening	17.60.100
Walls, fences and hedges	17.60.120

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## DIVISION 5 – PERFORMANCE STANDARDS

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### **CHAPTER 17.50 – PERFORMANCE STANDARDS**

#### **Sections.**

- 17.50.010 – Purpose.
- 17.50.020 – Applicability and Exempt Uses.
- 17.50.030 – General Standards and Specific Conditions.
- 17.50.040 – Documenting Compliance.
- 17.50.050 – Air Quality.
- 17.50.060 – Cold, Heat and Humidity.
- 17.50.070 – Construction Impacts.
- 17.50.080 – Discharges to Water and Public Sewer System.
- 17.50.090 – Energy Conservation.
- 17.50.100 – Hazardous Materials.
- 17.50.110 – Noise.
- 17.50.120 – Property Maintenance.
- 17.50.130 – Reflective Surfaces.
- 17.50.140 – Vibration.

#### **17.50.010 – Purpose.** (NEW)

The purpose of this Chapter is to establish performance standards intended to mitigate dangerous or objectionable environmental effects of proposed and existing uses and guard against activities, uses and conditions that would adversely affect the health and safety of residents, the community and the surrounding areas and adjoining premises. When there is an inconsistency between this Chapter and the City’s General Plan, the California Building Code or other government regulation, the stricter of the regulations shall apply.

#### **17.50.020 – Applicability and Exempt Uses.** (NEW)

The performance standards in this Chapter shall apply to all new and existing uses in all zoning districts, except for the following:

- A. Legal nonconforming uses, which may have an established right not to comply with the provisions of this Chapter.
- B. Temporary special events approved by the Permit Committee or through other approvals, where such activities otherwise comply with other applicable provisions of the El Monte Municipal Code (EMMC).
- C. Any emergency activity on the part of the City, Los Angeles County, State of California or Federal government.

- D. Temporary construction activity except where such activity is explicitly regulated per Section 17.50.070 of this Chapter and by other regulations of the EMMC.
- E. Existing uses as of January 1, 2022, where a subsequent rezoning or other amendment subjects the property to more restrictive performance standards. Such uses shall not be required to change their operations to comply with the new performance standards. However, if the use expands by more than 25 percent (either by building or land area square footage), such use shall be required to comply with all current standards of the new zoning or other amendment.

**17.50.030 – General Standards and Specific Conditions. (NEW)**

- A. Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- B. These performance standards are general requirements and shall not be construed to prevent the review authority from imposing, as part of project approval, specific conditions that may be more restrictive in order to meet the intent of this Title.

**17.50.040 – Documenting Compliance. (NEW)**

Upon submittal of an application for an entitlement or building permit, the applicant may be required to submit information documenting how the proposed use will comply with all applicable performance standards. This may include information on the proposed machinery, processes and products and their effects on adjacent properties and the environment. Such information may require reports provided by expert consultants. When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practices.

**17.50.050 – Air Quality. (NEW)**

- A. **Discharge Prohibited.** The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g. carbon, dust, fumes, gases, mist, noxious acids, odors, particulate matter, smoke, soot and sulfur compounds) into the atmosphere that exceed any local, state or federal air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.
- B. **Compliance with Rules and Regulations.** Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (CalEPA), the California Air Resources Board (ARB) and the South Coast Air Quality Management District (SCAQMD).
- C. **SCAQMD Permit Filing Requirements.** If requested by the Community Development Director, operators of uses, activities or processes that require SCAQMD approval to operate shall file a copy of the permit with the Community Development Department within 30 days of approval by SCAQMD.
- D. **Minimum Separation Distances.** The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. For the purposes

of this Section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g. athletes, children, the elderly, those with illnesses) than the population at large.

**E. Odor Emissions:**

1. No existing or proposed use, activity or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.
2. All commercial and industrial uses shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the point of determination established in Table 17.50-1:

Table 17.50-1 – Point of Odor Determination	
Zone in Which Activities are Located	Point of Determination
All R zoned properties and properties in the C-1, C-2 and OS zoning districts.	At or beyond any lot line of the lot containing the activities.
All other zoning districts.	At or beyond any boundary of any R zoning district.

**F. Dust and Dirt.** Land use activities that may create dust emissions (e.g. construction, grading) shall be conducted so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible, including, but not limited to, the following:

1. Scheduling. Grading activities shall be scheduled to ensure that repeated grading will not be required and that implementation of the proposed land use will occur as soon as possible after grading
2. Operations during high winds. Clearing, earthmoving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
3. Area of disturbance. The area disturbed by clearing, demolition, earthmoving, excavation operations or grading shall be the minimum required to implement the allowed use.
4. Dust control. During clearing, demolition, earthmoving, excavation operations or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g. hydroseeding), subject to the approval of the City Engineer.
  - a. Material(s) excavated or graded shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.

- b. Material(s) transported off-site shall be either sufficiently watered or securely covered to prevent dust.
  - 5. On-site roads. On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically and/or shall be chemically stabilized.
  - 6. Revegetation. Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three (3) months shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the City Engineer.
  - 7. Exhaust emissions. Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.
- G. **Smoke.** No existing or proposed use, activity or process or portion thereof shall, from any source whatsoever, discharge smoke or other particulate matter into the atmosphere, except as may be permitted by the SCAQMD.

**17.50.060 – Cold, Heat and Humidity. (NEW)**

- A. **Cold and Heat.** Every existing or proposed use, activity or process producing heat or cold shall be carried on in such a manner that the heat or cold caused is not perceptible at or beyond any property line. The presence of heat in the form of heat waves within the boundaries of a property shall not in itself constitute a violation of this Section.
- B. **Humidity.** Every existing or proposed use, activity or process producing humidity in the form of steam or moist air shall be carried on in such a manner that the humidity caused is not perceptible at or beyond any property line. The presence of humidity in the form of steam or moist air within the boundaries of a property shall not in itself constitute a violation of this Section.

**17.50.070 – Construction Impacts. (NEW)**

Any use that requires discretionary approvals that include the demolition of more than 10,000 square feet and/or the construction of more than 5,000 square feet shall comply with specific constructions impacts requirements as may be established, and amended from time to time, by resolution of the City Council. Such requirements may include the following:

- A. **Notification of Construction.** The applicant shall distribute a notice to all residents within 300 feet of the project boundaries prior to the commencement of construction activities. The notice shall include the contact information of the project manager and Planning Division staff.
- B. **Securement of Site.** Prior to commencing demolition and site preparation activities, the project site shall be secured with a fence to prevent unauthorized access to the site and the fence shall contain a screening material to screen construction activities from view. The temporary screening fence shall be maintained in good condition (free of tears, holes, crack lines, debris, etc.) at all times. At the primary entrance to the site, the screening

material shall be reduced to a maximum height of four feet to provide visibility into the site at all times and for public safety purposes.

- C. **Preconstruction Meeting.** Prior to the commencement of construction on the site, the applicant shall schedule a pre-construction meeting between the general superintendent or field representative and the Planning Division to discuss the approved plans and construction requirements.
- D. **Construction Hours:**
  1. Residential zoning districts. Construction activities limited to 7:00 a.m. to 6:00 p.m. Mondays through Fridays and 8:00 a.m. to 6:00 p.m. on Saturdays. No construction shall occur on Sundays or Federal holidays.
  2. All other zoning districts. 6:00 a.m. to 7:00 p.m. Mondays through Fridays and 8:00 a.m. to 7:00 p.m. on Saturdays, Sundays and Federal holidays.
  3. All projects. The Community Development Director may extend the construction hours beyond those listed above provided the applicant has demonstrated that: it is a necessity; additional measures have been taken to reduce noise impacts on adjacent properties; all residentially zoned or used properties have been notified; and the duration will not extend beyond ten (10) consecutive days.
  4. The construction hours listed above may be further limited by the City Council, Planning Commission, Zoning Review Committee or Community Development Director as a condition of approval.
  5. If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two shall apply.
- E. **Truck/Traffic Management Plan.** A plan is required for the project pursuant to the City's Public Works Department. All construction traffic regarding the movement of heavy equipment and graded materials shall be limited to off peak hours. This plan shall be approved by the Public Works Department and Planning Division prior to the issuance of building permits.
- F. **Staging Areas.** The staging area for the project shall be approved by Planning Division staff prior to the issuance of building permits. All construction related activities are prohibited within the public right-of-way. All such activities shall be conducted on the project site or another designated property within 500 feet of the project site.
- G. **Refuse Disposal.** All construction and demolition debris shall be removed from the property in compliance with State law and Chapter 8.20 (Solid Waste – Removal, Collection, Disposal and Diversion) of the EMMC. The removal of all solid waste arising out of the construction and demolition process shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services for construction and demolition projects within the City. The removal of all other waste from the property shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services to residential and commercial properties within the City.

1. Prior to the issuance of a building permit, the applicant shall submit to the Building and Safety Division and the Code Enforcement Division, the name and contact information for the contracted waste hauler. It shall be the developer's obligation to ensure that the waste contractor utilized has obtained permits from the City to provide such services.
  2. Prior to final approval for occupancy, and in addition to any other requirements set forth under the EMMC or by the Chief Building Official, the developer shall submit to the Building and Safety Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed and/or diverted.
  3. Except as otherwise authorized pending the completion of the construction and demolition activities authorized under this Section, solid waste containers and bulky items may not be stored or maintained at locations designated for parking and must be maintained in those locations designated for the temporary storage of solid waste and bulky items.
- H. **Maintenance.** The project site and the public right-of-way adjacent to any portions of the site shall be maintained in a condition which is free of debris both during and after the construction, addition or implementation of the entitlements granted by the City.

**17.50.080 – Discharges to Water or Public Sewer System.**

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with all requirements of the EMMC, as well as requirements of the Regional Water Quality Control Boards, the California Department of Fish and Wildlife and any other regulatory agency with jurisdiction over the activity.
- B. Discharges to the City sewer system, whether direct or indirect, shall conform with all requirements of the EMMC.

**17.50.090 – Energy Conservation.**

The use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

**17.50.100 – Hazardous Materials. (NEW)**

- A. **Required Entitlements.** A Conditional Use Permit is required for the storage of hazardous materials in conjunction with an on-site primary use in the Light Manufacturing (M-1) and General Manufacturing (M-2) zoning districts.
- B. **Reporting Requirements.** All businesses required by state law (per Chapter 6.95 of the California Health and Safety Code) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director.
- C. **Underground Storage.** Underground storage of hazardous substances shall comply with all applicable requirements of state law (Chapter 6.7 of the California Health and Safety Code)

and Section 79.1 13(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall notify the Community Development Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.

- D. **Aboveground Storage.** Aboveground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.
- E. Any other use, handling, storage and distribution of hazardous materials shall comply with the applicable provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system, or into the ground.

**17.50.110 – Noise. (NEW)**

- A. **Ambient Noise Standards.** Unless otherwise specifically indicated, the following ambient noise standards shown in Table 17.50-2 shall apply to all property within their assigned zoning districts and said standards shall constitute the permissible noise level:

Table 17.50-2 – Permissible Noise Levels		
Zoning Districts	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
R-1 zoning districts	50 dBA	45 dBA
R-2, R-3 & R-4 zoning districts	55 dBA	50 dBA
C-1, C-2, C-3 & zoning districts	65 dBA	60 dBA
M-1 & M-2 zoning districts	70 dBA	70 dBA

1. It is unlawful for any person to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels for a cumulation period of 15 minutes in any hour.
  2. At the boundary line between a residential zoning district and a commercial and/or manufacturing zoning district, the noise level of the residential zoning district shall be used.
  3. If a residential use is located within a commercial or manufacturing zoning district, the ambient noise level shall not exceed 50 dBA between the hours of 10:00 p.m. and 7:00 a.m.
- B. **Corrections to Noise Limits.** The numerical limits given in Subsection (A) above shall be adjusted by the corrections outlined in Table 17.50-3.

C. **Special Noise Sources:**

1. Radios, Television Sets and Similar Devices. Any noise level from the use or operation of any radio receiving set, musical instruments, phonograph, television set, computer, phone or other machine or device for the producing or reproducing of sound at any hour of the day, which exceeds the noise limit at the property line of any receiving property shall be a violation of the provisions given in Subsection (A) above.

Table 17.50-3 – Corrections to Noise Limits (between 7:00 a.m. and 10:00 p.m.)	
Noise Condition	Correction in dBA
Impulsive sound, pure tone or sounds with a cyclically varying amplitude.	-5 dBA
Noise occurring for a cumulation period of more than five (5) minutes but less than 15 minutes in an hour.	+5 dBA
Noise occurring more than one (1) minute but less than five (5) minutes in any hour.	+10 dBA
Noise occurring less than one (1) minute in any hour.	+15 dBA

2. Machinery, Fans and Other Mechanical Devices. Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle which exceeds the noise limits at any property line, of any receiving property shall be a violation of the provisions given in Subsection (A) on the previous page.

D. **Amplified Sound.** The use of loudspeakers or sound amplifying equipment in the city which exceeds the noise limits at any property line of a receiving property shall be a violation of Subsection (A) on the previous page.

E. **Loading/Unloading.** In residential zoning districts, the opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance is not permitted between the hours of 10:00 p.m. and 7:00 a.m.

F. **Exemptions:**

1. Lawfully conducted parades or assemblies;
2. Emergency work;
3. All operations and activities the control of which is by law exclusively vested in another agency of government;
4. Bells or chimes while being used in conjunction with religious or patriotic services; and
5. The provisions of this regulation shall not preclude the construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including

those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.

- G. **Other Provisions.** If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two shall apply.

**17.50.120 – Property Maintenance.** (NEW)

- A. **Multiple-family Residential Ownership Projects.** Ownership projects with three (3) or more units. Covenants, Conditions and Restrictions (CC&Rs) for property maintenance shall be submitted to the City. The CC&R's should include, but not be limited to, the following:
1. The project's Conditions of Approval shall be transferred to the individual property owners of the parcels/units at the time of ownership transfer from the applicant to the buyers;
  2. The Owners' Association shall be administered by a professional property management company. The CC&R's shall be submitted for review by the City Attorney and shall be approved and recorded before building permits are issued;
  3. All residential and guest parking shall be allocated and properly marked for use.
  4. Include all the provisions outlined in Subsection (B) below.
- B. **Multiple-family Rental and Nonresidential Projects.** The applicant shall record a maintenance agreement to ensure the ongoing repair and upkeep of the property and all improvements (for multiple-family ownership projects with three (3) or more units, the items in the maintenance agreement shall be incorporated as part of the CC&Rs). Such improvements should include, but not be limited to the following:
1. The removal of trash and debris found on the property;
  2. The proper and timely removal of graffiti;
  3. The timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; and
  4. The timely maintenance, repair and upkeep of exterior paint, parking areas/stripping, pedestrian pathways/open space areas, lighting and irrigation fixtures, walls and fencing, landscaping and related landscape improvements.

**17.50.130 – Reflective Surfaces.** (NEW)

- A. **One-family (R-1) and Low-density Multiple-family Dwelling (R-2) Zoning Districts:**
1. Reflective building materials shall not be permitted, except as allowed in this Section.
  2. Metallic finishes (e.g. exposed metal cladding) may be permitted subject to the approval of a Minor Design Review.
  3. Exterior paint colors shall not exceed a light reflective value greater than 50 percent.

**B. All Other Zoning Districts:**

1. The ground floor. The use of clear glass is required on the ground floor of a building facing the public right-of-way, a driveway or required parking. After installation, clear glass windows at the ground floor shall not later be treated so as to become opaque or to be blocked so as to prevent visibility of the ground floor interior.
  2. The rest of the building. For new structures or additions to existing buildings, reflective glass, tinted glass or other mirror-like materials that are highly reflective shall not cover more than 25 percent of a structure's surface. This may be exceeded subject to the approval of a Minor Design Review.
  3. Exterior paint colors shall not exceed a light reflective value greater than 60 percent.
- C. Refer to Section 17.60.050 (General Property Development Standards – Outdoor Lighting) of this Title for additional requirements.

**17.50.140 – Vibration. (NEW)**

All uses shall be so operated so as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the source is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.

## DIVISION 6 – GENERAL DEVELOPMENT STANDARDS

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### CHAPTER 17.60 – GENERAL DEVELOPMENT STANDARDS

#### Sections.

- 17.60.010 – Purpose and Applicability.
- 17.60.020 – Flag Lots.
- 17.60.030 – Height Exceptions and Restrictions.
- 17.60.040 – Outdoor Display and Storage.
- 17.60.050 – Outdoor Lighting.
- 17.60.060 – Physical Cart Containment Measures.
- 17.60.070 – Private Driveways and Streets.
- 17.60.080 – Refuse Storage Facilities.
- 17.60.090 – Satellite Dish Antennas.
- 17.60.100 – Screening.
- 17.60.110 – Security Bars and Gates.
- 17.60.120 – Walls, Fences and Hedges.
- 17.60.130 – Yard Encroachments.

#### **17.60.010 – Purpose and Applicability. (NEW)**

The purpose of this Chapter is to prescribe development standards and site regulations that apply, except where specifically stated, to all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in this Title (zones, allowable uses, development and design standards). In any case of conflict, the standards specific to the zoning district shall override these general standards.

#### **17.60.020 – Flag Lots. (NEW)**

- A. **New Flag Lots.** The creation of new flag lots shall be prohibited.
- B. **Pole Portion of Existing Flag Lots.** The pole portion of the lot should function primarily as an accessway from the street to the main part of the property. No buildings shall be permitted in the pole portion of the lot.
- C. **Designation of Property Lines:**
  - 1. **Front property line.** The front property line shall be the lot boundary that mostly nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole. If the pole is not at a 90-degree angle to the front property line, the front property line shall be calculated as if the front property line continued by drawing an imaginary line to the pole.
  - 2. **Rear property line.** The rear property line shall be the lot boundary opposite the front property line.

- 3. Interior side property line. The interior side property line shall be any lot boundary that does not abut a public or private street, and which is not a front or rear property line, exclusive of the pole portion of the lot.
- D. **Lot Width and Depth.** The pole portion of the lot shall not be included in determining the lot width or depth.
- E. **Floor Area Ratio (FAR) and Lot Coverage.** The pole portion of the lot shall not be included in determining the FAR or lot coverage.
- F. Refer to Figure 17.60-1 for information in a graphics form.

Figure 17.60-1 – Flag Lot Measurements



**17.60.030 – Height Exceptions and Restrictions. (FULLY UPDATED)**

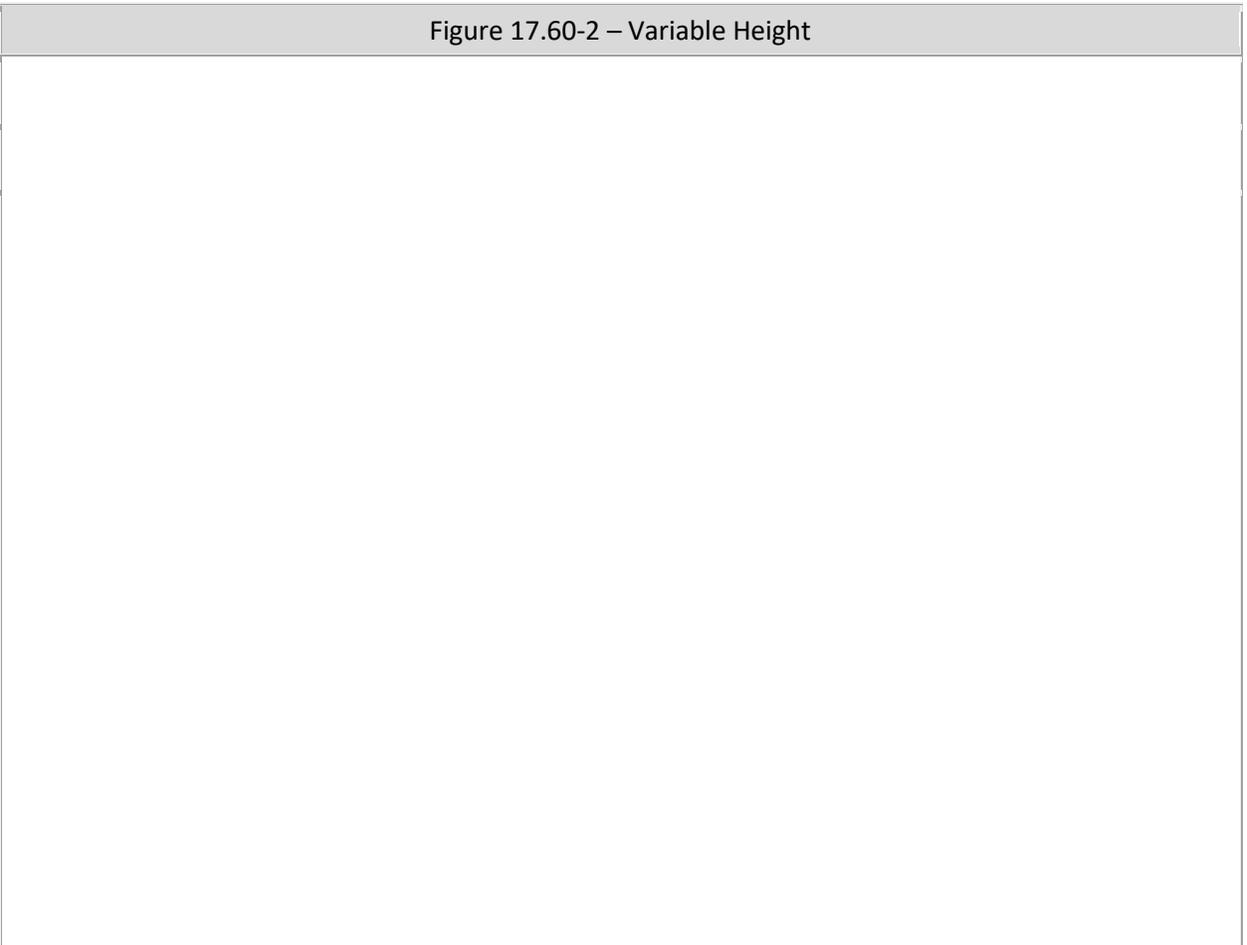
**A. Ancillary Roof Mounted Items:**

1. Single-family zoning districts. No roof mounted structures or equipment shall exceed the height limit provided in this Title. All roof mounted equipment shall be fully screened from the public right-of-way.
2. Multiple-family zoning districts. Penthouse or roof structures for the housing of elevators and stairways may exceed the height limits provided in this Title by a maximum of ten (10) feet provided: (i) it does not cover more than 20 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.
3. Commercial and multiuse zoning districts.
  - a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans, or similar equipment, may exceed the height limit provided in this Title by a maximum of 15 feet provided: (i) it does not cover more than 25 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.
  - b. Architectural features such as steeples, spires, bell towers, that do not provide any floor area, may exceed the height limit provided in this Title by a maximum of 15 feet through the Design Review process. However, it shall be purely for decorative reasons and shall not provide any additional building square footage.
4. Manufacturing zoning districts.
  - a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans, or similar equipment, may exceed the height limit provided in this Title by a maximum of 20 feet provided: (i) it does not cover more than 35 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.
  - b. Architectural features such as steeples, spires, bell towers, that do not provide any floor area, may exceed the height limit provided in this Title by a maximum of 20 feet through the Design Review process. However, it shall be purely for decorative reasons and shall not provide any additional building square footage.
5. All zoning districts. Radio and television masts, flagpoles and chimneys may extend up to ten (10) feet above the height limit provided in this Title.

**B. Variable Height Requirements.** With the exception of what is permitted in Subsection (A) above and on the previous page, Table 17.60-1 prescribed the maximum height limits when adjacent to certain zoning districts.

**C.** Refer to Figure 17.60-2 for information in a graphics form.

Table 17.60-1 – Variable Height		
Adjacent Zoning District	Minimum Setback	Maximum Height
R-1 and R-2 zoning districts	Less than 30 ft.	30 feet
	30 ft. to 59 ft.	40 feet or as permitted per specific zoning district, whichever is less
	60 ft. to 89 ft.	50 feet or as permitted per specific zoning district, whichever is less
	90 ft. or greater	As permitted per specific zoning district
R-3 and R-4 zoning districts	Less than 60 ft.	40 feet or as permitted per specific zoning district, whichever is less
	60 ft. to 89 ft.	50 feet or as permitted per specific zoning district, whichever is less
	90 ft. or greater	As permitted per specific zoning district



**17.60.040 – Outdoor Display and Storage. (FULLY UPDATED)**

- A. **Office Commercial (C-1) and Mixed/Multiuse (M/MU) Zoning Districts.** Outdoor display and/or storage shall be prohibited. Nonconforming uses in existence prior to January 1, 2022 shall follow the standards for the Neighborhood Commercial (C-2) zoning district.
- B. **Neighborhood Commercial (C-2) and General Commercial (C-3) Zoning Districts:**
1. Display and/or storage areas:
    - a. Shall be incidental to the permitted or conditionally permitted use on the property (unless the primary use is specifically related to outdoor storage or display).
    - b. Shall not occupy any pedestrian walkway, vehicular driveway, parking space or loading space;
    - c. Shall be located on the rear one-half (½) of the property and shall occupy no more than 25 percent of the entire property (unless the primary use is specifically related to outdoor storage or display) and designed to avoid noise, odor, glare, or vibration impacts to neighboring properties; and
  2. Storage areas only:
    - a. Shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening material) not less than six (6) feet in height; and
    - b. Shall not have any equipment or materials that exceed the height of the wall enclosing the storage area.
- C. **Light Manufacturing (M-1) and General Manufacturing (M-2) Zoning Districts:**
1. Display and/or storage areas:
    - a. Shall be incidental to the permitted or conditionally permitted use on the property (unless the primary use is specifically related to outdoor storage or display).
    - b. Shall not occupy any pedestrian walkway, vehicular driveway, parking space or loading space;
    - c. Shall be located and designed to avoid noise, odor, glare, or vibration impacts to neighboring properties; and
  2. Storage areas only:
    - a. All storage areas shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening material) not less than eight (8) feet in height; and
    - b. The storage area shall not have any equipment or materials that exceed the height of the wall enclosing the storage area.
- D. **Parking Requirements.** Refer to Section 17.70.050 (Parking Regulations – Required On-site Parking for Nonresidential Uses) of this Title.

**17.60.050 – Outdoor Lighting. (NEW)**

- A. **Lighting Plan.** The submittal of a lighting plan is required as part of an entitlement that includes new construction (except for properties developed with one (1) single-family dwelling, including properties developed with an Accessory Dwelling Unit (ADU), Junior ADU or urban dwelling). All lighting plans shall be prepared by a qualified lighting engineer.
- B. **Performance Standards:**
1. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, onto the public right-of-way and/or driveway areas.
  2. Exterior lighting shall demonstrate an efficient distribution of lighting using low-glare, low-light pollution fixtures for lighting building exteriors and surrounding areas.
  3. Motion detector lighting fixtures are allowed; provided, that:
    - a. There is no light trespass or spillover onto adjacent properties;
    - b. The fixtures are mounted within five (5) feet of an entrance or exit door, garage door, or alcove of a structure;
    - c. Installed no more than eight (8) feet above the ground; and
    - d. Illuminated with a maximum of two (2) light bulbs of no more than 75 watts each.
  4. Exterior lighting shall be turned off during daylight hours. As used herein, “daylight hours” means the hours between sunrise (dawn) and sunset (dusk).
  5. No permanently installed lighting shall blink, flash or be of unusually high intensity or brightness.
  6. Outdoor lighting shall not be directed skyward with exception to typical landscape lighting meant to accent architectural features of structures, trees and shrubs.
- C. **Lighting in Residential Zoning Districts:**
1. Multiple-family projects. Lighting for safety and/or security purposes shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
  2. Single-family and multiple-family projects. All outdoor lighting shall comply with the following additional requirements:
    - a. Candlepower. Shall not exceed 0.3 footcandles at property lines.
    - b. Height of fixtures. Shall not exceed a maximum height of 20 feet. If attached to a single-family residence, the lighting shall not exceed the height of the roof eave.
    - c. Lighting design. Lighting poles and fixtures shall complement the overall site architecture and design in terms of scale, color, and style.

**D. Lighting in Nonresidential Zoning Districts:**

1. Lighting for safety and/or security purposes shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
2. Neon lighting is permitted under the following circumstances:
  - a. As part of a sign, pursuant to Chapter 17.80 (Signage Regulations) of this Title.
  - b. As part of the architectural theme of a building, subject to Design Review approval.
3. All outdoor lighting shall comply with the following additional requirements:
  - a. Minimum candlepower. Lighting for parking lots shall be one (1) foot candlepower across 85 percent or more of the surface of the parking area.
  - b. Maximum candlepower. Lighting shall not exceed (1) foot candlepower on any adjacent residentially zoned property.
  - c. Height of fixtures/poles. Lights mounted on poles or structures intended primarily for mounting lights shall not exceed a maximum height of 30 feet in manufacturing zoning districts and 25 feet in all other nonresidential zoning districts, except that lighting attached to a single-story building shall not exceed the height of the roof eave.
  - d. Lighting design. Parking lot lighting poles and fixtures shall complement the overall site architecture and design in terms of scale, color and style. Exterior building lights shall complement the overall building appearance.

**E. Lighting for Special Uses:**

1. Safety and/or security purposes. Lighting shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
2. Vehicles sales. Areas for the display of vehicles shall be allowed to use lighting that provides for accurate color rendition of the vehicles.
3. Drive-thru facilities. Drive-thru lanes shall provide adequate screening to ensure that vehicle headlights do not cause nuisance glare or disabling glare to drivers or pedestrians or otherwise result in light trespass.
4. Outdoor recreation facilities and outdoor commercial amusement facilities. Lighting shall be adequately shielded to direct light rays onto the activity area of the facility only. There shall be no illumination of outdoor recreational facilities unless the facilities are being utilized.
5. Service stations. All light sources, including canopy, perimeter and flood, shall be stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and the public right-of-way. Lighting shall not be of such a high intensity as to cause nuisance

glare or disabling glare to drivers or pedestrians, or result in light trespass to nearby properties. No luminaire shall be higher than 15 feet above finished grade.

6. Vacant and abandoned properties. Exterior light fixtures shall be maintained in good working order, free of broken lamps, lenses and light bulbs.
- F. Refer to Section 17.50.130 (Performance Standards – Reflective Surfaces) of this Title for additional requirements.

**17.60.060 – Physical Cart Containment Measures. (FULLY UPDATED)**

- A. **Applicability.** Any business establishment that uses carts in its operations, or that provides, or otherwise makes available carts for use by its customers, shall be required to employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from the premises where they are located. Refer to Chapter 5.25 (Business License Regulations – Cart containers) of this Title for additional requirements.
- B. **Containment Options.** Each business establishment shall be required to employ and/or install one (1) or more of the following physical containment measures:
1. Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;
  2. Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;
  3. Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used; and/or
  4. Installing a physical barrier system designed to reliably prevent the removal of carts from the territorial boundaries of the premises, provided, however, that such barrier system shall be designed to be architecturally and aesthetically consistent and compatible with other on premise improvements.
- C. **Routine Cart Collection:**
1. All carts located on the premises of the business establishment (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day by employees of the business establishment and shall be collectively confined in a secure manner at a designated cart confinement area until the commencement of the next business day.
  2. All carts located on the premises of any business establishment open for business 24 hours per day, other than carts then currently in use by a customer, shall be collected by employees of the business establishment and returned to the designated cart confinement area on the premises at least twice per calendar day between the hours

of 1:00 p.m. and 5:00 p.m. and the hours of 8:00 p.m. and 1:00 a.m. for each day the business establishment is open for business. The provisions of this element shall not apply to carts which are physically confined within an enclosed building.

- D. **Cart Corrals and Storage Areas.** All business establishments providing shopping carts for its customers that can be transported outside the business establishment's building shall provide/construct cart corrals and/or cart storage areas on the premises in which the business establishment is located as follows:
1. For business establishments providing 30 or fewer shopping carts for use by its customers. The owner shall provide a minimum of two portable cart corral(s) within the parking area. Said corrals shall be secured to the pavement for stability and to avoid obstruction of parking stalls.
  2. For business establishments providing more than 30 shopping carts for use by its customers. The owner shall construct permanent cart corrals and/or storage areas within the parking area and adjacent to the building utilizing materials complementary to the main building. Parking area cart corrals shall be enclosed on each side by a decorative masonry base between 12 and 18 inches in height, topped with a decorative iron or tubular steel fence providing an overall corral height (masonry plus fencing) of 42 inches.
  3. For business establishments proposing an expansion. For business establishment providing shopping carts that undergo an expansion resulting in an increase in gross floor area of 35 percent or more shall be required to provide/construct cart corrals and/or cart storage areas on the premises in which the business establishment is located in a number and design consistent with the guidelines set forth in this Section.

**17.60.070 – Private Driveways and Streets. (NEW)**

- A. **Private Driveways with Access Easements.** New private driveways using access easements to serve more than one (1) ownership unit shall be prohibited, except as outlined in Section 17.110.110 (Regulations Applicable for Specific Uses – Urban Lot Splits) of this Title.
- B. **Private Driveways under Common Ownership and Nonconforming Driveways with Access Easements:**
1. Minimum setbacks for the front dwelling:
    - a. Front property line. The front property line shall be the lot boundary that abuts the public or private street.
    - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
    - c. Side property lines. The side property line that abuts the private driveway shall be defined as the street side property line. The line opposite the street side property line shall be defined as an interior side property line.

2. Designation of property lines for the interior dwellings:
  - a. Front property line. The front property line shall be the lot boundary that mostly nearly parallels the front property line of the front dwelling.
  - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
  - c. Side property lines. The side property line that abuts the private driveway shall be defined as the street side property line. The line opposite the street side property line shall be defined as an interior side property line.
3. These standards shall not apply to multiple-family projects with three (3) or more dwellings.

**C. Private Streets:**

1. Minimum setbacks for the front dwelling:
  - a. Front property line. The front property line shall be the lot boundary that abuts the public or private street.
  - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
  - b. Side property lines. The side property line that abuts the private street shall be defined as the street side property line. The line opposite the street side property line shall be the interior side property line.
2. Designation of property lines for the interior dwellings:
  - a. Front property line. The front property line shall be the lot boundary that directly abuts the private street line.
  - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
  - c. Interior side property lines. Property lines that are not the front or rear property lines.

**D. Floor Area Ratio (FAR), Lot Coverage and Density.** The square footage for the private driveway may count towards calculating the maximum FAR, lot coverage and density. However, a private street shall not count towards calculating the maximum FAR, lot coverage and density.

**E. Director's Determination.** For projects constructed prior to January 1, 2022, the Community Development Director may revise how the property lines are designated, provided all interior lot lines are consistently defined, and the designation does not increase the original project's nonconformity. Such an action shall be documented as a Director's Determination and shall apply to all properties.

**F.** Refer to Figure 17.60-3 for information in a graphics form:

Figure 17.60-3 – Private Driveways and Streets

**17.60.080 – Refuse Storage Facilities. (NEW)**

**A. Residential Projects:**

1. Projects with less than five (5) dwelling units. Individual refuse and recycling receptacles shall not be located within the front yard or street side yard. In addition, the receptacles shall be fully screened from the public right-of-way. For projects with two (2) or more dwellings, the applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlement or the issuance of any building permit, whichever occurs first.

2. Projects with five (5) or more rental units. Common refuse enclosure(s) shall be provided in sufficient quantity to accommodate all refuse and recycling generated. The applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlements. The enclosure(s) shall also comply with Subsection (C) on the following page.
3. Projects with five (5) or more ownership units. In lieu of Subsection (A)(2) above, individual refuse receptacles for each unit may be requested. A refuse plan shall be submitted showing where the receptacles will be stored for each unit and where the receptacles will be located for pick-up. If the receptacles will remain on-site, the plan shall also show the truck route on how the refuse will be picked-up. The applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlement.
4. Individual refuse receptacles within garages. The area reserved for the receptacles shall not infringe upon the minimum dimensions required for the enclosed parking spaces.

**B. Nonresidential Projects and the Commercial Portion of Multiuse Projects:**

1. New projects. Common refuse enclosure(s) shall be provided in sufficient quantity to accommodate all refuse and recycling generated. The applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlements. The enclosure(s) shall also comply with Subsection (C) on the following page.
2. For establishments proposing an expansion. For establishment providing shopping carts that undergo an expansion resulting in an increase in gross floor area of 35 percent or more shall be required to comply Subsection (B)(1) above and Subsection (C) on the following page. This requirement may also be conditioned through the entitlement process, even if no additional square footage is proposed.

**C. Refuse Enclosures Design Requirements:**

1. The enclosure shall be paved and enclosed on at least three (3) vertical sides by a solid six (6) foot high wall and on the fourth side by a solid gate to screen the containers from view. The gate shall be hung on separate posts of 2½ inch standard weight galvanized pipe. A roof shall also be provided for the enclosure.
2. A five (5) inch by eight (8) inch raised curb shall be constructed along the inside base of the enclosure walls.
3. The finish and color of the enclosure, gate and roof shall be decorative and shall incorporate primary elements from the site building style. Chain link fencing shall not be permitted; and
4. Landscaping on and around the refuse enclosure is highly encouraged. Ivy and/or vines may be used on the walls or on trellises.

**D. Refer to Figure 17.60-4 for information in a graphics form:**

Figure 17.60-4 – Refuse Storage Facilities

**17.60.090 – Satellite Dish Antennas. (RENUMBERED)**

Every satellite dish antenna as defined in Chapter 17.150 (Use Definitions) of this Title shall comply with the following requirements:

**A. Residential Uses:**

1. Satellite dish antennas may be attached to the roof or wall of a building, provided it does not exceed a diameter greater than two (2) feet.
2. Satellite dish antennas may be ground mounted, provided they are not located within the front or street side yard setbacks.
3. Pole mounted antennas shall not be permitted. In addition, guy wires shall not be anchored within the front or street side yard setbacks.
4. Dish antennas shall be fully screened from the public right-of-way with dense landscaping or other materials.

**B. Nonresidential Uses:**

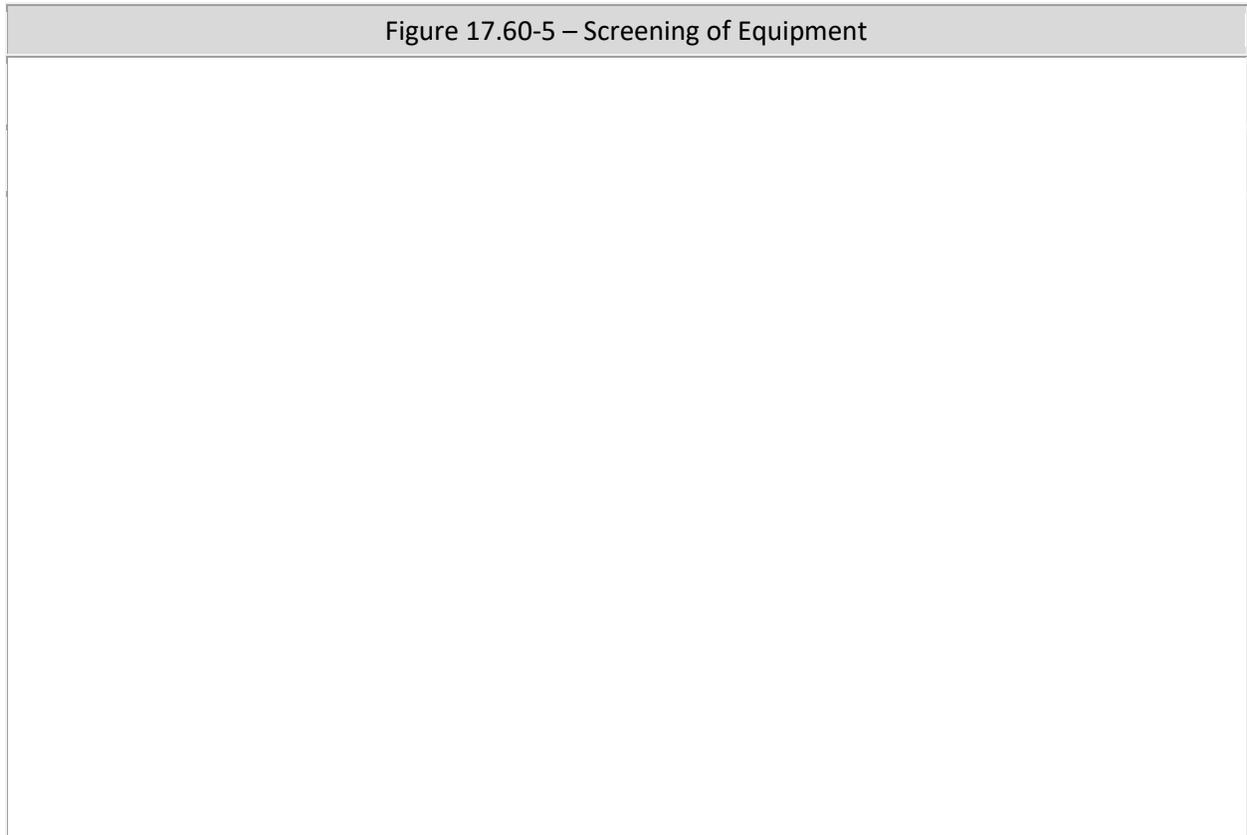
1. Satellite dish antennas with bases attached on or to a building shall be located within the middle one-third (1/3) of the roof of the building and shall be fully screened from the public right-of-way.
2. Satellite dish antennas may be ground mounted, provided they are not located within the front or street side yard setbacks.
3. Satellite dish antennas that are pole-mounted shall not exceed a height of 16 feet.

4. Dish antennas that are ground mounted shall be fully screened from the public right-of-way with dense landscaping or other materials.

**17.60.100 – Screening. (NEW)**

- A. **Roof Mounted Equipment.** Roof-mounted equipment shall be fully screened from the public right-of-way in one (1) of the following ways:
  1. By the building parapet. The equipment shall not extend above the lowest parapet line.
  2. By an architectural screening element similar in design and color of the underlying building. Wood lattice shall not be used as a screening device. The area of the screening element shall also comply with Section 17.60.030 of this Chapter.
  3. As demonstrated through line-of-sight diagrams. The measuring point shall be six (6) feet above the ground level at the property line of all adjacent properties and at the sidewalk line on the opposite side of all adjacent street.
- B. **Ground Mounted Equipment.** Unless otherwise noted, all ground mounted equipment shall be fully screened from the public right-of-way with a decorative fence, wall and/or landscaping, while still complying with the maximum fence or wall height in the underlying zone. The equipment shall not be located within the front or street side yard setbacks. This Subsection shall not apply to electrical vehicle charging equipment.
- C. Refer to Figure 17.60-5 for information in a graphics form:

Figure 17.60-5 – Screening of Equipment



**17.60.110 – Security Bars and Gates. (FULLY UPDATED)**

- A. **Residential Buildings.** Security bars, gates and similar security devices shall not be located on the elevations facing the front or street side yard setbacks. When located along other elevations, they shall not be visible from the public right-of-way.
- B. **Existing Commercial and Industrial Buildings.** Security bars, gates, and similar security devices must be in the interior of buildings whenever possible. If gates must be located on the exterior of a building, it shall be retractable during business hours and they shall be decorative in style.
- C. **New Commercial and Industrial Buildings.** Security bars, gates, and similar security devices on the exterior of buildings constructed after January 1, 2022 shall be prohibited.

**17.60.120 – Walls, Fences and Hedges. (FULLY UPDATED)**

**A. Residential Uses:**

- 1. Fronts and street side yards. Solid fences, walls and hedges located in the front yard or less than five (5) feet of a street side yard shall not exceed a height of four (4) feet. However, a maximum five (5) foot high fence may be constructed, provided it is a minimum 50 percent open and made of decorative wrought iron with decorative block pilasters.
- 2. Corner yards. Solid fences, walls and hedges located in the corner visibility triangle area or a corner lot shall not exceed a height of 42 inches. However, a maximum four (4) foot high fence may be constructed, provided it is a minimum 50 percent open and made of decorative wrought iron with decorative block pilasters. The corner visibility triangle area is the point measured along the property frontage at the curb line (or edge of pavement lines) for a length of 20 feet along both lines from the intersection.
- 3. All other areas on a lot. Fences and walls shall not exceed a height of six (6) feet.
- 4. Residential developments with three (3) or more dwellings. A solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines.

**B. Residential Uses in Nonresidential Zoning Districts:**

- 1. Minimum front and side street yards. Fences and walls shall not be permitted.
- 2. Other street yards (i.e. the area between the minimum street yard setback line and building). Fences and walls shall not exceed a height of four (4) feet.
- 3. All other areas of a lot. A solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines. In all other areas, fences and walls shall not exceed a height of six (6) feet.
- 4. Common open space areas. Fences and walls that separate a common open space area and a street, on-site driveway or on-site parking area shall be a minimum 60 percent open.

C. **Nonresidential Uses:**

1. Street setbacks. Fences and walls shall not exceed a height of five (5) feet within the street setback. Fences and/or walls located along the front or street side property line shall be located behind the required landscaping.
2. All other areas of a lot. Fence and walls shall not exceed a height of eight (8) feet in manufacturing zoning districts and six (6) feet in all other nonresidential zones.
3. Industrial uses. Through the Design Review process, decorative masonry walls up to 14 feet high may be placed to fully screen loading areas, provided the wall is set back a minimum of 35 feet from any street property line.

C. **Materials.** Barbed, pointed, spiked, razor, piercing or other similar materials shall not be attached to any wall or fence. For residential uses, chain link shall not be permitted. For nonresidential uses, chain link shall not be visible from the public right-of-way.

D. **Retaining Walls:**

1. When the grade of a property being developed is below the grade of the adjacent property, the top of the wall shall not exceed a maximum of six (6) feet above the existing grade of the adjacent property.
2. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall not exceed six (6) feet above the existing grade of the adjacent property plus one-half ( $\frac{1}{2}$ ) of the difference in the elevation of the two (2) properties. However, the wall shall not exceed a maximum height of eight (8) feet above the existing grade of the adjacent property.

E. Refer to Figure 17.60-6 for information in a graphics form.

**17.60.130 – Yard Encroachments. (RENUMBERED)**

When yards are required in this Title, they shall be not less in depth or width than the minimum dimension specified, and they shall be at every point open and unobstructed from the ground upward, except as permitted by this Section.

- A. Cornices, chimney, canopies, bay windows, eaves, or other similar architectural features not providing additional floor space within the building may extend up to two (2) feet into a required front, street side, interior side or rear yard.
- B. Mechanical equipment may be located in the interior side or rear yard setbacks, provided a minimum setback of three (3) feet to the property line is maintained. Mechanical equipment in the front or street side yard shall comply with the setbacks for structures in the respective zoning district. All ground mounted equipment shall be fully screened from the public right-of-way.
- C. Porches for residential uses may project into a required front yard of up to two (2) feet, provided the width does not exceed 40 percent of the width of the dwelling or 20 feet, whichever is less.

Figure 17.60-6 – Walls and Fences Heights



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# **DIVISION 7 – PARKING & LANDSCAPING REGULATIONS**

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## **CHAPTER 17.70 – PARKING REGULATIONS**

### **Sections.**

- 17.70.010 – Purpose.
- 17.70.020 – Applicability for On-site Parking and Loading Spaces.
- 17.70.030 – General Requirements.
- 17.70.040 – Required On-site Parking for Residential Uses.
- 17.70.050 – Required On-site Parking for Nonresidential Uses.
- 17.70.060 – On-site Loading Space Requirements.
- 17.70.070 – Parking Reductions and Adjustments.
- 17.70.080 – Parking Lots, Spaces and Driveways Development and Design Standards.
- 17.70.090 – Electrical Vehicle Charging Spaces.
- 17.70.100 – Bicycle Parking.
- 17.70.110 – Recreational Vehicles and Other Vehicle Storage.

### **17.70.010 – Purpose. (NEW)**

These on-site parking requirements are established to:

- A. Provide properly designated parking areas adequate in design, capacity and location to prevent traffic congestion and avoid hazards to the public's safety and welfare.
- B. Ensure on-site parking areas are established in proportion to the needs of the facilities served and appropriate to the demand generated by a particular use and in such a manner as to maximize usefulness, protect the public safety and buffer adjacent land uses from potential negative impacts.
- C. Offer opportunities and incentives for projects to reduce the number of required automobile parking stalls through alternative methods of accommodating arrival to a site and encouraging alternative modes of transportation (e.g. bicycling, transit use, walking, carpooling) to reduce demand for automobile parking.
- D. Require that parking areas are designed to reduce potential environmental impacts, including minimizing stormwater runoff and the heat island effect.
- E. Provide loading and delivery facilities in proportion to the needs of allowed uses.

### **17.70.020 – Applicability for On-site Parking and Loading Spaces. (FULLY UPDATED)**

- A. Tables 17.70-1 prescribes when projects are required to comply with the on-site parking and loading space requirements of this Chapter. Nonconforming uses shall also comply with Sections 17.16.040 and 17.16.050 (Nonconforming Provisions – Nonconforming Residential Uses and Nonresidential Uses, respectively) of this Title:

Table 17.70-1 – Applicability for On-site Parking and Loading Spaces

Type of project	Applicability of this Chapter
New projects	On-site parking and loading shall be provided according to the provisions of this Chapter.
Nonconforming parking or loading	An existing use shall not be deemed nonconforming because on-site parking and/or loading facilities do not conform to the parking standards required in this Chapter, regardless of how much time has lapsed since the property was last occupied. However, if a use increases the number of on-site spaces to better comply with this Chapter, the number of spaces may not thereafter be reduced.
Residential building expansions	If any existing unit is expanded by less than 35% of its Gross Floor Area (GFA) or 349 sq. ft., whichever is greater, no additional on-site parking shall be required.
	If any existing unit is expanded by 35% or more of the GFA or 350 sq. ft., whichever is greater, the entire property shall meet current parking requirements.
	The percentages and square footages noted above shall be cumulative over a 5-year period.
Residential construction of new units	Properties with 2 or more existing residential units. If 1 new unit is proposed (either through new construction or alteration of an existing structure), the required number of on-site parking spaces for the new unit shall be provided. If more than 1 new unit is proposed, the entire property shall meet current parking requirements. The number of units shall be cumulative over the life of the property.
Nonresidential building expansions	If a nonresidential building is expanded by less than 35% of the GFA, additional on-site parking shall only be provided for the additional GFA. For example, if a restaurant is 2,000 sq. ft. in GFA and expands by 650 sq. ft. (33%), additional parking shall only be required for the 650 sq. ft.
	If a nonresidential building is expanded by more than 35% or more of the GFA, the entire property shall meet current parking requirements.
Nonresidential outdoor use expansions	If the outdoor storage and display of a nonresidential use is expanded, on-site parking shall be provided for the expanded outdoor area.
Nonresidential change in use or occupancy	If a proposed change in use requires the same or lower number of on-site parking spaces as the existing approved use, no additional on-site spaces shall be required, regardless of the actual number of existing on-site existing on-site parking spaces, provided that the prior use was legal nonconforming. For example, an applicant proposes to locate a new restaurant where a previous restaurant existing two (2) years ago. The new restaurant requires 20 spaces, but the existing location only has 12 spaces. The new restaurant may still operate with 12 spaces, provided the prior restaurant was legally established.

Table 17.70-1 – Applicability of On-site Parking and Loading Spaces (continued)	
Type of project	Applicability of this Chapter
Nonresidential change in use or occupancy (continued)	If a proposed change in use requires a lower number of parking spaces than the previous use, no additional on-site spaces shall be required, regardless of the actual number of spaces, provided that the previous use was legal nonconforming. For example, an applicant proposes a new retail use where a previous restaurant existing two (2) years ago. The restaurant use required 30 spaces and the new retail use requires 18 spaces. However, the existing location only has 12 spaces. The retail use may still operate with 12 spaces, provided the prior use was legally established.
	Any other change in use shall require the use to conform to current parking standards as required in this Chapter.
Other changes	Reconstructing, resurfacing and/or restriping parking or driveway areas shall be subject to the review and approval of the Planning Division.

**17.70.030 – General Requirements. (FULLY UPDATED)**

- A. **Timing of Parking Requirements.** On-site parking and loading facilities required by this Chapter shall be submitted for approval and constructed at the same time or prior to the issuance of a Certificate of Occupancy for the uses that they serve. All plans shall clearly indicate the proposed development, including parking location, size, design, lighting, landscaping, curb cuts, ingress and egress.
- B. **Existing Parking and Loading.** Parking and loading spaces shall not be reduced or changed in design, location or maintenance below the requirements for such use. Refer to Section 17.70.070 of this Chapter for exceptions to this requirement.
- C. **Nonconforming Uses.** Nonconforming uses shall comply with Section 17.16.040 (Nonconforming Provisions – Nonconforming Residential Uses) of this Title.
- D. **Advertising on Vehicles.** Vehicles shall not be parked solely for the purpose of advertising. Advertising shall comply with Chapter 17.80 (Sign Regulations) of this Title.
- E. **Maintenance.** All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this Chapter.
- F. **Additional Parking Space Requirements.** Additional parking over and above the minimum standards required in this Chapter may be required, upon determination of the Planning Commission or Zoning Review Committee that the specific type of business or use generates a greater demand for parking than the requirements of this Chapter.
- G. **Right-of-way Parking.** Land within the right-of-way of an existing or proposed street shall not be used to provide required parking and loading facilities.

H. **Use of Parking Spaces.** Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use. Required parking spaces must be available for the use of residents, customers or guests of the use. Required parking spaces cannot be used for the parking of equipment or storage of goods or inoperative vehicles. In addition, required parking spaces cannot be rented out or used for another property except as permitted through Subsection 17.70.070(D) of this Chapter.

**17.70.040 – Required On-Site Parking for Residential Uses. (FULLY UPDATED)**

A. Tables 17.70-2 and 17.70-3 prescribe the on-site parking requirements for single-family and multiple-family residential uses, respectively:

Table 17.70-2 – On-Site Parking Requirements for Single-family Dwellings	
Dwelling size or number of bedrooms	Minimum number of parking spaces
First 2,000 sq. ft. or first 4 bedrooms <sup>2</sup>	2 spaces within a fully enclosed garage
Each additional 250 sq. ft. or each additional bedroom	1 additional parking space – within a fully enclosed garage or open (9 ft. by 20 ft.)

Table 17.70-3 – On-Site Parking Requirements for Multiple-family Dwellings <sup>1</sup>				
Dwelling size or number of bedrooms <sup>2</sup>	Type 1 ≤25 du/acre <sup>3</sup>	Type 2 ≤25 du/acre near an MTI <sup>4</sup>	Type 3 25-35 du/acre <sup>5</sup>	Type 4 >35 du/acre <sup>6</sup>
Studio	1¼	1½	1¼	1
1 bedroom	2	1¾	1½	1
1,500 sq. ft. or 2 bedrooms	2½	2	2	1½
2,000 sq. ft. or 3 bedrooms	3	2½	2	2
≥2,500 sq. ft. or ≥4 bedrooms	3½	3	2½	2
Guest parking for 3 or more units	1 per 4 units	1 per 6 units	1 per 6 units	1 per 8 units
Minimum guest parking	2	2	2	2

B. Table 17.70-4 prescribes the on-site parking requirements for other residential uses:

<sup>1</sup> When less than 2 spaces are required, the unit shall have 1 enclosed/reserved space. When 2 or more spaces are required, the unit shall have 2 enclosed/reserved spaces. Fractional spaces may be open and shall be unreserved. If fractional spaces are reserved for a specific unit, the fractional space shall be rounded up. Parking requirements shall be prior to any Density Bonus.

<sup>2</sup> Dwelling size or number of bedrooms, whichever is more strict.

<sup>3</sup> Requirements for Multiple-family Residential (R-2, R-3 & R-4) and Commercial (C-1, C-2 & C-3) zoning districts.

<sup>4</sup> Requirements for the R-3, R-4, C-1, C-2 and C-3 zoning districts with more than 10 units and within ¼-mile of a Major Transit Intersection (MTI). In addition, for projects with less than 25 units per acre within the Downtown Specific Plan (SP-4).

<sup>5</sup> Requirements for applicable densities within the Mixed/Multiuse (M/MU) and the SP-4.

<sup>6</sup> Requirements for applicable densities within the SP-4.

Table 17.70-4 – On-Site Parking Requirements for Other Residential Uses <sup>7</sup>			
Use	Project size	Minimum number of parking spaces	
Accessory Dwelling Units (ADUs) and Junior ADUs	Refer to Section 17.110.030		
Affordable housing projects <sup>8</sup>	Very low and lower income housing units	10 or less units:	1 space per unit
		11 or more units:	½-spaces per unit, with a minimum of 10 parking spaces
		Guest parking for 3 or more units:	1 guest space per 8 units; with a minimum of 2 spaces <sup>9</sup>
	Moderate income housing units	R-1:	2 spaces within a fully enclosed garage
		R-2, R-3 or R-4:	1½ spaces per unit
		M/MU and SP-4:	1 space per unit
		Guest parking for 3 or more units:	1 guest space per 8 units; with a minimum of 2 spaces <sup>9</sup>
Live/work units	1 space per 350 sq. ft. of work space; parking shall be fully accessible to customers and shall not be located behind a gate		
Mobile home parks	1½ spaces per mobile home plus 1 guest space per 8 homes		
Senior housing <sup>10</sup>	20 or less units:	1 space per unit	
	21 or more units:	½-spaces per unit; with a minimum of 20 spaces	
	Guest parking for 3 or more units:	1 guest space per 8 units; with a minimum of 2 spaces	
Single Room Occupancy (SRO)	1 uncovered space per 3 units with a minimum 2 of uncovered spaces for the on-site manager; 1 lockable bicycle parking space adjacent to each unit		
Urban dwellings	Refer to Section 17.100.100		
All residential uses (regardless of zoning district or project type)	<ul style="list-style-type: none"> <li>• All garages shall have an automatic garage door opener.</li> <li>• For detached units, either on separate lots or within a Planned Residential Development (PRD), the additional open parking spaces may be located in the private driveway of a unit, provided it does not encroach into the driveway apron and each space is a minimum of 9 ft. wide and 20 ft. deep.</li> </ul>		

<sup>7</sup> Where less than 2 spaces are required, the unit shall have 1 enclosed/reserved space. Where 2 or more spaces are required, the unit shall have 2 enclosed/reserved spaces. Fractional spaces may be open and shall be unreserved. If they are reserved for a specific unit, the fractional space for each unit shall be rounded up.

<sup>8</sup> For projects with market-rate units, the reduced parking ratios shall only apply to the affordable units. Market-rate units shall comply with the parking requirements of the underlying zoning districts. For projects with a density bonus, refer to Section 17.100.060 of this Title.

<sup>9</sup> For projects with market-rate units, guest parking shall comply with the underlying zoning districts.

<sup>10</sup> For projects with a density bonus, refer to Section 17.100.060 of this Title.

**17.70.050 – Required On-Site Parking for Nonresidential Uses. (FULLY UPDATED)**

A. Table 17.70-5 prescribes the on-site parking requirements for nonresidential uses (per square feet of GFA or other metric):

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses	
Community Care Facilities	Number of Parking Spaces
Adult daycare, general	1 space per 10 adults being cared for on site at the greatest time, 1 space per employee on site at the greatest time plus 1 space for each vehicle used in connection with the use, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas
Alcohol or drug abuse treatment facility	1 space per 5 residents/beds plus 1 space per employee on site at the greatest time
Childcare daycare center	1 space per 10 children being cared for on site at the greatest time plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas
Elder care or assisted living	1 space per 8 residents/beds plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces
Emergency shelter	1 space per 10 residents/beds, 1 space per bedroom designed as a family unit for residents with children plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces
Low barrier navigation center	
Residential care facility, general	1 space per 5 residents/beds plus 1 space per employee on site at the greatest time
Social rehabilitation facility	1 space per 250 sq. ft. of Gross Floor Area (GFA), with a minimum of 5 spaces
Supportive or transitional housing	As required per Table 17.70-3 (Parking Requirements for Multiple-family Dwellings)
Public & Quasi-Public Uses	
Electrical distribution substation	None
Government or government related facility	Refer to retail and office uses
Hospital or clinic –	
Hospital	1 space per bed plus 1 space per 350 sq. ft. of area used for office, clinics, testing, research, administration, waiting areas and similar activities; parking shall not be required for food or beverage establishments or retail uses, provided they are internally accessible from the hospital

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)	
Public & Quasi-Public Uses	Number of Parking Spaces
Urgent care medical center	1 space per exam room plus 1 space per 350 sq. ft. of area used for office, clinics, testing, research, administration, waiting areas and similar activities
Recreation facility	As required per the Conditional Use Permit
School & educational facility –	
College or university	1 space per 3 nonresident students on site at the greatest time plus 1 space per employee on site at the greatest time
K-12 school	<ul style="list-style-type: none"> <li>• K-8 schools: 1 space per classroom plus 1 space per 350 sq. ft. of office area</li> <li>• 9-12 schools: 5 spaces per classroom</li> </ul>
Preschool	1 space per 10 children being serviced on site at the greatest time plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas
Specialized education and training	1 space per 2 students on site at the greatest time plus 1 space per employee on site at the greatest time
Tutoring and education center	1 space per 300 sq. ft. of GFA plus 2 spaces for drop-off
Utility facility	1 space per employee on site at the greatest time plus 1 space for each vehicle used in connection with the use, with a minimum of 1 space
Assembly & Entertainment Uses	
Adult entertainment establishment	1 space per 150 sq. ft. of GFA
Assembly or meeting facility	<ul style="list-style-type: none"> <li>• Main use: 1 space 75 sq. ft. of assembly area</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar or other activity area; parking is not required if ancillary use is exclusively for assembly or meeting facility attendees</li> </ul>
Commercial entertainment –	
Live theater, comedy or music venue	1 space per 4 fixed seats or 1 space per 40 sq. ft. of assembly area if there are no fixed seats
Karaoke	1 space per 150 sq. ft. of GFA
Movie theater	<ul style="list-style-type: none"> <li>• Single screen: 1 space per 3 fixed seats</li> <li>• Multi-screen: 1 space per 5 fixed seats for the first 800 seats plus 1 space per 8 fixed seats for seats in excess of 800</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar or other activity area; parking is not required if ancillary use is exclusively for patrons</li> </ul>

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)	
Assembly & Entertainment Uses	Number of Parking Spaces
Commercial recreation facility –	
Amusement park	As required per the Conditional Use Permit
Athletic court, small (e.g. tennis or badminton)	<ul style="list-style-type: none"> <li>• Main: 2 spaces per court</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Athletic court, large (e.g. volleyball or basketball)	<ul style="list-style-type: none"> <li>• Main: 3 spaces per court</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Batting cage, billiard parlor or bowling alley	<ul style="list-style-type: none"> <li>• Main use: 2 spaces per cage, table or lane</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Health club, greater than 3,500 sq. ft. in GFA	1 space per 500 sq. ft. of pool, jacuzzi, sauna and steam room areas, 3 spaces per athletic court, 1 space per 100 sq. ft. of instructional area plus 1 space per 350 sq. ft. of remaining building
Ice- or roller-skating rinks	<ul style="list-style-type: none"> <li>• Main use: 1 space per 5 fixed seats or 1 space per 50 sq. ft. of assembly area if there are no fixed seats plus 1 space per 250 sq. ft. of skating area</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Laser tag or paint ball	<ul style="list-style-type: none"> <li>• Main use: 1 space per 150 sq. ft. of laser tag area</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Miniature golf course	<ul style="list-style-type: none"> <li>• Main use: 3 spaces per hole</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Swimming pool, indoor or outdoor	<ul style="list-style-type: none"> <li>• Main use: 1 space per 500 sq. ft. of pool, jacuzzi, sauna and steam room areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>
Community center	<ul style="list-style-type: none"> <li>• Main use: 1 space 75 sq. ft. of assembly area</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar, retail or other activity area; parking is not required if ancillary use is only accessible to community center event patrons</li> </ul>
Cultural institution	1 space per 350 sq. ft. of GFA
Family entertainment center	As required per the Conditional Use Permit

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)		
Assembly & Entertainment Uses	Number of Parking Spaces	
Gaming center or arcade	<ul style="list-style-type: none"> <li>• Main use: 1 space per 2 game/computer terminal</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>	
Nightclub	1 space per 30 sq. ft. of dance floor area plus 1 space per 150 sq. ft. of GFA for all other areas	
Religious institution	1 space per 5 fixed seats or 1 space per 50 sq. ft. of assembly area if there are no fixed seats, plus 1 space per classroom	
Retail & Office Uses		
Alcohol sales –		
Bar, tavern or brew pub	1 space per 150 sq. ft. of GFA	
Liquor store		
Convenience store or minimart	1 space per 250 sq. ft. of GFA	
Food or beverage use –		
Bakery (commercial or retail), coffeehouse or café	<ul style="list-style-type: none"> <li>• Indoor eating area is <math>\leq 200</math> sq. ft: 1 space per 250 sq. ft. of GFA</li> <li>• M/MU zoning district: 1 space per 250 sq. ft. of GFA</li> <li>• All other: 1 space per 150 sq. ft. of GFA</li> </ul>	
Outdoor seating	0 spaces required for first 250 sq. ft.; 1 space per 250 sq. ft. for areas greater than 250 sq. ft.	
Restaurant	<ul style="list-style-type: none"> <li>• M/MU zoning district: 1 space per 250 sq. ft. of GFA</li> <li>• All other zoning districts: 1 space per 150 sq. ft. of GFA</li> </ul>	
Restaurant, take-out only	1 space per 250 sq. ft. of GFA (may have outdoor seating)	
Outdoor display for garden centers, warehouse retailer and showroom sales (excluding vehicle sales and lease)	1 space per 1,500 sq. ft. of open areas devoted to display, rental or sales, with a minimum of 2 spaces	
Retail sales (unless listed as a separate use) and office uses (of all types) <sup>11</sup>	Sq. ft. of GFA or NFA:	Parking ratio:
	First 20,000	1 per 250 sq. ft. = 80 spaces
	20,001 to 50,000	1 per 400 sq. ft. = 75 spaces
	Greater than 50,000	1 per 500 sq. ft.
	<ul style="list-style-type: none"> <li>• If the property is developed with multiple buildings, the GFA may be combined for calculating purposes</li> <li>• Totals are cumulative: 70,000 sq. ft. of GFA = 80 + 75 + 40 = 195 spaces</li> </ul>	

<sup>11</sup> Retail uses shall be based on Gross Floor Area (GFA). Office buildings in excess of 1 story shall be based on Net Floor Area (NFA).

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)	
Retail & Office Uses	Number of Parking Spaces
Showroom sales	1 space per 500 sq. ft. of GFA plus as required for outdoor display
Significant tobacco retailer	1 space per 250 sq. ft. of GFA
Vehicle retail use –	
Sales and lease, limited	1 space per 250 sq. ft. of GFA
Sales and lease, general <sup>12</sup>	<ul style="list-style-type: none"> <li>• Main use: 1 space per 500 sq. ft. of indoor showroom area plus 1 space per 2,500 sq. ft. of outdoor display areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of retail area plus ½ space per service bay</li> <li>• Minimum of 4 spaces shall be provided</li> <li>• Customer parking shall be clearly marked</li> </ul>
Sales and lease, major <sup>13</sup>	<ul style="list-style-type: none"> <li>• Main use: 1 space per 750 sq. ft. of indoor showroom area plus 1 space per 3,500 sq. ft. of outdoor display areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of retail area plus ½ space per service bay</li> <li>• Minimum of 4 spaces shall be provided</li> <li>• Customer parking shall be clearly marked</li> </ul>
Wholesaler	<ul style="list-style-type: none"> <li>• If open to the general public: refer to retail sales</li> <li>• If not open to the general public: refer to manufacturing</li> </ul>
Warehouse retailer	Refer to retail sales and office uses
Service Uses	
Alternative financial establishment	1 space per 250 sq. ft. of GFA
Ambulance service	1 space per 250 sq. ft. of GFA plus 1 space for each emergency vehicle
Animal care –	
Animal boarding/kennel	1 space per employee on site at the greatest time, 1 space for each vehicle used in connection with the use plus 4 spaces for loading/unloading of animals
Animal grooming	
Veterinary service or animal hospital/clinic	1 space per 350 sq. ft. of GFA
Automatic Teller Machine (ATM), walk-up facility	1 space per ATM or 2 spaces, whichever is greater, may be reserved for customers, from the overall number of spaces

<sup>12</sup> Refer to Section 17.112.180 for additional parking information.

<sup>13</sup> Refer to Section 17.112.180 for additional parking information.

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)	
Service Uses	Number of Parking Spaces
Correctional facility	1 space per 4 beds or 1 per 250 sq. ft. of GFA, whichever is greater
Financial institution	1 space per 250 sq. ft. of GFA
Funeral home or mortuary	1 space per 6 fixed seats or 1 space per 60 sq. ft. of assembly area if there are no fixed seats, plus 1 space per 250 sq. ft. of office area
Hotels and motels	<ul style="list-style-type: none"> <li>• Main use: 1 space per guest room</li> <li>• Ancillary: 1 space per 250 sq. ft. of meeting and assembly area plus 1 space per 350 sq. ft. of food, beverage, bar or retail area; parking is not required if ancillary use is only accessible to hotel and motel guests</li> </ul>
Personal service use	
Philanthropic or charitable institution	1 space per 250 sq. ft. of GFA
Recycling facility	1 space for each commercial vehicle used in connection with the use, 1 space per 350 sq. ft. of office area plus 8 customer spaces if the facility is open to the public
Self storage	<ul style="list-style-type: none"> <li>• Storage/office use: 1 space per 100 storage units plus 1 space per 350 sq. ft. of office area; with a minimum of 5 spaces</li> <li>• Caretaker's unit: 2 covered spaces, if proposed</li> </ul>
Vehicle service uses –	
Repair, major or minor <sup>14</sup>	2 spaces per service bay plus 1 space per 350 sq. ft. of any retail and office use
Rental, automobile or truck	<ul style="list-style-type: none"> <li>• Automobile: 1 space per 350 sq. ft. of GFA of any building plus 1 space per 1,500 sq. ft. of outdoor display area, with a minimum of 4 spaces; customer parking shall be clearly marked</li> <li>• Truck: 1 space per 350 sq. ft. of GFA of any building plus 1 space per 3,500 sq. ft. of outdoor display area, with a minimum of 4 spaces; customer parking shall be clearly marked</li> </ul>
Service station <sup>15</sup>	<ul style="list-style-type: none"> <li>• Main use: 1 space per 250 sq. ft. of retail or office use greater than 100 sq. ft. plus 1 space for air and water use</li> <li>• Ancillary: 1 space per 250 sq. ft. of food or beverage establishment, 1 space per 350 sq. ft. of vehicle washing facility tunnel plus 2 spaces per service bay for vehicle repair</li> <li>• Fuel pump areas shall not count towards required parking spaces</li> </ul>

<sup>14</sup> Refer to Section 17.112.190 for additional parking information.

<sup>15</sup> Refer to Section 17.112.200 for additional parking information.

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)		
Service Uses	Number of Parking Spaces	
Washing facility <sup>16</sup>	<ul style="list-style-type: none"> <li>• Self-service: 2 spaces per wash bay</li> <li>• Part-service: 1 space per 350 sq. ft. of tunnel area plus 1 space for air, water and vacuum</li> <li>• Full-service: 1 space per 350 sq. ft. of tunnel area plus 1 space per 250 sq. ft. for any retail and office use, with a minimum of 2 spaces</li> </ul>	
Wedding chapel	1 space per 6 fixed seats or 1 space per 60 sq. ft. of assembly area if there are no fixed seats, plus 1 space per 250 sq. ft. of office area	
Industrial & Transportation Uses		
Car sharing <sup>17</sup>	<ul style="list-style-type: none"> <li>• Residential use: 1 space per car sharing vehicle</li> <li>• Nonresidential use, office and vehicle storage: 1 space per car sharing vehicle</li> <li>• Nonresidential use, office only: 1 space per 250 sq. ft. of GFA</li> </ul>	
Impound or tow yard	1 space per 500 sq. ft. of GFA plus 1 space per ½-acre of outdoor use area	
Laboratory, testing	1 space per 500 sq. ft. of GFA	
Machine shop	1 space per 500 sq. ft. of GFA	
Manufacturing, ancillary	1 space per 350 sq. ft. of GFA	
Manufacturing, warehousing, Logistics & distribution	Sq. ft. of GFA:	Parking ratio:
	First 10,000	1 per 500 sq. ft. = 20 spaces
	10,001 to 25,000	1 per 750 sq. ft. = 20 spaces
	25,001 to 50,000	1 per 1,250 sq. ft. = 20 spaces
	Greater than 50,000	1 per 2,500 sq. ft.
	<ul style="list-style-type: none"> <li>• If the property is developed with multiple buildings, the GFA may be combined for calculating purposes</li> <li>• Totals are cumulative: 90,000 sq. ft. = 20 + 20 + 20 + 40 = 100 spaces</li> <li>• Offices occupying up to 25% of an individual business shall be calculated as manufacturing space; if offices for an individual business exceeds 25%, the entire office area shall be calculated as office</li> </ul>	
Outdoor storage	1 space per 1,000 sq. ft. of open storage areas	

<sup>16</sup> Refer to Section 17.112.210 for additional parking information.

<sup>17</sup> Refer to Section 17.70.070 (C) for additional parking information.

Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)		
Industrial & Transportation Uses	Number of Parking Spaces	
Passenger transport or taxi service	1 space per employee on a shift at the greatest time plus 1 space for each vehicle used in connection with the use	
Printing & publishing	Sq. ft. of GFA:	Parking ratio:
	First 25,000 sq. ft.	1 per 1,000 sq. ft.
	• Any additional sq. ft. shall be calculated as manufacturing sq. ft.	
Recycling processing center or Materials Recovery Facility (MRF)	As required per the Conditional Use Permit	
Research and development	1 space per 500 sq. ft. of GFA	
Towing facility	1 space per employee on a shift at the greatest time plus 1 space for each vehicle used in connection with the use	
Truck terminal		

- B. For uses that are not listed in Table 17.70-5, the on-site parking requirements may be determined through either of the following:
1. The Community Development Director may determine the parking requirements for the proposed use based on similar uses listed in this Chapter, subject to the following:
    - a. The Community Development Director finds that the proposed use will not have a negative impact related to traffic, noise, air quality, parking or public safety;
    - b. The Community Development Director finds that the proposed use will not have a negative effect on the welfare of other businesses or individuals in the underlying zoning district or surrounding area;
    - c. The applicant submits information that is substantial and compelling to support the Community Development Director’s findings; and
    - d. The applicant agrees to any conditions placed by the Community Development Director to ensure the use is not altered over time to be inconsistent with the original request and approval.
    - e. Once the necessary information has been submitted, the Community Development Director shall make a Director’s Determination in writing within 30 days approving or denying the request. The Director, at his or her discretion, may also refer the decision to the Planning Commission. The decision shall constitute the precedent for all future uses that match the same characteristics. The Director also has the authority to initiate the determination of additional parking requirements without a request from an applicant.
  2. The applicant submits a parking demand study prepared by a traffic engineer and approved by the City that supports the proposed number of parking spaces. The request

and supporting information shall be presented to the applicable review authority for final consideration and approval.

**17.70.060 – On-site Loading Space Requirements. (FULLY UPDATED)**

- A. **Thresholds for On-site Loading Spaces.** Refer to Section 17.70.020.
- B. **Required Spaces.** On-site loading spaces shall be provided in compliance with Table 17.70-6.
- C. **Amounts are Cumulative.** Square footages shall be cumulative. If a grocery store is 45,000 square feet in area, it will require one (1) small loading space and two (2) full-size loading spaces. This shall also apply to additions. If an existing office is 30,000 square feet in area and constructs a 40,000 addition, the loading shall be based on 70,000 square feet.
- D. **Loading Space Size.** Small loading spaces shall be a minimum 15 feet wide by 25 feet long. Full size loading spaces shall be a minimum 15 feet wide by 40 feet long with a clearance height of 14 feet. A small loading space may be redesigned as a full-size loading space.
- E. **Turning Radius.** The minimum turning radius shall be 35 feet for a small loading space and 45 feet for a full-size loading space.
- F. **Common Loading Facilities.** The on-site loading requirements of this Section may be satisfied by the permanent allocation of the identified number of spaces for each use in a common truck loading facility serving different uses under different ownership.
  1. The total number of loading spaces shall not be less than the sum of the combined square footages of all the uses.

Table 17.70-6 – On-site Loading Requirements		
Land Use	Number of units or GFA	Number of Loading Spaces
Urban housing	25 or more units	1 small
Bar or tavern, brew pub, liquor store, convenience store, food & beverage establishment, industrial, grocery store and warehouse retailer uses	Less than 5,000 sq. ft.	1 small
	5,000 to 20,000 sq. ft.	1 small and 1 full-size
	Greater than 20,000 sq. ft.	1 additional full-size per 20,000 sq. ft, up to 6 spaces
Office uses	Less than 5,000 sq. ft.	None
	5,000 to 10,000 sq. ft.	1 small
	10,001 to 30,000 sq. ft.	2 small or 1 full-size
	Greater than 30,000 sq. ft.	1 additional full-size per 30,000 sq. ft, up to 4 spaces
All other nonresidential uses	Less than 5,000 sq. ft.	None
	5,000 to 20,000 sq. ft.	1 full-size
	Greater than 20,000 sq. ft.	1 additional full-size per 20,000 sq. ft, up to 4 spaces

2. An attested copy of a contract between the parties concerned containing an agreement to the joint use of the common truck loading facility shall be filed with the Planning Division.
- G. **Location and Access.** Loading spaces shall not be located in required setbacks. All loading spaces shall have adequate ingress and egress and be designed and maintained so the maneuvering, loading and unloading of vehicles does not interfere with the orderly movement of traffic and pedestrians on any street or sidewalk. Vehicles shall not have to back in from, or onto, a public street.
- H. **Striping.** Loading spaces shall be striped indicating the loading spaces and identifying the spaces as “loading only.” The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times. “Loading only” signs may also be posted, but only in addition to striping requirements.
- I. **Screening of Loading Spaces.** All full-size loading spaces shall be screened from adjacent streets. The screening may be a fence, hedge or wall of a minimum six (6) feet high.

**17.70.070 – Parking Reductions and Adjustments. (NEW)**

Notwithstanding any other provision of this Chapter, a reduction in on-site parking requirements may be authorized in accordance with this Section.

- A. **Downtown Parking.** Table 17.70-7 prescribes the maximum allowable parking reductions for areas within the boundary of the Down town Main Street Specific Plan. The reduced parking requirements shall not apply to any other area of the City.

Table 17.70-7 – Reduced Parking Requirements (% reduced from Table 17.70-5)		
Land Use	Main Street, Zocalo & Station	Monte Vista
Assembly & entertainment	20%	None
Food or beverage establishment <sup>18</sup>	30%	20%
Retail, office & service uses	40%	30%
All other uses	As required in Table 17.70-5	

**B. Downtown Parking Credits:**

1. **Applicability.** This Subsection shall only apply to the areas within the boundary of the Downtown Main Street Specific Plan.
2. **Applications.** Parking credits shall require the approval of an Administrative Permit.
3. **Land uses.** Parking credits may be available for residential and nonresidential uses permitted within the Downtown Main Street Specific Plan. Parking credits shall not be available for legal non-conforming uses.

<sup>18</sup> Reductions shall be based on the parking requirements for the M/MU zoning district.

4. Pool of public spaces. Only public parking spaces shall be eligible for parking credits. This includes spaces within public parking lots and spaces along the street that are striped. A maximum subscription factor of two (2) shall apply towards the pool of public spaces (i.e. each public parking space shall equal two (2) parking credits). One (1) parking credit shall be equal to one (1) required parking space.
5. Requests. The requested number of parking credits shall be available for public parking (i.e. available within the pool of public spaces). The maximum number of parking credits an applicant may receive is 50 credits. In addition, parking credits shall not exceed 50 percent of the parking requirements for the Monte Vista Subarea. Public parking spaces shall not be reserved for a specific use or property.
6. Compliance with parking requirements. The use requesting the parking credits shall comply with the parking requirements outlined in this Chapter. This may be through a combination of on-site parking spaces and parking credits. The applicant shall not receive more parking credits than the use requires. A Minor Variance shall not be permitted to reduce the number of required parking spaces.
7. Nontransferable. The parking credits shall not satisfy the parking requirements for any other use and shall not be transferred to another property.
8. Written contract and payments. Notwithstanding any other provision of this Subsection or Chapter 17.134 (Downtown Main Street Specific Plan) of this Title, parking credits shall require a contract between the applicant and the City of El Monte. Payments for the parking credits shall be due annually at the time of business license application/renewal.
9. Time periods. Parking credits shall be valid for one (1) year. If the applicant has proceeded in good faith towards the implementation of the project, as determined by the Community Development Director, the applicant may request a 12-month extension. The extension shall be considered within 30 days of the request. No further extensions shall be given and the number of parking credits shall return to the pool of public parking. If the property has been vacated for more than 12 months, the application shall be null and void and the parking credits shall return to the pool of public parking.

**C. Car Sharing, Residential Uses:**

1. Applicability. This Subsection shall only apply to residential uses permitted in the zoning districts and specific plan areas identified in Table 17.70-8.
2. Applications. Car sharing shall require the approval of a Minor Use Permit.
3. Uses and properties. Car sharing may be available for one (1) residential project with a minimum of ten (10) dwelling units. In addition, it may be available for adjacent residential projects that have a combined 15 or more dwelling units.
4. Compliance with parking requirements. Each car sharing vehicle shall have its own dedicated parking space. Car sharing vehicles shall count as required parking at a ratio of one (1) car sharing space to six (6) standard spaces. Table 17.70-8 prescribes the maximum reductions from the required parking. Car sharing parking spaces shall also meet the requirements outlined in Table 17.70-9.

Table 17.70-8 – Maximum Parking Reduction for Car Sharing	
Zoning District or Specific Plan Area	Percent Reduction
High Density Multiple-family Dwellings (R-4) zoning district	20%
Office Commercial (C-1), Neighborhood Commercial (C-2) and General Commercial (C-3) zoning districts	20%
Mixed/Multiuse (M/MU) zoning district	30%
Downtown Specific Plan – Monte Vista subarea	40%
Downtown Specific Plan – All other subareas	50%
Gateway Specific Plan	50%

5. Calculating spaces. Car sharing spaces shall not be included in the reductions outlined in Table 17.70-8. For example, if a project requires 60 parking spaces and is located in the R-4 Zoning District, the percent reduction applied would be 20 percent and the number of spaces required would be reduced to 48 parking spaces. The car sharing calculation would be based on the 1:6 ratio for the 48 spaces and would require eight (8) car sharing spaces. Therefore, the total number of spaces required would be 56 (48 + 8).
6. Operations. Car sharing vehicles shall be administered by a car sharing company/organization and shall be accessed directly by users without any assistance or supervision by company personnel.
7. Annual reporting. Verification of continued service shall be submitted to the Planning Division by January 1<sup>st</sup> of each year.
8. End of service. In the event that the car sharing service ends, the property owner and/or the property management company shall notify the Community Development Director within 30 days, with a report identifying the deficiency in parking spaces as a result of the program ending, and the plans to bring the use into compliance with parking requirements. Options to bring the property into compliance include the following:
  - a. Entering into a contract with another comparable car sharing service;
  - b. Securing parking credits (for projects within the Downtown Specific Plan);
  - c. Constructing additional parking spaces on-site or off-site; and
  - d. Demonstrate compliance in some other manner.
9. Additional findings. In addition to the required findings outlined in Chapter 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following finding shall be made:
  - a. The adequacy of the proposed car sharing will equal or exceed the level that would have been expected had the minimum parking requirements outlined in Table 17.70-4 been met.

**D. Shared Parking, Nonresidential Uses:**

1. Applicability. This Subsection shall apply to all nonresidential districts.
2. Applications. Shared parking shall require the approval of a Minor Use Permit.
3. Uses and properties. Shared parking may be available for two (2) or more uses on the same property or on separate properties. Properties in the Mixed-Multiuse (M/MU) zoning district and within the Downtown Main Street Specific Plan may be separated a maximum 150 feet. Properties shall be adjacent to each other for all other zoning districts. If shared parking is for separate properties, a parking agreement shall be prepared and made part of the permanent official records of the Planning Division.
4. Compliance with parking requirements. The parking requirements outlined in this Chapter may be reduced by up to 50 percent, subject to compliance with this Subsection. A Minor Variance shall not be permitted to further reduce the number of required parking spaces.
5. Annual reporting. Verification of continued service shall be submitted to the Planning Division by January 1<sup>st</sup> of each year.
6. Additional findings. In addition to the findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the following findings shall be made:
  - a. The peak hours of uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  - b. The adequacy of the proposed shared parking will equal or exceed the level that would have been expected had the minimum individual parking requirements outlined in Table 17.70-5 been met; and
  - c. A parking demand study prepared by a traffic engineer approved by the City supports the proposed reduction.

**E. Other Reductions or Adjustments.** The following parking reductions or adjustments may be considered subject to the approval of an Administrative Permit (AP). A Minor Variance shall not be required to reduce the number of parking spaces.

1. Affordable housing. Up to 50 percent of the required parking spaces for moderate, lower and very low affordable housing units may be uncovered.
2. Bicycle parking. A maximum of one (1) parking space may be converted to bicycle parking for an existing residential or nonresidential development. A minimum of four (4) short-term bicycle parking spaces shall be provided.
3. Disabled parking. A maximum of two (2) parking spaces may be converted to accommodate disabled parking spaces or an access aisle for disabled parking.
4. Landscaping. A maximum of five (5) percent of the parking spaces or one (1) space, whichever is greater, may be voluntarily converted to parking lot landscaping to better

meet the minimum landscaping requirements outlined in Chapter 17.72 (Landscaping Requirements) of this Title.

5. Refuse storage. A maximum of two (2) parking spaces may be converted to accommodate a refuse storage facility as required per Section 17.60.080 (General Development Standards – Refuse Storage Facilities) of this Title.
6. Senior housing. Up to 50 percent of the parking spaces required may be uncovered.
7. Vertical mixed-use development. Parking requirements for nonresidential uses may be reduced by 15 percent.
8. Transitional uses:
  - a. Minor reduction. Transitional uses are permitted a 25 percent parking reduction over what the required number of spaces for the transitional use would be if located in the General Commercial (C-3) zoning district.
  - b. Major reduction. A 26 to 50 percent reduction may be approved by the Planning Commission or Zoning Review Committee if substantiated by a parking study prepared by a licensed traffic engineering or transportation professional. Options for allowing this reduction may include, but are not limited to, tandem parking, shared off-site parking, placing limits on the transitional use to reduce impacts (e.g. hours of operation, maximum occupancy, etc.) and partially demolishing the existing building.

**17.70.080 – Parking Lots, Spaces and Driveways Development and Design Standards. (UPDATED)**

- A. **Access and Safety.** All on-site parking facilities shall be designed so as to provide safe and reasonable maneuverability for vehicles within the parking area and enable a vehicle entering the parking area to move from one (1) location to any other location within the parking area without entering a public street.
- B. **Surface Material.** All parking lots and driveways shall be surfaced with asphaltic concrete to a minimum thickness of three (3) inches over a minimum aggregate base of six (6) inches or surfaced with Portland Cement concrete with a minimum thickness of five (5) inches over a three (3) inch aggregate base. After review of the probable vehicular traffic and the soils report for the project, additional material may be required by the City Engineer.
- C. **Drainage.** Drainage facilities shall be provided in all public parking areas capable of handling and maintaining the drainage requirements of the subject property and surrounding properties. Drainage facilities shall be designed to dispose of all surface water consistent with Regional Water Quality Control Board standards. Surface water from parking lots shall not drain over sidewalks or adjacent parcels.
- D. **Lighting, Nonresidential Uses.** Lighting for parking lots shall be a minimum one (1) foot candlepower across 85 percent or more of the lot. Lighting shall not exceed one (1) foot candlepower on any adjacent property zoned residential. Refer to Section 17.60.050 (General Development Standards – Outdoor Lighting) for additional requirements.
- E. **Additional Parking Standards.** Refer to Table 17.70-9 for additional parking lot and parking space standards:

Table 17.70-9 – Parking Standards		
Parking Space Degrees	Minimum Parking Stall Dimensions	Minimum Aisle Widths
90 degrees parking	8.5 ft. wide by 18 ft. deep	25 ft.
	9 ft. wide by 18 ft. deep	24 ft.
	9.5 ft. wide by 18 ft. deep	23 ft.
60 degrees parking	21 ft. 10 in. wide	18 ft.
45 degrees parking	18.5 ft. wide	12.5 ft.
30 degrees parking	17 ft. 10 in. wide	12.5 ft.
Parallel parking	8 ft. wide by 24 ft. deep	--
Graphics	Refer to Figure 17.70-1 on page 7-22 for information in a graphics form	
Parking Lots	Standard	
Screening	Shall be screened by landscape planters a minimum 5 ft. deep	
Directional arrows	Arrows shall be included in parking lots greater than 5,000 sq. ft. in area	
End aisle	Aisles shall extend an additional 2 ft. beyond the last space	
Adjacent to residential zoning districts or uses	Shall be separated buy a 6 ft. high solid masonry wall, which shall be reduced to 4 ft. for a depth equal to the required front yard setback for the abutting residential zoning districts	
Maximum slopes	Vehicular parking and maneuvering areas: 5% Ramps <65 ft. long: 16% with the first and last 10 ft. not exceeding 8% Ramps ≥65 ft. long: 12% with the first and last 8 ft. not exceeding 6%	
Parking Spaces		
Adjacent to a wall	Space widths shall be increased by 2 ft.	
Concrete wheel stops	Stops shall be installed where parking spaces abut walls or buildings	
Landscape overhang	Space depth may be reduced by 2 ft. if it abuts a 5 ft. wide planter	
Other overhangs and encroachments	No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress	
Striping	All spaces shall be double striped	
Enclosed Spaces		
Enclosed stalls	The minimum size for each enclosed parking space shall be 10 ft. wide by 20 ft. long	
Garage visibility	For projects with more than 1 unit on a lot, the garage should not face or open onto a public street	
Carports	Carports shall not be permitted	
Residential clearance	The clearance shall be a minimum 7 ft. at the garage entrance and 4.5 ft. for the first 4 ft. of the vehicle	

Table 17.70-9 – Parking Standards (continued)	
Driveways <sup>19</sup>	Standard
Access triangle in front of garage entrance	Refer to Figure 17.70-2 on the following page for information in a graphics form
Nonresidential developments	<ul style="list-style-type: none"> <li>• Minimum 30 ft. wide approach along arterial streets</li> <li>• Minimum 25 ft. wide approach along other streets</li> </ul>
Residential circular driveways	<ul style="list-style-type: none"> <li>• Property shall be zoned R-1 with a minimum street frontage of 70 ft.</li> <li>• Both openings shall serve the same driveway, with the secondary driveway 10 ft. in width</li> <li>• The space between driveways shall be a minimum 24 ft. at the street property line.</li> <li>• The portion of the connecting driveway parallel to the street property line shall be setback a minimum 15 ft.</li> <li>• Refer to Figure 17.70-3 on page 7-23 for information in a graphics form</li> </ul>
Residential developments	<ul style="list-style-type: none"> <li>• 1 dwelling: 10 ft. minimum</li> <li>• 2 to 4 dwellings: 12 ft. minimum</li> <li>• 5 or more: 15 ft. minimum</li> </ul>
	The maximum width of a driveway in the front yard and required street side yard shall be 20 ft.
	The paved area of the front yard and required street side yard, including driveways and walkways, shall not exceed 40%
	Vehicle parking shall be limited to approved paved areas; no parking shall occur on landscaped areas
<b>Other Requirements</b>	
Right-of-way encroachment	No vehicles shall be parked on, or extend over, any public sidewalk or parkway right-of-way
Visibility	Driveways shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than 10 ft. to an approaching pedestrian
Paving materials	<ul style="list-style-type: none"> <li>• All vehicles must park on a paved area of asphalt concrete or Portland Cement</li> <li>• For multiple-family projects, permeable paving or turf grids may be used for low traffic or infrequent use areas, subject to the approval of an Administrative Permit (AP)</li> </ul>
Other	No vehicle, other than a vehicle emerging from a single-family dwelling site, shall have to back into any public street

<sup>19</sup> Los Angeles County Fire Department may require additional driveway widths.

Figure 17.70-1 – Parking Space Degrees



Figure 17.70-2 – Access Triangle in Front of Garage Entrance

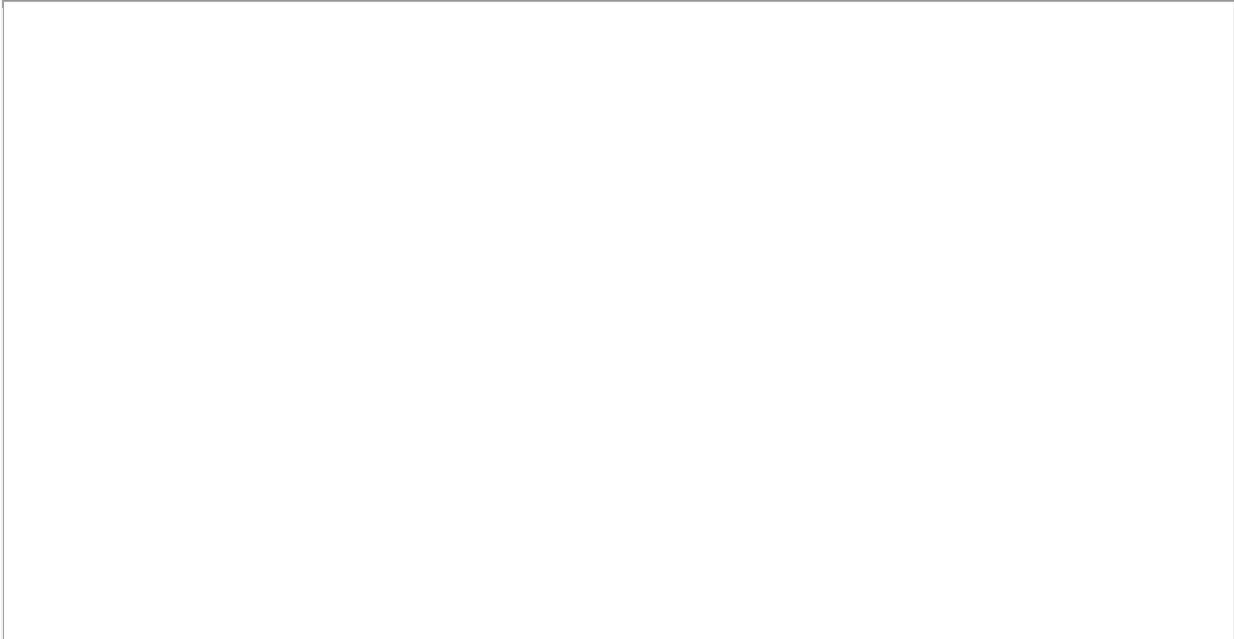


Figure 17.70-3 – Circular Driveway



**17.70.090 – Electrical Vehicle Charging Spaces. (NEW)**

- A. **Residential Thresholds.** Single-family or Multiple-family Residential Construction. Any new enclosed parking spaces shall be EV-capable, pre-equipped for electric vehicle (EV) charging units (Level 1 or 2).
- B. **Nonresidential Thresholds.** Nonresidential Construction (Level 1 or 2 for office uses; Level 2 for all other uses). The following thresholds shall apply:
  - 1. New projects. Shall comply with EV charging space requirements based on the number of parking spaces required for the new project.
  - 2. Building expansions. Shall comply with EV charging space requirements based on the number of new parking spaces required for the building expansion.
  - 3. Existing parking lots. Shall comply with EV charging space requirements if the entire parking lot is being reconstructed based on the total number of parking spaces. If only a portion of the parking lot is being reconstructed, the EV charging space requirements shall be based only on the number of spaces being reconstructed. EV charging spaces shall not be required if the parking lot is only being resurfaced (i.e. slurry seal or seal coat) and/or being restriped.
- C. **Number of Spaces.** Table 17.70-10 prescribes the required number of EV parking spaces.
- D. **New Parking Structures.** A minimum ten (10) percent of the total number of parking spaces shall be EV charging spaces (residential or nonresidential uses).
- E. **CALGreen Standards.** When the requirements of this Section differ from those of the California Green Building Standards Code, the stricter of the two shall apply.
- F. **Fractions.** The number of EV charging spaces shall be rounded up to the nearest whole number.

Table 17.70-10 – Required Electric Vehicle (EV) Charging Spaces	
Number of Parking Spaces	Number of EV Charging Spaces
Less than 10	0
10 to 25	2
26 to 50	4
51 to 75	7
76 to 100	9
101 to 150	13
151 to 200	18
Greater than 200	10% of the total

**17.70.100 – Bicycle Parking. (NEW)**

- A. **Thresholds.** The following thresholds shall apply:
1. New projects. Shall comply with short-term and long-term bicycle parking space requirements.
  2. Building expansions. Shall comply with short-term and long-term bicycle parking space requirements based on the added building square footage or added number of vehicular parking spaces, whichever is greater.
  3. Tenant improvements. Shall comply with long-term bicycle parking space requirements if more than 50 percent of the interior walls are being demolished.
  4. Existing parking lots. Shall comply with short-term bicycle parking space requirements if the entire parking lot is being reconstructed. If only a portion of the parking lot is being reconstructed, the bicycle parking space requirements shall be based on the number of spaces reconstructed. Bicycle parking spaces shall not be required if the parking lot is only being resurfaced (i.e. slurry seal or coat) and/or being restriped.
  5. Condition of approval. Short-term bicycle parking space requirements may be added as a condition of approval by any review authority.
- B. **Short-term Bicycle Parking.** Shall be conveniently located and within 200 feet of all main building entrances for nonresidential uses.
- C. **Long-term bicycle parking.** Shall be conveniently located from the street and shall meet one (1) of the following:
1. Covered, lockable enclosures with permanently anchored racks for bicycles;
  2. Lockable bicycle rooms with permanently anchored racks; or
  3. Lockable, permanently anchored bicycle lockers.

D. **Number of Spaces.** Table 17.70-11 prescribes the required number of bicycle parking spaces:

Table 17.70-11 – Required Bicycle Parking		
Land Use	Short-term Spaces	Long-term Spaces
Residential Uses –		
Less than 5 units	None	None
5 or more new units	1 space per 5 units with a minimum of 2 and a maximum of 10 spaces; not required if units have individual garages	1 space per 10 units with a minimum of 2 and a maximum of 10 spaces; not required if units have individual garages
School & educational facility -		
College or university	1 space per 10,000 sq. ft. of GFA	1 space per 25,000 sq. ft. of GFA with a minimum of 2 spaces
Dormitory or student housing	1 space per 10 residents with a minimum of 2 spaces	1 space per 4 residents with a minimum of 2 spaces
K-12, public or private	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Specialized education & training	1 space per 10,000 sq. ft. of GFA	1 space per 25,000 sq. ft. of GFA with a minimum of 2 spaces
Other nonresidential uses –		
Industrial & transportation	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Office uses	1 space per 20,000 sq. ft. of GFA	
All other nonresidential	8% of the vehicle parking spaces with a minimum of 2 spaces	5% of the vehicle parking spaces with a minimum of 2 spaces

E. **Showers and Changing Rooms for New Office Construction:**

1. Less than 30,000 square feet (single building or complex): None.
2. 30,000 square feet to 100,000 square feet (single building or complex): One (1).
3. Greater than 100,000 square feet (single building or complex): Two (2).

F. **CALGreen Standards.** When the requirements of this Section differ from those of the California Green Building Standards Code, the stricter of the two shall apply.

G. **Fractions.** The number of bicycle parking spaces shall be rounded up to the nearest whole number.

**17.70.110 – Recreational Vehicles (RVs) and Other Vehicle Storage. (RENUMBERED)**

**A. One-family (R-1) and Low-density Multiple-family Dwelling (R-2) Zoning Districts:**

1. No person shall park any recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) in any front yard or any required street side yard areas. All recreational vehicles shall be located upon an approved paved driveway or other approved paved area in the rear yard.
2. A maximum of one (1) recreational vehicle may be parked on each property.
3. All recreational vehicles must have a valid registration and be registered to the location where stored or parked and shall be in an operable condition.
4. No recreational vehicle shall park on or extend over any public sidewalk, parkway right-of-way, or any public right-of-way.
5. Notwithstanding the above, no recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) shall be approved for storage in any required front or street side yard setback.
6. The use of a recreational vehicle for dwelling purposes during storage on a residential property and the connection of utilities, water, or plumbing to a recreational vehicle, except for temporary maintenance purposes, are strictly prohibited.

**B. Other Zoning Districts.** For all property zoned and/or used for residential purposes, no person shall use the front yard or street side yard areas for the placement of any of the following:

1. Any motor vehicle in an inoperable condition, whether assembled or disassembled.
2. Any boat, trailer, camper, or truck camper shell.
3. Storage of construction-related equipment, building products or other materials for a period in excess of 48 hours, unless a valid building permit is in effect for construction on the premises.

**C. Prohibited Vehicles.** No owner or occupant of property zoned and/or used for residential purposes shall maintain or permit to remain on the site:

1. Mobile vendor vehicle.
2. Any commercial vehicle with a manufacturer's specified gross vehicle weight greater than 6,400 pounds.

**D. Inoperable Vehicles.** For all property zoned and/or used for residential purposes, inoperable vehicles must be located, parked or stored on such parcel of property within an enclosed garage building, with the exception that one (1) inoperable vehicle may be located in the area between the main building and the rear lot line, provided the inoperable vehicle is fully screened from the public right-of-way and other residentially used property.

## **CHAPTER 17.72 – LANDSCAPING REQUIREMENTS**

### **Sections.**

17.72.010 – Purpose.

17.72.020 – Applicability.

17.72.030 – Exemptions.

17.72.040 – Landscaping Requirements – General.

17.72.050 – Landscaping Requirements – Residential Uses.

17.72.060 – Landscaping Requirements – Nonresidential Uses.

17.72.070 – Landscaping Reductions.

17.72.080 – Tree Preservation.

### **17.72.010 – Purpose. (RENUMBERED)**

- A. To establish a framework to review landscape and irrigation plans consistently and improve the physical appearance of the City by providing visual and ecological relief in the urban environment;
- B. To establish minimum landscape development standards for the design, provision and maintenance of landscaped areas, and encourage irrigation methods and suggested plant species to develop a measure of uniformity and quality in overall landscaping design;
- C. To promote the value and long-term benefits of landscapes to provide an attractive living, working and recreating environment, while recognizing the need to invest water and other resources as efficiently as possible; and
- D. To establish a structure for designing, installing, and maintaining water efficient landscapes for expansion of the existing buildings and new projects.

### **17.72.020 – Applicability. (FULLY UPDATED)**

- A. **New Projects.** New landscaping and irrigation shall be required according to the provisions of this Chapter. When the requirements of this Chapter and Chapter 17.74 (Water Efficiency) of this title differ, the stricter of the two shall apply.
- B. **Residential Expansions.** New landscaping and irrigation shall be required for the following:
  - 1. The construction of one (1) or more new dwelling unit (either through new construction or alteration of an existing structure). This shall also include the construction of a new urban dwelling.
  - 2. Remodels or building additions that involve demolishing 50 percent or more of a residential building's exterior walls; and
  - 3. Additions that are 50 percent or more of the Gross Floor Area (GFA) or 750 square feet, whichever is greater. This shall include the construction of attached or detached Accessory Dwelling Units (ADUs). If the additions include multiple residential buildings, the calculation shall be based on the combined square footages.

- C. **Nonresidential Expansions.** New landscaping and irrigation shall be required for the following:
1. Additions that are 35 percent or more of the GFA or 1,000 square feet, whichever is greater;
  2. The construction of new parking lots or reconstruction of existing parking lots. The new landscaping and irrigation will be limited to the parking lot areas and will not be required if the parking lot is only being resurfaced (i.e. slurry seal or seal coat) and/or restriped; and
  3. Condition of approval. Landscaping and irrigation requirements may be added as a condition of approval by any review authority.

**17.72.030 – Exemptions. (FULLY UPDATED)**

New landscaping and irrigation plans shall not be required for properties that are already in compliance with the State of California’s Model Water Efficiency Landscape Ordinance (MWEL) or Chapter 17.74 (Water Efficiency) of this Title.

**17.72.040 – Landscaping Requirements – General. (RENUMBERED)**

- A. **All Landscaping Areas.** All existing and proposed landscaping areas, including those below the thresholds listed in Section 17.72.020 of this Chapter, shall comply with the following:
1. Required planting palette. The City does not have a required list of trees, shrubs and groundcover. However, the City encourages the use of drought-tolerant and/or native or indigenous plant material and does have suggested planting lists which is consistent with the City's goal for water efficient landscapes;
  2. Mixture of plant materials. Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions;
  3. Location of plant materials. Trees shall not be planted within five (5) feet of any building or structure, or under any eave, overhang or balcony. In addition, landscape materials shall not be located such that at maturity they interfere with safe site distances for vehicular, bicycle or pedestrian traffic or conflict with overhead utility lines; and
  4. Maintenance. Landscaping shall be maintained in an orderly and healthy condition in compliance with this Chapter. This includes proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, monitoring for pests and disease, replacement of plants when necessary and regular watering.
- B. **New Projects, Residential Expansions and Nonresidential Expansions.** All landscaping areas subject to Section 17.72.020 of this Chapter shall comply with the following:
1. Plans and drawings. Landscape and irrigation plans shall be prepared by a licensed landscape architect or licensed landscape contractor or any other person authorized to design a landscape. Landscaping shall be planned as an integral part of the overall project

design and not simply located in remanent spaces after buildings and parking areas have been designed. The installation shall be in accordance with the approved plans and shall be required prior to final occupancy; and

2. Additional requirements. In addition to the minimum landscaping required in this Chapter, additional landscaping may be deemed necessary to relieve solid, unbroken elevations or soften continuous wall expanses. Additional landscaping may also be required to break up expansive parking areas, channelize traffic and screen trash enclosures, on-site utilities or other similar land uses or elements.

C. **Planting of Landscaping.** When new landscaping is proposed or required, the following shall be followed:

1. Trees. Specimen trees (e.g. 24-, 36- or 48-inch box) shall be planted at the minimum quantities outlined in this Chapter. New trees should also be staked or guyed.
2. Shrubs:
  - a. A minimum of one (1) shrub shall be provided for every 20 square feet of landscaped area. A minimum 75 percent of the required shrubs shall be a minimum of five (5) gallons.
  - b. All five (5) gallon and one (1) gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed 18 inches on center.
3. Ground Covers:
  - a. Materials such as crushed rock, redwood chips, pebbles and stones are not satisfactory substitutes for live plant materials, although they may be used in limited amounts.
  - b. Depending on the type of ground cover planted, ground cover should be spaced at a maximum of one (1) foot on center.
  - c. Ground cover areas shall be planted with well rooted cuttings or container stock. Turf areas shall be planted with field-grown established sod or hydroseed.
  - d. Artificial plant material shall be limited to 35 percent of street yard setbacks and there shall be no limitation in other areas.

**17.72.050 – Landscaping Requirements – Residential Uses. (FULLY UPDATED)**

A. **All Residential Projects:**

1. Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, shrubs and ground covering, with exception to approved paved driveways and walkways. The paved area of the front yard and required street side yard, including driveways and walkways, shall not exceed 40 percent.
2. Trees. A minimum of one (1), 24-inch box specimen tree shall be planted in street setback areas every 40 linear feet of lot frontage, or portion thereof. Driveways shall not be factored in calculating the lot frontage.

3. Driveway planter. A minimum three (3) foot wide planter shall be located between the property line and driveway. The planter shall be planted with low growth, wide-spreading ground cover material or clustered five (5) gallon dwarf evergreen shrubs. Trees may be planted if the driveway planter is five (5) or more feet in width.

**B. Residential Projects with Three (3) or More Units:**

1. Private open space areas. A minimum of one (1), 24-inch box specimen tree shall be planted in private open space areas that are at grade and have a minimum area of 400 square feet.
2. Common open space areas – at grade:
  - a. A minimum 50 percent of the common open space areas shall be landscaped. The rest may be improved with a combination of decorative paving and resident amenities (e.g. seating and barbeque areas, etc.).
  - b. A minimum of one (1) 24-inch box specimen tree shall be planted for every 500 square feet of common open space area.
3. Common open space areas – over subterranean or podium parking or on a roof:
  - a. A minimum 25 percent of the common open space areas shall be landscaped. The rest may be improved with a combination of decorative pavers and resident amenities (e.g. seating and barbeque areas, etc.).
  - b. When common open space areas are over subterranean or podium parking, a minimum one (1) 15-gallon tree shall be planted in a tree well. An additional tree shall be planted for each 800 square feet of common open space area.
  - c. Appropriate drainage shall be provided for planters, tree wells and the soil covering the parking or roof deck.
4. Street setbacks, driveways and walkways to unit entrances shall not count towards private or common open space area requirements.
5. Parking and circulation. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may also be used.

- C. Mixed-use Projects.** For vertical or horizontal mixed-use projects, the project shall follow this Section for residential open space areas and Section 17.72.060 for all street setbacks, areas around at-grade nonresidential uses, surface parking lots and unused areas.

**17.72.060 – Landscaping Requirements – Nonresidential Uses. (FULLY UPDATED)**

**A. Street Setback Areas.**

1. Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, shrubs and ground covering, with exception to approved driveways, walkways and other areas specifically permitted in this Title.

2. A minimum of one (1), 24-inch box specimen tree shall be required for every 24 linear feet of lot frontage, excluding driveways.

**B. Parking and Vehicular Access Areas:**

1. Percent of landscaping for off-street parking lots:
    - a. Ten (10) to 50 spaces. A minimum of five (5) percent shall be landscaped.
    - b. More than 50 spaces. A minimum of eight (8) percent shall be landscaped.
    - c. Landscaping shall be distributed throughout the parking lot.
    - d. The landscaping percentages required above shall not include required street setbacks.
  2. Number of trees. A minimum of one (1), 24-inch box specimen tree shall be required for every six (6) parking spaces, or portion thereof, and shall be located throughout the parking area. This shall be in addition to required trees planted in the street setback areas.
  3. Perimeter landscaping. All parking lots shall have a perimeter landscape planter with a minimum width of five (5) feet.
  4. Planter size. All landscape planters shall be a minimum width of five (5) feet. The depth of parking stalls may be reduced by two (2) feet if the minimum planter width is six (6) feet, or if the minimum plant width is seven (7) feet and two (2) rows of vehicles are overhanging the planter.
  5. Parking and circulation. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may be approved by the Planning Division.
- C. Mixed-use Projects.** For vertical or horizontal mixed-use projects, the project shall follow this Section for all street setbacks, areas around at-grade nonresidential uses, surface parking lots and unused areas and Section 17.72.050 for residential open space areas.
- D. Unused Areas.** All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped in accordance with this Chapter.

**17.72.070 – Landscaping Reductions. (NEW)**

The applicable review authority may consider any of the following landscaping requirements reductions:

**A. Residential Projects:**

1. Driveway planter. The minimum three (3) feet planter width between the property line and driveway may be waived if the property frontage is 50 feet or less;
2. Common open space areas. The minimum number of trees may be reduced because of the proposed planting plan (e.g. the species selected) or programming (e.g. the project includes a swimming pool or gazebo).

3. Street setback areas. The minimum number of trees or minimum percentage of landscaping for street setback areas may be reduced for buildings that are constructed ten (10) feet or less to the public right-of-way.

**B. Nonresidential Projects:**

1. Street setback areas. The minimum number of trees or minimum percentage of landscaping for street setback areas may be reduced for buildings that are constructed ten (10) feet or less to the public right-of-way.
2. Vehicle dealerships. The minimum number of trees may be reduced and/or the tree species may be modified for vehicle dealerships within the City's Auto District (as illustrated in General Plan Figure LU-2).
3. Perimeter landscaping for parking or vehicular access areas. The minimum planter width may be reduced or waived for properties less than 150 feet wide or 150 feet deep. However, reductions to perimeter landscaping shall not be permissible if the adjacent property is zoned residential.

- C. Tree Mitigation Fund.** The applicant shall pay into the City's Tree Mitigation Fund for each required tree that is not planted.

**17.72.080 – Tree Preservation. (NEW)**

Refer to Chapter 14.03 (Tree Protection and Preservation) of the EMMC to review the City's regulations to protect and preserve trees.

# **CHAPTER 17.74 – WATER EFFICIENCY**

## **Sections.**

- 17.74.010 – Purpose.
- 17.74.020 – Applicability.
- 17.74.030 – Provisions for New Construction or Rehabilitated Landscapes.
- 17.74.040 – Compliance with Landscape Documentation Package.
- 17.74.050 – Penalties.
- 17.74.060 – Elements of the Landscape Documentation Package.
- 17.74.070 – Water Efficient Landscape Worksheet.
- 17.74.080 – Soil Management Report.
- 17.74.090 – Landscape Design Plan.
- 17.74.100 – Irrigation Design Plan.
- 17.74.110 – Grading Design Plan.
- 17.74.120 – Certificate of Completion.
- 17.74.130 – Irrigation Scheduling.
- 17.74.140 – Landscape and Irrigation Maintenance Schedule.
- 17.74.150 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
- 17.74.160 – Irrigation Efficiency.
- 17.74.170 – Recycled Water.
- 17.74.180 – Graywater Systems.
- 17.74.190 – Stormwater Management and Rainwater Retention.
- 17.74.200 – Public Education.
- 17.74.210 – Environmental Review.
- 17.74.220 – Provisions for Existing Landscapes.
- 17.74.230 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
- 17.74.240 – Water Waste Prevention.
- 17.74.250 – Effective Precipitation.
- 17.74.260 – Reporting.

## **17.74.010 – Purpose. (RENUMBERED)**

- A. The state legislature has found that:
  - 1. The waters of the state are of limited supply and are subject to ever increasing demands;
  - 2. The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
  - 3. It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
  - 4. Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and

- water, preventing erosion, offering fire protection and replacing ecosystems lost to development;
5. Landscape design, installation, maintenance and management can and should be water efficient; and
  6. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.
- B. Consistent with these legislative findings, the purpose of the Model Water Efficiency Landscape Ordinance (MWELo) is to:
1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
  2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
  3. Establish provisions for water management practices and water waste prevention for existing landscapes;
  4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
  5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
  6. Encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
  7. Encourage local agencies to designate the necessary authority that implements and enforces the provisions of this Chapter or its local landscape ordinance.
- C. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of this Chapter, conditions in the urban setting will be improved by:
1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits;
  2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas;

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment;
4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion; and
5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

**17.74.020 – Applicability. (RENUMBERED)**

- A. This Chapter shall apply to all of the following landscape projects:
  1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or Design Review;
  2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or Design Review; and
  3. Existing landscapes limited to Sections 17.74.220, 17.74.230, and 17.74.240 of this Chapter.
- B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this Section or conform to the prescriptive measures contained in Table 17.74-5 on pages 7-57 to 7-59.
- C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Table 17.74-5 Section (E) on pages 7-58 and 7-59. This Section does not apply to:
  1. Registered local, state or federal historical sites;
  2. Ecological restoration projects that do not require a permanent irrigation system;
  3. Mined-land reclamation projects that do not require a permanent irrigation system; or
  4. Existing plant collections, as part of botanical gardens and arboreta open to the public.

**17.74.030 – Provisions for New Construction or Rehabilitated Landscapes. (RENUMBERED)**

A City may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in this Section. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this Chapter.

**17.74.040 – Compliance with Landscape Documentation Package. (RENUMBERED)**

- A. Prior to construction, the City shall:
  - 1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
  - 2. Review the landscape documentation package submitted by the project applicant;
  - 3. Approve or deny the landscape documentation package;
  - 4. Issue a permit or approve the plan check or design review for the project applicant; and
  - 5. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the local water purveyor.
- B. Prior to construction, the project applicant shall submit a landscape documentation package to the City.
- C. Upon approval of the landscape documentation package by the City, the project applicant shall:
  - 1. Receive a permit or approval of the plan check or Design Review and record the date of the permit in the certificate of completion;
  - 2. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and
  - 3. Submit a copy of the water efficient landscape worksheet to the local water purveyor.

**17.74.050 – Penalties. (RENUMBERED)**

A City may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

**17.74.060 – Elements of the Landscape Documentation Package. (RENUMBERED)**

- A. The landscape documentation package shall include the following six (6) elements:
  - 1. Project information:
    - a. Date;
    - b. Project applicant;
    - c. Project address (if available, parcel and/or lot number(s));
    - d. Total landscape area (square feet);
    - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
    - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
    - g. Checklist of all documents in landscape documentation package;

- h. Project contacts to include contact information for the project applicant and property owner; and
  - i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package."
2. Water efficient landscape worksheet:
    - a. hydrozone information table;
    - b. water budget calculations:
      - i. Maximum Applied Water Allowance (MAWA); and
      - ii. Estimated Total Water Use (ETWU).
  3. Soil management report;
  4. Landscape design plan;
  5. Irrigation design plan; and
  6. Grading design plan.

**17.74.070 – Water Efficient Landscape Worksheet. (RENUMBERED)**

- A. A project applicant shall complete the water efficient landscape worksheet in Table 17.74-2 on page 7-54, which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for nonresidential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for nonresidential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.
  1. In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the Reference Evapotranspiration (ET<sub>o</sub>) values found in Table 17.74-1 on page 7-53. Since the City of El Monte is not included in the list, it shall use data from other cities located nearby and in the same ET<sub>o</sub>.
- B. Water budget calculations shall adhere to the following requirements:
  1. The plant factor used shall be from Water Use Classification of Landscape Species (WUCOLS) or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape areas shall be identified and their water use calculated as shown in Table 17.74-2 on page 7-54.
4. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

**17.74.080 – Soil Management Report. (RENUMBERED)**

- A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant as follows:
  1. Submit soil samples to a laboratory for analyses and recommendations:
    - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
    - b. The soil analyses shall include:
      - i. Soil texture;
      - ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
      - iii. pH;
      - iv. Total soluble salts;
      - v. Sodium;
      - vi. Percent organic matter; and
      - vii. Recommendations.
    - c. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of one (1) in seven (7) lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one (1) in seven (7) lots.
  2. The project applicant shall comply with one (1) of the following:
    - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the landscape documentation package; or
    - b. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the certificate of completion.
  3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
  4. The project applicant shall submit documentation verifying implementation of soil analysis report recommendations to the City with certificate of completion.

**17.74.090 – Landscape Design Plan. (RENUMBERED)**

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.
1. Plant material:
    - a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. Methods to achieve water efficiency shall include one (1) or more of the following:
      - i. Protection and preservation of native species and natural vegetation;
      - ii. Selection of water-conserving plant, tree and turf species, especially local native plants;
      - iii. Selection of plants based on local climate suitability, disease and pest resistance;
      - iv. Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;
      - v. Selection of plants from local and regional landscape program plant lists; and
      - vi. Selection of plants from local fuel modification plan guidelines.
    - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Subsection 17.74.100(a)(2)(D) of this Chapter.
    - c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one (1) or more of the following:
      - i. Use the sunset western climate zone system which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
      - ii. Recognize the horticultural attributes of plants i.e. mature plant size, invasive surface roots to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
      - iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
    - d. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run  $\times$  100 = slope percent).
    - e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

- f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Section 4291(a) and (b) of the Public Resources Code. Avoid fire-prone plant materials and highly flammable mulches. Refer to the local fuel modification plan guidelines.
  - g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.
  - h. The architectural guidelines of a common interest developments, which include community apartment projects, condominiums, planned developments and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
2. Water feature:
- a. Recirculating water systems shall be used for water features.
  - b. Where available, recycled water shall be used as a source for decorative water features.
  - c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
  - d. Pool and spa covers shall be used when pool or spa is not in use to minimize the loss of water due to evaporation.
3. Soil preparation, mulch and amendments:
- a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
  - b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.74.080 of this Chapter).
  - c. For landscape installations, compost at a rate of a minimum of four (4) cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.
  - d. A minimum three inch (3) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
  - e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

- f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  - g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- B. The landscape design plan, at a minimum, shall:
- 1. Delineate and label each hydrozone by number, letter, or other method;
  - 2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
  - 3. Identify recreational areas;
  - 4. Identify areas permanently and solely dedicated to edible plants;
  - 5. Identify areas irrigated with recycled water;
  - 6. Identify type of mulch and application depth;
  - 7. Identify soil amendments, type, and quantity;
  - 8. Identify type and surface area of water features;
  - 9. Identify hardscapes (pervious and non-pervious);
  - 10. Identify location, and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the City or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 17.74.190 of this Chapter;
  - 11. Identify any applicable rain harvesting or catchment technologies, as discussed in Section 17.74.190 of this Chapter and their 24-hour retention or infiltration capacity;
  - 12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;
  - 13. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan;" and
  - 14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code).

**17.74.100 – Irrigation Design Plan. (RENUMBERED)**

A. This Section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this Section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. System:

- a. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all nonresidential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either:
  - i. A customer service meter dedicated to landscape use provided by the local water purveyor; or
  - ii. A privately owned meter or submeter.
- b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
  - i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
  - ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to

minimize water loss in case of an emergency (such as a main line break) or routine repair.

- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. The project applicant shall refer to Section 13.08.040 (Backflow Prevention Devices) for additional backflow prevention requirements.
- g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on nonresidential landscapes and residential landscapes of 5,000 square feet or larger.
- h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.74.070 of this Chapter regarding the maximum applied water allowance.
- m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- n. It is highly recommended that the project applicant or City inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- q. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

- r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.
- s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
- t. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- u. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
  - i. The landscape area is adjacent to permeable surfacing and no runoff occurs;
  - ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
  - iii. The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in Subsections 17.74.100 (A)(1)(h) and (A)(1)(i) above. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- v. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

## 2. Hydrozone.

- a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
- d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
  - i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
  - ii. The plant factor of the higher water using plant is used for calculations.

- e. Individual hydrozones that mix high and low water use plants shall not be permitted.
  - f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table (see Table 17.74-2 on page 7-54). This table can also assist with the irrigation audit and programming the controller.
- B. The irrigation design plan, at a minimum, shall contain:
- 1. Location and size of separate water meters for landscape;
  - 2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
  - 3. Static water pressure at the point of connection to the public water supply;
  - 4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
  - 5. Recycled water irrigation systems as specified in Section 17.74.170 of this Chapter;
  - 6. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
  - 7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

**17.74.110 – Grading Design Plan. (RENUMBERED)**

- A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement.
- 1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
    - a. Height of graded slopes;
    - b. Drainage patterns;
    - c. Pad elevations;
    - d. Finish grade; and
    - e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
  - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
  - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
  - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

**17.74.120 – Certificate of Completion. (RENUMBERED)**

- A. The certificate of completion (see Table 17.74-4 on pages 7-55 to 7-57 for a sample certificate) shall include the following six (6) elements:
  1. Project information sheet that contains:
    - a. Date;
    - b. Project name;
    - c. Project applicant name, telephone, and mailing address;
    - d. Project address and location; and
    - e. Property owner name, telephone, and mailing address.
  2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package:
    - a. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification.
    - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
  3. Irrigation scheduling parameters used to set the controller (see Section 17.74.130 of this Chapter).
  4. Landscape and irrigation maintenance schedule (see Section 17.74.140 of this Chapter).
  5. Irrigation audit report (see Section 17.74.150 of this Chapter); and
  6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 17.74.080 of this Chapter).
- B. The project applicant shall:
  1. Submit the signed certificate of completion to the City for review;

2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.
- C. The Community Development Director shall:
1. Receive the signed certificate of completion from the project applicant; and
  2. Approve or deny the Certificate of Completion. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decisions shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

**17.74.130 – Irrigation Scheduling. (RENUMBERED)**

- A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
  2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
  3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current ETo, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current ETo data (e.g. California Irrigation Management Information System (CIMIS)) or soil moisture sensor data.
  4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
    - a. The plant establishment period;
    - b. The established landscape; and
    - c. Temporarily irrigated areas.
  5. Each irrigation schedule shall consider for each station all of the following that apply:
    - a. Irrigation interval (days between irrigation);
    - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
    - c. Number of cycle starts required for each irrigation event to avoid runoff;
    - d. Amount of applied water scheduled to be applied on a monthly basis;
    - e. Application rate setting;
    - f. Root depth setting;
    - g. Plant type setting;

- h. Soil type;
- i. Slope factor setting;
- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting.

**17.74.140 – Landscape and Irrigation Maintenance Schedule. (RENUMBERED)**

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance,
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- D. A project applicant is encouraged to implement established landscape industry sustainable best practices or environmentally-friendly practices for all landscape maintenance activities.

**17.74.150 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis. (RENUMBERED)**

- A. All landscape irrigation audits shall be conducted by a City landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- B. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately 15 percent will satisfy this requirement.
- C. For new construction and rehabilitated landscape projects, the following shall occur as described in Chapter 17.152 (General Definitions):
  - 1. The project applicant shall submit an irrigation audit report with the certificate of completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming; and
  - 2. The City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

**17.74.160 – Irrigation Efficiency. (RENUMBERED)**

For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

**17.74.170 – Recycled Water. (RENUMBERED)**

- A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.
- C. Landscapes using recycled water are considered special landscape areas. The Estimated Total (ET) Adjustment Factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

**17.74.180 – Graywater Systems. (RENUMBERED)**

- A. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to Title 24, Part 5, Chapter 16 of the California Plumbing Code and any applicable local ordinance standards. Refer to Section 17.74.020(D) of this Chapter for the applicability of this Section to landscape areas less than 2,500 square feet with the estimated total water use met entirely by graywater.

**17.74.190 – Stormwater Management and Rainwater Retention. (RENUMBERED)**

- A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- B. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Subsection 17.74.090(A)(3) of this this Chapter.
- D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either:
  - 1. The one (1) inch, 24 hour rain event; or
  - 2. The 85<sup>th</sup> percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
- E. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:
  - 1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
  - 2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.

3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
6. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.
7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

**17.74.200 – Public Education. (RENUMBERED)**

- A. **Publications.** Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
1. The City’s Water Division and other water suppliers/purveyors for the City shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.
- B. **Model Homes.** All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Section:
1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
  2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

**17.74.210 – Environmental Review. (RENUMBERED)**

The City must comply with the California Environmental Quality Act (CEQA), as appropriate.

**17.74.220 – Provisions for Existing Landscapes. (RENUMBERED)**

A City may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this Section. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this Section.

**17.74.230 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis. (RENUMBERED)**

- A. This Section 17.74.230 of this Chapter shall apply to all existing landscapes that were installed before December 1, 2015 and are over one (1) acre in size:

1. For all landscapes in this Subsection that have a water meter, the City shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as:  $MAWA = (0.8)(ET_o)(LA)(0.62)$ .
  2. For all landscapes in Subsection 17.74.230(A) above that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

**17.74.240 – Water Waste Prevention. (RENUMBERED)**

- A. The City shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.
- B. Restrictions regarding overspray and runoff may be modified if:
1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
  2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

**17.74.250 – Effective Precipitation. (RENUMBERED)**

A local agency may consider effective precipitation (25 percent of annual precipitation) in tracking water use and may use the following equation to calculate maximum applied water allowance:  $MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$  for residential areas.  $MAWA = (ET_o - EPPT) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$  for nonresidential areas.

**17.74.260 – Reporting. (RENUMBERED)**

- A. The City is responsible for administering this Chapter and submitting an annual report to the California Department of Water Resources on January 31<sup>st</sup> of each year.
- B. The City’s annual report shall address the following:
1. Define the reporting period. The reporting period shall commence on January 1<sup>st</sup> of each year and end on December 31<sup>st</sup> of each year.
  3. State if the City is using a locally modified Water Efficient Landscape Ordinance (WELO) or the MWELo. If the City is using a locally modified WELO, state how it differs from MWELo, is at least as efficient as MWELo and whether there are any exemptions specified.
  4. State the entity responsible for implementing this Chapter.

5. State number and types of projects subject to this Chapter during the specified reporting period.
  6. State the total area (in square feet or acres) subject to this Chapter over the reporting period, if available.
  7. Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
  8. Describe the procedure for review of projects subject to this Chapter.
  9. Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
  10. Describe enforcement measures.
  11. Explain challenges to implementing and enforcing the ordinance.
  12. Describe educational and other needs to properly apply this Chapter.
- C. List of Worksheets and Tables:
1. Table 17.74-1 – Reference Evapotranspiration (ET<sub>o</sub>).
  2. Table 17.74-2 – Sample Water Efficient Landscape Worksheet.
  3. Table 17.74-3 – ETAF Calculations.
  4. Table 17.74-4 – Sample Certificate of Completion:
    - a. Part 1: Project information sheet.
    - b. Part 2: Certification of installation according to the landscape documentation package.
    - c. Part 3: Irrigation schedule.
    - d. Part 4. Schedule of landscape and irrigation maintenance.
    - e. Part 5: Landscape irrigation audit report.
    - f. Part 6: Soil management report.
  5. Table 17.74-5 – Sample Certificate of Completion:
    - a. Part A: Submitting a landscape documentation package.
    - b. Part B: Incorporating compost.
    - c. Part C: Plant materials.
    - d. Part D: Turf areas.
    - e. Part E: Irrigation systems.
    - f. Part F: Nonresidential projects with landscape areas greater than 1,000 square feet.

Table 17.74-1 – Reference Evapotranspiration (ETo) <sup>20</sup>													
Los Angeles County	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1
Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2

<sup>20</sup> The values in this table were derived from: (1) California Irrigation Management Information System (CIMIS); (2) ETo Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; (3) ETo for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922; and (4) Determining Daily ETo, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

Table 17.74-2 – Sample Water Efficient Landscape Worksheet

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Reference Evapotranspiration (ETo): \_\_\_\_\_

Hydrozone # /Planting Description <sup>21</sup>	Plant Factor (PF)	Irrigation Method <sup>22</sup>	Irrigation Efficiency (IE) <sup>23</sup>	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF × Area	Estimated Total Water Use (ETWU) <sup>24</sup>
<i>Regular Landscape Areas:</i>							
				Totals	(A)	(B)	
<i>Special Landscape Areas:</i>							
				1			
				1			
				1			
				Totals	(C)	(D)	
				ETWU Total			
				Maximum Allowed Water Allowance (WAWA) <sup>25</sup>			

<sup>21</sup> Hydrozone #/Planting Description e.g. front lawn, low water use plantings and medium water use planting.

<sup>22</sup> Irrigation Method—Overhead spray or drip

<sup>23</sup> Irrigation Efficiency—0.75 for spray head/0.81 for drip

<sup>24</sup> ETWU (Annual Gallons Required) = ETo × 0.62 × ETAF × Area. Where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

<sup>25</sup> MAWA (Annual Gallons Allowed) = (ETo)(0.62) [(ETAF × LA) + ((1-ETAF) × SLA)]. Where 0.62 is a conversion factor that converts acre-inches per acre per year, to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential areas and 0.45 for nonresidential areas.

Table 17.74-3 – ETAF Calculations	
<i>Regular Landscape Areas:</i>	
Total ETAF × Area	(B)
Total Area	(A)
Average ETAF	$B \div A$
Average ETAF for regular landscape areas must be 0.55 or below for residential areas, and 0.45 or below for nonresidential areas.	
<i>All Landscape Areas:</i>	
Total ETAF × area	(B+D)
Total Area	(A+C)
Sitewide ETAF	(B+D)+(A+C)

Table 17.74-4 – Sample Certificate of Completion <sup>26</sup>		
Part 1. Project information sheet:		
<i>Project Information:</i>		
Project Name		Date
<i>Project Address and Location:</i>		
Street Address		Parcel, tract or lot number, if available
City		Latitude/Longitude (optional)
State	Zip Code	
<i>Property Owner or his/her Designee:</i>		
Name		Telephone No.
Title		Email Address
Company		Street Address
City	State	Zip Code

<sup>26</sup> This certification is filled out by the project applicant upon completion of the landscape project.

Table 17.74-4 – Sample Certificate of Completion (continued)<sup>27</sup>

Part 1. Project information sheet (continued):

*"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."*

_____	_____
Property Owner Signature	Date

*Please answer the following:*

1.	Date the Landscape Documentation Package was submitted to the City.	
2.	Date the Landscape Documentation Package was approved by the City.	
3.	Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor.	

Part 2. Certification of installation according to the landscape documentation package:

*"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."*

_____	_____	
Property Owner Signature	Date	
Name (print)	Telephone No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

<sup>27</sup> This certification is filled out by the project applicant upon completion of the landscape project.

Table 17.74-4 – Sample Certificate of Completion (continued)<sup>28</sup>

Part 3. Irrigation schedule:
Attach parameters of the irrigation schedule on controller per Section 17.74.130 of this Chapter.
Part 4. Schedule of landscape and irrigation maintenance:
Attach schedule of Landscape and Irrigation Maintenance per Section 17.74.140 of this Chapter.
Part 5. Landscape irrigation audit report:
Attach Landscape Irrigation Audit Report per Section 17.74.150 of this Chapter.
Part 6. Soil management report:
Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per Section 17.74.090 of this Chapter.
Attach documentation verifying implementation of recommendations from soil analysis report per Section 17.74.030 of this Chapter.

Table 17.74-5 – Sample Certificate of Completion

This table contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance (MWELO).	
Compliance with the following items is mandatory and must be documented in a landscape plan in order to use the prescriptive compliance options:	
A. Submit a landscape documentation package which includes the following elements:	
1.	Date.
2.	Project applicant.
3.	Project address (if available, parcel and/or lot numbers)
4.	Total landscape area (square feet), including a breakdown of turf and plant material.
5.	Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
6.	Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
7.	Contact information for the project applicant and proper owner.
8.	Applicant signature and date with statement, <i>"I agree to comply with the requirements of the prescriptive compliance option to the MWELO."</i>

<sup>28</sup> This certification is filled out by the project applicant upon completion of the landscape project.

Table 17.74-5 – Sample Certificate of Completion (continued)

B. Incorporate compost at the following rate:	
9.	Incorporate compost at a rate of at least four (4) cubic yards per 1,000 square feet to a depth of six (6) inches into landscape area (unless contra-indicated by a soil test).
C. Plant material shall comply with the following:	
10.	For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water; for nonresidential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area excluding edibles and areas using recycled water.
11.	A minimum of three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
D. Turf shall comply with the following:	
12.	Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in nonresidential areas;
13.	Turf shall not be planted on sloped areas which exceed a slope of one (1) foot vertical elevation change for every four (4) feet of horizontal length;
14.	Turf is prohibited in parkways less than ten (10) feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
E. Irrigation systems shall comply with the following:	
15.	Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
16.	Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
17.	Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
18.	Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
19.	All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

Table 17.74-5 – Sample Certificate of Completion (continued)

E. Irrigation systems shall comply with the following (continued):

- |     |   |
|-----|---|
| 20. | Areas less than ten (10) feet in width in any direction shall be irrigated with surface irrigation or other means that produces no runoff or overspray. |
|-----|---|

F. Nonresidential projects with landscape areas greater than 1,000 square feet:

- |     |   |
|-----|---|
| 21. | A private submitter(s) to measure landscape water use shall be installed. |
|-----|---|

At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

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# DIVISION 8 – SIGNAGE AND BILLBOARD REGULATIONS

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## Chapter 17.80 – SIGNAGE REGULATIONS

- 17.80.010 – Purpose.
- 17.80.020 – Applicability.
- 17.80.030 – Exempt Signs.
- 17.80.040 – Prohibited Signs.
- 17.80.050 – General Procedures.
- 17.80.060 – Permitted Signs – Residential, Public and Quasi-public Zoning Districts.
- 17.80.070 – Building Signs – Multiuse, Commercial and Manufacturing Zoning Districts.
- 17.80.080 – Freestanding Signs – Multiuse, Commercial and Manufacturing Zoning Districts.
- 17.80.090 – Permitted Signs – Gateway and Downtown Specific Plans.
- 17.80.100 – Permitted Signs – Specific Uses and Sign Types.
- 17.80.110 – Temporary Signs.
- 17.80.120 – Design Requirements and Guidelines.
- 17.80.130 – Enforcement.
- 17.80.140 – Time Period.
- 17.80.150 – Appeals.

### **17.80.010 – Purpose. (FULLY UPDATED)**

The purpose of this Chapter is to establish sign regulations that are intended to:

- A. Aid the public's orientation and to advertise and identify businesses and activities;
- B. Promote the appearance of the City as an attractive and harmonious community by regulating the design, materials, location, number, scale, illumination and condition of signs;
- C. Encourage creative and well-designed signs that contribute in a positive way to the City's aesthetics and restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy or create hazards or unreasonable distractions for pedestrians and drivers;
- D. Provide standards designed to safeguard the health, safety and public welfare while encouraging flexibility, variety and compatibility; and
- E. Enact and regulate signs in a manner that is content neutral and consistent with the free speech protections of the First Amendment of the United States Constitution and corollary provisions of the California Constitution.

### **17.80.020 – Applicability. (FULLY UPDATED)**

- A. **New or Revised Signs.** This Chapter regulates all signs on public and private property, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the City except in conformity with this Chapter.

- B. **Address Signs.** Every property must be marked using numerals that identify the address for public safety purposes. The identifying street numbers must be six (6) inches high in Arabic numerals and be readily visible from the street. Numbers larger than one (1) foot high may be considered a sign;
- C. **Maintenance of Signs.** Signs shall be properly maintained in good condition at all times. This includes replacing damaged or broken letters, faded colors or missing lights from illuminated signs. All building façades shall be in good condition and freshly painted, if needed, prior to the installation of new signage.
- D. **Limitations on Signs.** The standards contained in this Chapter are the maximum allowed. The Community Development Director has the duty and authority to review and approve all sign permits and to reduce the allowable sign area or to require relocation of the sign to improve the aesthetic or advertising value of the sign.
- E. **Government Signs.** The regulations in this Chapter are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the City, county, state or federal government. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

**17.80.030 – Exempt Signs. (FULLY UPDATED)**

The provisions of this Chapter shall not apply to the following type of signs:

- A. **Address Signs and Name Plates.** Each residence and establishment may post one (1) address sign and one (1) name plate on each building elevation. The area of all signs shall not exceed six (6) square feet and the height shall not exceed (1) foot.
- B. **Barber Poles.** Barber poles up to two (2) feet in height.
- C. **Equipment Signs.** Signs incorporated into permitted displays, machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product or service being provided.
- D. **Interior Graphics or Signs.** Visual communicative devices that are located entirely within a building or other enclosed structure and a minimum three (3) feet from a door or window.
- E. **Garage or Yard Sale Signs.** Subject to Chapter 5.44 (Garage Sales) of the EMMC.
- F. **Government and Quasi-Government Signs:**
  1. Any legal or official notice used by a court, public body, person or office in the performance of a public duty, utility or other quasi-public agency;
  2. Temporary or permanent sign erected and maintained by or required by the City, county, state or federal government;
  3. Signs for transit agencies; and
  4. Directional signs for public schools, hospitals, historic sites or other public service, property or facility.

- G. **Public Carrier Signs.** Graphic images mounted on carrier vehicles such as buses and taxicabs that legally pass through the City.
- H. **Real Estate Signs.** A maximum of two (2) signs which identify a property or property improvement for sale, lease or rent, which are posted on the subject property, subject to the requirements of California Civil Code Section 713. The maximum area for each sign shall not exceed eight (8) square feet in a residential zoning district and 16 square feet in a nonresidential zoning district. Such signs shall be removed within 15 days following the close of escrow for the sale of a property or the occupancy date of the lessee or renter.
- I. **Security or Privacy Signs.** This includes signs on property which convey messages such as “No Trespassing” or “No Soliciting.” The area of all signs shall not exceed six (6) square feet.
- J. **Temporary Signs:**
  - 1. Non-illuminated temporary noncommercial signs shall be permitted at any time. In residential zoning districts, signs shall not exceed a combined area of six (6) square feet and a height of four (4) feet. In nonresidential zoning districts, signs shall not exceed a combined area of 12 square feet and a height of five (5) feet.
  - 2. Notwithstanding Subsection (J)(1) above, the amount of noncommercial temporary signs shall be unrestricted for a period beginning 60 days prior to a local, state or federal election and ending 15 days following the date of the election.
- K. **Window Signs.** Window signs limited to the address, open/closed, hours of operation, occupancy and emergency information. The area of all signs shall not exceed four (4) square feet.

**17.80.040 – Prohibited Signs. (FULLY UPDATED)**

The following signs are prohibited in the City:

- A. Signs not expressly permitted or exempted from the regulations set forth in this Chapter.
- B. **Animated Signs.** Animated, flashing, blinking, reflecting, revolving or other similar signs, or signs with visibly moving or rotating parts or visible mechanism movement of any kind, rolling or running letters or message.
- C. **Can or Box Signs.** With exception for a registered trademark. In addition, legal nonconforming can or box signs may be repaired and have their face(s) changed.
- D. **Outdoor Advertising Signs.** Billboards and any other off premises outdoor advertising signs which convey a commercial message as their primary purpose. This provision, however, shall not apply to Chapters 17.82 (Billboard Overlay Zone) and 17.84 (Outdoor Advertising Structures) of this Title.
- E. **Portable Signs.** With exception to those permitted in Subsection 17.80.090(A) of this Chapter.
- F. **Pole Signs.** With exception to legal nonconforming pole signs that may be repaired and have their face(s) changed.
- G. **Roof Signs.** With exception to those permitted in Subsection 17.80.100(G) of this Chapter.

H. **Sign Illumination:**

1. Signs with exterior or exposed raceways or conduit, with exception to neon signs;
2. Awnings which are back-lit (internally illuminated) so that the awning radiates light; and
3. Unshielded light bulbs in excess of 25 watts per lamp which may be seen from the public street or any property line, with exception to neon signs.

I. **Sign Material or Medium:**

1. Signs that are painted, with exception to those permitted in Subsection 17.80.090(A) of this Chapter;
2. Signs using foam, plywood, Medium Density Overlay (MDO) or Medium Density Fiberboard (MDF); and
3. Signs constructed of paper, foam or similar material which makes use of chalk, felt pen, fluorescent paint or similar medium.

J. **Signs Attached to Vehicles.** With exception to those that are permanently or magnetically affixed to a vehicle that do not render the vehicle immobile.

K. **Signs That Produce Noise or Emissions.** Signs that emit visible smoke, vapors, particles or odors and signs that produce noise or sounds that can be heard at the property line, with exception to those permitted in Subsection 17.80.090(B) of this Chapter.

L. **Signs in the Public Rights-of-Way.** Signs that are affixed within median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, utility poles, traffic signs, or traffic signposts, construction barriers, supporting structures, anchor wires, or guy wires. With exception to those permitted in Subsection 17.80.030(F) of this Chapter.

M. **Traffic and Pedestrian Safety.** No sign shall be designated, lighted, placed or displayed that would in any way simulate any type of traffic, emergency vehicle or emergency control or direction device or create a situation which is determined to be a traffic or pedestrian hazard by the Community Development Director or Public Works Director.

N. **Windblown Devices and Balloons.** With exception to those permitted in Subsection 17.80.090(F) of this Chapter.

**17.80.050 – General Procedures. (FULLY UPDATED)**

A. **Application.** Applications for a Sign Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before Planning Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.

B. **Permits Required.** A permit is required prior to the display and erection of a sign as follows, unless otherwise specifically exempted from requiring a permit:

1. Sign Permit. No person shall erect, alter, repair or relocate any sign without obtaining a Sign Permit from the Planning Division. All signs shall be reviewed to determine the proposed sign is consistent with the requirements of this Chapter.
2. Building Permit. No person shall erect, alter, repair or relocate any sign without obtaining a Building Permit from the Building Division. All signs shall be reviewed to determine that such work is in accordance with the building and electrical codes of the City.
3. Encroachment Permit. Signs that project over a public street or sidewalk shall be subject to obtaining an Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 12.28 (Encroachments) of the EMMC.
4. Temporary Sign Permit. No person shall erect a temporary sign without first obtaining a Temporary Sign Permit from the Planning Division. All signs shall be reviewed to determine the proposed sign is in accordance with this Chapter.
5. Master Sign Program:
  - a. A Master Sign Program approved by the Community Development Director or his/her designee shall be required for the following:
    - i. New or remodeled nonresidential project with three (3) or more tenants;
    - ii. New building identification or major tenant sign;
    - iii. All new buildings within in the Gateway Specific Plan;
    - iv. The following uses: drive-thru businesses, hotels and motels, K-12 private schools, live/work units, theaters and concert venues, vehicle sales and lease, vehicle service stations, vehicle washing facilities, mixed-use and urban housing; and
    - v. As conditioned by the City Council, Planning Commission, Zoning Review Committee or Community Development Director.
  - b. Submittal requirements. A Master Sign Program application must include:
    - i. Appropriate application form with the property owner or authorized agent's signature.
    - ii. General sign criteria including:
      1. Permitted sign colors: a maximum four (4) colors, not including black or white (additional colors may be permitted for a registered trademark);
      2. Permitted background color (must be uniform for all signs), trim cap color and letter styles;
      3. Sign location and spacing;
      4. Method of illumination; and
      5. Method of attachment (include a typical cross-section).
    - iii. Criteria for freestanding signs and directional signs, etc.

- iv. All sign letters shall be individually cut. Signs may be internally, externally or back lit. Can or box signs shall be prohibited, except for a registered trademark.
  - v. Projects with six (6) or more tenants shall be named to assist future tenants and customers in identifying the commercial project. The project's name shall be prominently located on all freestanding signs, occupying a minimum 20 percent of the sign area.
- c. Approval. The Master Sign Program shall be approved prior to the issuance of any permit for new signs for the center and individual tenants.
- C. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.

**17.80.060 – Permitted Signs – Residential, Public and Quasi-public Zoning Districts. (FLLY/UP)**

- A. **Multiple-family Residential Uses.** A maximum two (2) identification signs shall be permitted, with a maximum area of 16 square feet for each sign. Such sign shall be placed flat against the building, mounted on a block wall or erected as a freestanding monument sign with a maximum height of six (6) feet. Any illumination shall be limited to subdued spotlighting.
- B. **Nonresidential Uses:**
1. Wall signs. One (1) wall sign for each building façade that faces a street or an on-site parking area, provided the maximum sign area does not exceed 24 square feet for each sign or the maximum permitted in Table 17.80-1, whichever is less. The sign shall also meet all other development standards outlined in Table 17.80-2.
  2. Freestanding signs. One (1) monument sign for each street frontage greater than 50 linear feet, provided the maximum sign area does not exceed 32 square feet or the maximum permitted in Table 17.80-4, whichever is less. In addition, the sign height shall not exceed six (6) feet for each sign.
  3. Signs shall meet all other development standards outlined in Tables 17.80-2 and 17.80-4.
- C. **Legal Nonconforming Uses.** Existing legal nonconforming signs may remain as long as the buildings and uses on the property retain their legal nonconforming status. Signs may be replaced, provided the new signs are not enlarged and conform with all other development standards outlined in Tables 17.80-2 and 17.80-4.

**17.80.070 – Building Signs – Multiuse, Commercial and Manufacturing Zoning Districts. (FLLY/UP)**

- A. Building signs shall include all signs placed on the exterior of a building including wall, building identification/major tenant, marquee/projecting, canopy/awning, hanging and window signs.
- B. Table 17.80-1 prescribes the total maximum square footage of all building signs along a façade:

Façade Type	Façade Definition	<50 lineal feet of façade	≥50 lineal feet of façade
Primary façade	An elevation that faces a street, on-site driveway or on-site parking area	2.0 sq. ft. for each foot of building or tenant frontage	1.5 sq. ft. for each foot of building or tenant frontage or 100 sq. ft., whichever is greater
Secondary façade	An elevation that faces a street, alleyway, on-site driveway or on-site parking area that is not a primary façade	1.5 sq. ft. for each foot of building or tenant frontage	1.0 sq. ft. for each foot of building or tenant frontage or 75 sq. ft., whichever is greater
Third façade	An elevation that faces a street or alleyway that is not a primary or secondary façade	1.0 sq. ft. for each foot of building or tenant frontage	0.5 sq. ft. for each foot of building or tenant frontage or 50 sq. ft., whichever is greater

- C. Table 17.80-2 prescribes the development standards for wall, marquee, projecting, canopy, awning and hanging building signs:

Standard	Wall Sign	Marquee or Projecting Sign	Canopy or Awning Sign	Hanging Sign
Number of tenants	Single or multiple	Single only	Single or multiple	Single or multiple
Number of signs	1 per tenant per eligible façade	1	1 per business or tenant	1 per business or tenant; Shall be located above a pedestrian walkway
Maximum Width or Projection	70% of the horizontal length of the wall or tenant (whichever is less)	8 ft. from the building face, as long as it maintains a 2 ft. setback from a street curb or driveway	70% of the horizontal length of the awning or tenant (if the canopy is for multiple tenants) (whichever is less)	May project up to 50% of the walkway width
Maximum Area	Up to the entire square footage provided in Table 17.80-1	20 sq. ft.	For signs with a valance, 80% of the valance area; For barrel awnings, 60% of the bottom 2 ft. of the awning	10 sq. ft.

<sup>1</sup> Square footage shall not be transferred from one façade to another façade. Signs located at the corner of a building may be considered part of the primary façade or secondary façade.

Table 17.80-2 – Development Standards for Building Signs (continued)

Standard	Wall Sign	Marquee or Projecting Sign	Canopy or Awning Sign	Hanging Sign
Maximum Height – Ground Floor Tenants	For 1-story buildings: no higher than the parapet height or the floor line of the 2 <sup>nd</sup> story (whichever is lower)	Shall not extend above the parapet wall; Maintain a vertical clearance of 8 ft.	Canopy/awning shall not extend higher than 2 ft. above the 1 <sup>st</sup> story windows; Maintain a vertical clearance of 8 ft.	Maintain a vertical clearance of 8 ft.
Maximum Height – 2 <sup>nd</sup> Story Tenants	Limited to 2 <sup>nd</sup> story tenants with separate entrances: no higher than the parapet height or the floor line of the 3 <sup>rd</sup> story (whichever is lower)	--	--	Maintain a vertical clearance of 8 ft.
Maximum Copy Area	For existing box signs and new or existing signs with background areas: 80% of the background area	80% of the background area	--	80% of the background area
Maximum Supplemental Signs	For tenants with 100 ft. or more of frontage: 3 signs, maximum 25% of the wall sign area	--	--	--
Lighting	Internal, external or backlit	Internal or backlit	Shall not include lighting	Internal, external or backlit
Residential Zones	Illuminated signs facing a residential zone shall be set back a minimum of 50 ft.	Illuminated signs facing a residential zone shall be set back a minimum of 50 ft.	--	--
Other	--	Encroachment permit required if sign projects over the public right-of-way	--	--

D. Figure 17.80-1 shows different building signs in a graphics form:



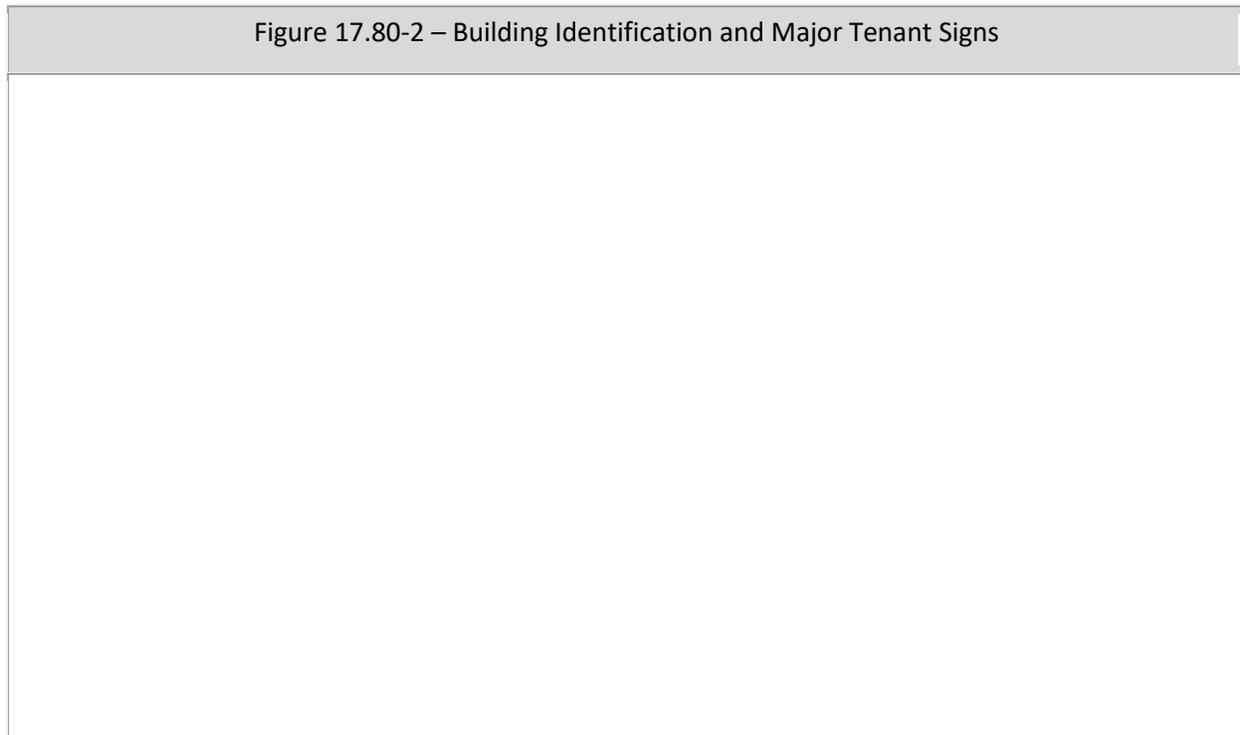
**E. Window Signs:**

1. The sign area shall count toward the total square footages permitted in Table 17.80-1.
2. Maximum area. Window signs shall not occupy more than 50 percent of any individual window. In addition, they shall not occupy more than 25 percent of the combined area of all windows along each façade.
3. Lighting. Window signs shall not be internally or externally illuminated.

**F. Building Identification and Major Tenant Signs:**

1. A sign shall only be permitted on a façade with a minimum width of 150 feet.
2. The sign area shall count towards the total square footages allotted in Table 17.80-1. An additional 50 square feet of overall wall sign area per eligible façade may be permitted for signs outlined in Subsection (F)(3) below and an additional 75 square feet for signs outlined in Subsection (F)(4) below.
3. A sign may be placed above a building entrance between the floor line of the 2<sup>nd</sup> story and parapet line of a building up to three (3) stories in height. However, the sign shall be integrated as part of an architectural feature (e.g. a building tower, projection, etc.).
4. A sign may be placed below the parapet of a building greater than three (3) stories in height. A maximum of three (3) signs shall be permitted on a building, with a maximum of one (1) sign per façade.
5. The signs shall comply with all other standards outlined in Tables 17.80-1 and 17.80-2.
6. Figure 17.80-2 shows building identification and major tenant signs in a graphics form:

Figure 17.80-2 – Building Identification and Major Tenant Signs



**17.80.080 – Freestanding Signs – Multiuse, Commercial and Manufacturing Zoning Districts.**

A. Table 17.80-3 prescribes the maximum number of freestanding signs allowed: **(FLLY/UP)**

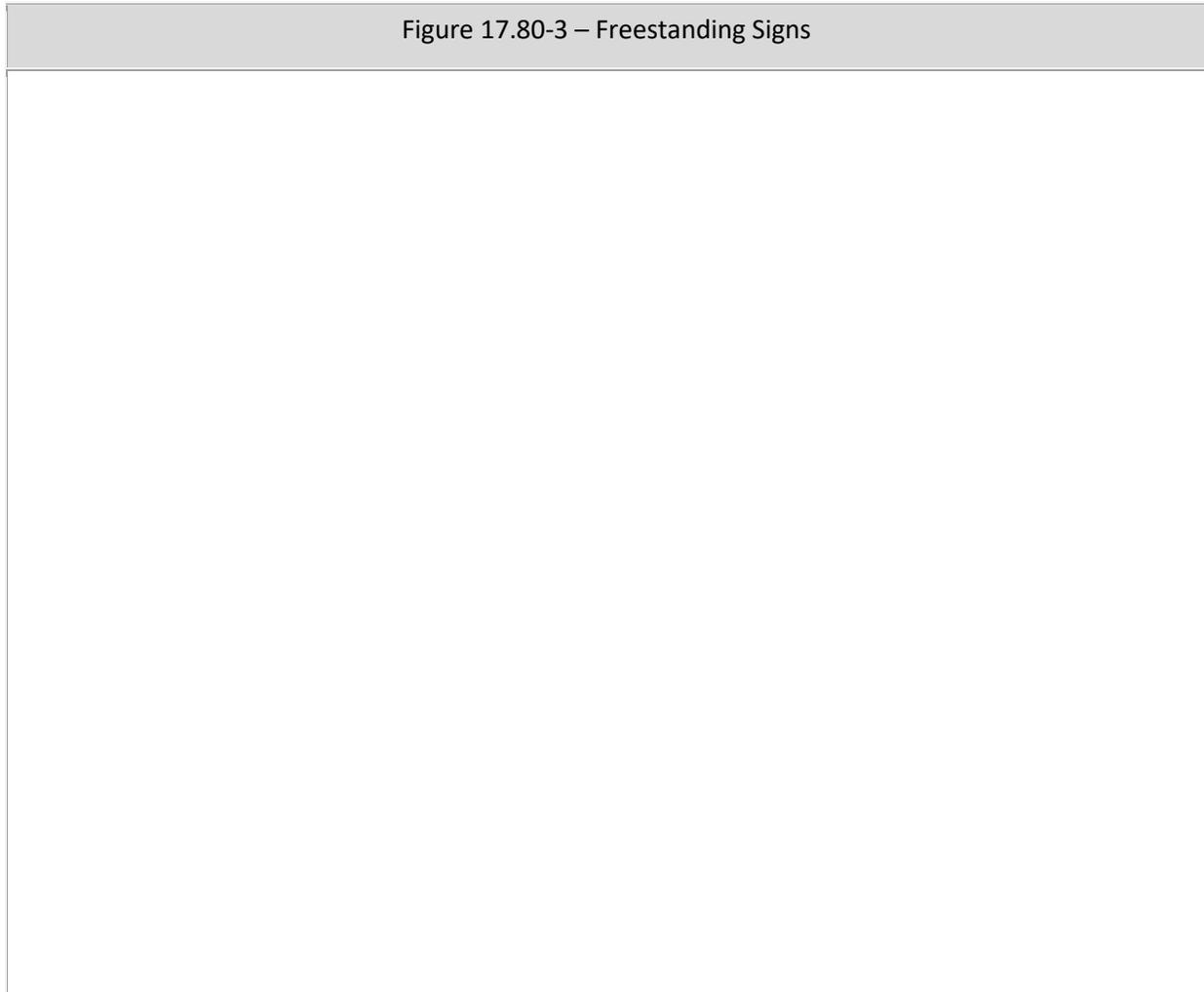
Table 17.80-3 – Number of Freestanding Signs <sup>2</sup>		
Property Frontage	Monument Signs	Pylon Signs
≤150 feet	1 monument sign	None
151 to 300 feet	1 monument or 1 pylon sign	
301 to 450 feet	1 monument sign	1 pylon sign or 1 additional monument sign
>450 feet	1 monument sign	2 pylon signs, or 1 pylon sign and 1 monument sign or 2 additional monument signs

B. Table 17.80-4 prescribes the development standards for freestanding signs:

Table 17.80-4 – Development Standards for Freestanding Signs		
Standard	Monument Signs	Pylon Signs
Number of Tenants	Single or multiple	Single or multiple
Maximum Area for all Freestanding Signs	¾ sq. ft. per 1 ft. of linear street frontage	
Maximum Area for Individual Signs	¼ sq. ft. per 1 ft. of street frontage or 30 sq. ft., whichever is greater	½ sq. ft. per 1 ft. of street frontage
Maximum Height	8 ft.	25 ft; Greater than 25 ft. shall require Design Review approval (see Chapter 17.122 of this Title)
Maximum Copy Area	80% of the background area	
Minimum Planter Area	½ the area of the sign, including the base	Equal area of the sign
Maximum Sign Width	Minimum 2 ft. from the inside of the planter curb in all directions	
Minimum Setbacks	25 ft. from any residential zone; 50 ft. from another freestanding sign; 10 ft. triangle from any street corner or driveway entrance	50 ft. from any residential zone; 50 ft. from another freestanding sign; 10 ft. triangle from any street corner or driveway entrance
Lighting	Internal, external or backlit	

<sup>2</sup> Signs shall meet the development standards outlined in Table 17.80-4. For corner properties, each street would be calculated separately.

C. Figure 17.80-3 shows different types of freestanding signs in a graphics form:



**17.080.090 – Permitted Signs – Gateway and Downtown Specific Plans. (FULLY UPDATED)**

- A. **Applicability.** This Subsection applies to all properties within the boundaries of the Downtown Main Street Specific Plan and the Gateway Specific Plan.
- B. **Building Signs, Pedestrian-oriented.** All businesses with a separate street entrance in the Gateway Specific Plan and in the Main Street and Zocalo Subareas of the Main Street Specific Plan shall have a minimum of one (1) pedestrian-oriented building sign with the business name. This may include one (1) or more of the following:
  - 1. Marquee or projecting sign with vertical clearance between eight (8) and nine (9) feet and a maximum height of 12 feet or the height of the parapet wall, whichever is lower;
  - 2. Canopy or awning sign;
  - 3. Hanging sign; or
  - 4. Permanent window sign.

C. **Painted Wall Signs:**

1. Shall be limited to the Downtown Specific Plan.
2. Shall only be permitted on the rear building façade.
3. Shall not cover more than 20 percent of the surface on which the sign is painted.

D. **Outdoor A-frame Signs.** Shall be permitted for a food and beverage establishment subject to the following:

1. Number of signs. A maximum of one (1) sign shall be permitted at the main entrance facing the public street. A second sign may be permitted if the business has a secondary public entrance facing an alley or parking area behind the building.
2. Maximum size. Shall not exceed six (6) square feet in surface area per side for a single- or double-sided A-frame sign.
3. Maximum height. Shall not be greater than four (4) feet.
4. Location. Signs shall not be located more than three (3) feet from the business frontage.

E. **Freestanding Signs:**

1. Pylon signs shall be prohibited.
2. Monument signs shall prohibited along Main Street between Santa Anita Avenue and Ramona Boulevard and along Lexington Avenue between Main Street and Ramona Boulevard.
3. Monument signs may be permitted along all other streets subject to the provisions outlined in Tables 17.80-3 and 17.80-4.

F. **Window Signs.** Permanent window signs shall not occupy more than 25 percent of any individual window. In addition, permanent window signs shall not occupy more than 15 percent of the combined area of all windows along each façade.

G. **Freeway Oriented Signs.** Freeway facing building signage in the Gateway Specific Plan may include building-face lit signage, multi-story blade lit signage and building-top lit signage. The goal is to maximize flexibility, diversity and exuberance so that the lit night signage of the will achieve a unique regional character.

H. **Master Sign Program.** All buildings in the Gateway Specific Plan shall require the approval of a Master Sign Program. This includes all residential-only, nonresidential or mixed-use buildings.

**17.80.100 – Permitted Signs – Specific Uses or Sign Types. (NEW)**

A. **Drive-thru Business:**

1. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet.

2. Menu boards. Drive-thru food or beverage establishment may have a maximum of two (2) menu boards per drive-thru lane, provided each sign does not exceed an area of 20 square feet and a height of six (6) feet. All outdoor speakers shall be directed away from adjacent properties.
3. Vehicle clearance signs. Each drive-thru lane that passes under an overhang may have a vehicle clearance sign.
4. A Master Sign Program shall be required.

**B. Electronic Copy Sign (Automatic Readerboard):**

1. Permitted uses. Electronic copy signs shall be limited to uses listed in Subsection (D) K-12 schools, public and private and religious facilities, (G) theater and concert venues, (H) vehicle sales and lease; and (I) vehicle service stations of this Chapter.
2. Minimum display time. Each message on the sign shall be displayed for a minimum of eight (8) seconds. Vehicle service station signs shall only change when fuel pricing is adjusted.
3. Sign brightness:
  - a. Each static message shall not include flashing lights or the varying of light intensity;
  - b. The sign shall not operate at brightness levels of more than 0.3 foot candles (fc) above ambient light at the street, as measured using a foot candle meter; and
  - c. The sign shall have a light sensing device that will adjust the brightness as ambient light conditions change.
4. Maintenance. The sign shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.
5. Safety:
  - a. The sign shall not be operated in such a fashion as to constitute a hazard to safe and efficient operation of vehicles on streets or freeways and shall comply with all applicable local, state and federal laws and regulations; and
  - b. The sign shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
6. The sign shall not be operated or maintained so as to constitute an "improper display," as defined or described in Business and Professions Code Section 5403.

**C. Hotel and Motel:**

1. Ancillary uses. If an ancillary use for the hotel has a separate entrance facing the street or an on-site parking area, it may have one (1) wall sign up to 20 square feet in area.
2. Neon. Neon shall be prohibited, with exception to what is permitted in Subsection (C)(3) below.

3. Window signs. No window signs shall be permitted, with exception of one (1) hotel sign with a maximum area of four (4) square feet stating “vacancy/no vacancy” and one (1) sign for an ancillary use with a maximum area of four (4) square feet stating “open/closed.” Such sign may be in neon.
  4. A Master Sign Program shall be required.
- D. K-12 School, Public and Private and Religious Facility:**
1. Monument signs. Signs shall not exceed a height of eight (8) feet in residential zones.
  2. Changeable copy signs (manual). A maximum 40 percent of freestanding signs may include changeable copy.
  3. Electronic copy signs (automatic readerboard, displaying text and/or graphics). For nonresidential zones, changeable copy may be replaced with an electronic copy, subject to the requirements of Subsection (B) above.
  4. A Master Sign Program shall be required for all K-12 private schools.
- E. Live/work Units:**
1. Quantity and size. Each live/work use may have one (1) sign at a maximum rate of one-half (½) square feet for each foot of building frontage or 12 square feet, whichever is less.
  2. Lighting. Signs may be back-lit or exterior illuminated. Signs shall not be internally illuminated. Neon signs shall be prohibited, with exception of permitted window signs under Subsection (E)(3) below.
  3. Window signs. No window signs shall be permitted, with exception of one (1) sign with a maximum area of four (4) square feet stating “open/closed.” Such sign may be in neon.
  4. A Master Sign Program shall be required.
  5. No additional signage shall be permitted.
- F. Recycling Facility:**
1. Mobile facility. The facility may have up to two (2) identification signs (one on each side of the facility) with a maximum area of 12 square feet each.
  2. Self-service facility. The facility may have one (1) identification sign with a maximum area of four (4) square feet (exclusive of operating instructions).
  3. Small collection facility:
    - a. Wall sign. The facility may have one (1) wall sign with a maximum area of 24 square feet. The sign shall not be internally illuminated; and
    - b. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet. Such signing shall bear no advertising message.

4. Large collection facility:
  - a. Wall sign. The facility may have one (1) wall sign with a maximum area of 36 square feet or one (1) square foot per one (1) linear foot of building frontage, whichever is greater;
  - b. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet. Such signing shall bear no advertising message; and
  - c. Monument sign. The facility may have one (1) monument sign along each street frontage as prescribed in Section 17.80.080 of this Chapter.

**G. Theater and Concert Venue:**

1. Building signs. Properties containing a theater or concert venue may substitute a wall sign with a marquee sign, subject to the following:
  - a. A maximum of two (2) marquee signs shall be permitted with each on a separate elevation. The elevation shall face a street or on-site parking area.
  - b. The maximum area of each marquee sign shall be equal to the maximum wall sign area permitted on the applicable façade, as permitted in Tables 17.80-1 and 17.80-2, or 100 square feet, whichever is greater.
  - c. The maximum overall height of each sign shall be 25 feet.
  - d. The sign may extend above the roofline, provided it is incorporated with an architectural feature of the building, compliant with Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.
  - e. The sign may be internally and/or externally illuminated.
  - f. A maximum 60 percent of the sign may include changeable copy (manual) or electronic copy (automatic readerboard, displaying text only) to advertise movies, performances and showtimes, subject to the requirements of Subsection (B) above.
2. Freestanding signs. The number of freestanding signs as prescribed in Table 17.80-3 may be increased by one (1) monument or pylon sign, subject to the following:
  - a. The maximum area of all freestanding signs as outlined in Table 17.80-4 shall be increased to one (1) square foot per one (1) foot of linear street frontage.
  - b. The sign shall be for the exclusive use of the theater or concert venue.
  - c. A maximum 40 percent of the sign may include changeable copy (manual) or electronic copy (automatic readerboard, displaying text only) to advertise movies, performances and showtimes, subject to the requirements of Subsection (B) above.
3. Temporary signs. Temporary banners or other types of temporary signs shall be prohibited when the theater or concert venue is the only business on the property,

except for the 30 days after the issuance of a certificate of occupancy for the opening of a new or remodeled theater or concert venue.

4. A Master Sign Program shall be required.

**H. Vehicle Sales and Lease:**

1. This Subsection applies to automobile dealerships located within the Auto District as identified in 2011 General Plan Figure LU-2 (Strategic Areas).

2. Wall signs:

a. The maximum area of all wall signs on the building shall be equal to the maximum permitted in Tables 17.80-1 and 17.80-2, or 150 square feet, whichever is greater. This shall only apply to one (1) building if the dealership includes multiple buildings.

b. For buildings with 100 feet or more of frontage, the number of supplemental signs may be increased to five (5), constituting a maximum 35 percent of the wall sign area.

c. Signs may extend above the roofline, provided it is incorporated with an architectural feature of the building, compliant with Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.

3. Freestanding freeway-oriented signs. One (1) additional freestanding sign shall be permitted, as outlined in Table 17.80-3, subject to the following:

a. The maximum area of the freestanding freeway-oriented sign shall be one (1) square foot per one (1) foot of linear street frontage. If the property has multiple frontages, the square footage may be based on the longer frontage.

b. A maximum 70 percent of the freeway-oriented sign may include changeable copy (manual) or electronic copy (automatic readerboard), subject to the requirements of Subsection (B) above.

4. Banner signs:

a. The maximum height for a banner shall be 20 feet.

b. The minimum vertical clearance for a banner shall be eight (8) feet.

c. The minimum vertical clearance for a banner over a driveway or parking area shall be 14 feet.

d. Banners shall be set back a minimum 15 feet from adjacent property lines.

e. Banners shall only be mounted to freestanding vertical poles, light standards and poles or brackets attached to a building wall, so as to project outward from the wall. No banners shall be attached to vehicles, building walls, freestanding walls or fences or roofs of buildings.

f. Banners shall project a maximum four (4) feet from the support pole.

5. A Master Sign Program shall be required.

**I. Vehicle Service Station:**

1. Maximum area for combined signs, including building signs, freestanding signs, canopy fascia signs and gasoline price signs. The maximum area shall not exceed one and one-half (1½) square feet per one (1) foot of linear street frontage. For corner lots, the longer frontage shall be used to calculate the maximum area.
2. Freestanding signs:
  - a. Interior lots: One (1) monument sign not exceeding 40 square feet.
  - b. Corner lots: One (1) pylon sign not exceeding 80 square feet at the street corner or two (2) monument signs not exceeding 40 square feet each (one along each street frontage). Monument signs shall be set back a minimum 40 feet from the street corner.
3. Canopy fascia signs: The company name, logo and graphic (e.g., strip or band in the company's trademark colors) may be located on the canopy, provided none extend above the roofline. The combined area of the company name and/or logo on all sides shall not exceed 50 square feet per canopy. The graphic (strip or band) shall not count towards the combined area of the canopy fascia signs and shall not be internally illuminated.
4. Gasoline price signs. Service stations shall comply with the California Business and Professional Code, Article 12, Sections 13530 to 13540. This includes providing minimum letter and number heights for the three (3) major grades of gasoline. The gasoline prices may be displayed as changeable copy (manual) or electronic copy (automatic readerboard, displaying text only).
5. Temporary signs. Temporary banners or other types of temporary signs shall be prohibited, except for the 30 days after the issuance of a certificate of occupancy for the opening of a new or remodeled service station.
6. Lighting. All signs shall be internally illuminated.
7. A Master Sign Program shall be required.

**J. Vehicle Washing Facility:**

1. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet.
2. Service board signs. Building mounted or freestanding service board signs identifying the type of vehicle washes and prices may be permitted. A maximum of two (2) service board signs per queuing lane may be permitted. Sign lighting shall be limited to external illumination. The maximum sign square footage shall be determined through the Design Review process.
3. A Master Sign Program shall be required.

**17.80.110 – Temporary Signs. (FULLY UPDATED)**

**A. Temporary Window Signs:**

1. Applicability. This Subsection shall apply to all nonresidential uses.
2. Time limits. The signs may be continuously displayed, however, the sign copy must be changed or revised a minimum of every 60 days.
3. Materials. May be constructed of paper (except newsprint), provided the signs are professionally printed and lettered on heavyweight art paper or similar materials.
4. Sign area. The combined maximum sign area shall not exceed 30 square feet or 25 percent of all window areas, whichever is less.

**B. Temporary Banners:**

1. Applicability. This Subsection shall apply to all nonresidential uses.
2. Time limits. The sign approval shall be limited to a maximum of 30 days, within a 180-day period.
3. Materials. Shall be limited constructed to the following materials: canvas, vinyl, nylon or similar mesh which is tear-resistant.
4. Number of signs. A maximum of two (2) banner signs shall be permitted for each single tenant commercial building located in a nonresidential zone. A maximum of one (1) sign shall be permitted for each tenant within a multiple tenant commercial building or commercial complex located in a nonresidential zone.
5. Sign area. Each banner sign shall not exceed 32 square feet.

**C. Temporary Project Construction Signs:**

1. Applicability. This Subsection shall apply to residential projects with three (3) or more units and nonresidential projects.
2. Required project approvals. The project shall have entitlement approvals or been issued a building permit.
3. Time limits. The Temporary Sign Permit shall be valid for 12 months. If the applicant has proceeded in good faith towards the implementation of the permit granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Temporary Sign permit. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.
2. Sign content. The signs may include information on the project developer, proposed tenants, City Council or other elected official and/or estimated completion date;
3. Location and number of signs:
  - a. A maximum of one (1) wall sign may be placed on each building façade facing a street, provided the maximum area does not exceed 32 square feet; and

- b. A maximum of one (1) freestanding sign may be placed on each property frontage facing a street, provided the area for each sign does not exceed 48 square feet, the height does not exceed seven (7) feet and the sign is located a minimum 20 feet from an adjacent property line.
  - 5. Projects involving on-site earth-moving activities. Sign(s) shall be placed in compliance with Air Quality Management District (AQMD) Rule No. 1466. This includes displaying the following warning statement: “THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST APPLICABLE TOXIC AIR CONTAMINANT(S)] TO REPORT ANY DUST LEAVING THE SITE PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG.”
  - 6. Sign area. The combined area for all signs in this Subsection shall not exceed 80 square feet in residential zoning districts and 120 square feet in nonresidential zoning district. The Planning Commission may increase the maximum square footage through the public hearing process.
- D. **Lighting.** Temporary signs shall not be internally or externally illuminated.

**17.80.120 – Design Requirements and Guidelines. (FULLY UPDATED)**

- A. **Applicability.** All proposed signs shall be subject to this Subsection.
- B. **Design and Placement:**
  - 1. New buildings. The proposed design of buildings shall provide logical sign areas, allowing flexibility for new users as the building is occupied by different tenants over time.
  - 2. Sign proportion:
    - a. Signs should be proportionate to the dimensions of their location. Signs should not overwhelm their location on a parapet or other designed area on the building.
    - b. Signs should be architecturally integrated into the overall building design and harmonious with the materials, color, texture, scale, size, shape, height, placement and design of the building, property and neighborhood of which it is a part.
  - 3. Design of letters. Wall signs shall be made of individually cut letters, either internally lit channel letters, back lit letters or cut lettering on a metal or similar materials plate.
  - 4. Multiple-tenant centers. Signs should be evenly distributed throughout the tenant space and within the commercial center.
  - 5. Freestanding signs:
    - a. The base of the sign shall incorporate the building’s architecture, materials and colors.
    - b. Landscaping and irrigation shall be designed around the base of sign to integrate the sign with the rest of the property and screen out any low-level flood lights. Irrigation shall be designed so it does not damage the sign.

**C. Colors:**

1. Number of colors. A maximum of four (4) colors shall be permitted for the copy of any single sign and for all signs within a multiple-tenant center, not including black or white. Additional colors may be permitted for a registered trademark.
2. Sign backgrounds:
  - a. Darker colored backgrounds on signs are generally encouraged. Stark white or extremely bright background colors such as bright red, orange or yellow are discouraged.
  - b. Where the design of the sign results in a large field of illuminated background, the use of white or off-white as background color shall be avoided in favor of a more suitable color.
  - c. All signs within a multiple-tenant center shall have a uniform background color.
  - d. For legal non-conforming can or box signs, the use of opaque backgrounds which only allow illumination on the cut-out letters or graphic area is encouraged.
3. The color of the trim caps shall match the color of the letter face or the cabinet return.

**D. Sign Copy and Graphics:**

1. Amount and letters:
  - a. Sign copy shall not crowd the edges of the building, cornice line, architectural features or the sign canister which contains the sign copy.
  - b. Repetitious signage information on the same building frontage shall be avoided, regardless of the sign area square footage allowed.
2. Font and color of letters:
  - a. Avoid using hard-to-read fonts.
  - b. Limit the number of fonts used on a sign. For small signs, a maximum of two (2) fonts should be used. For larger signs, a maximum of three (3) fonts should be used.
  - c. Use contrasting colors, so the text on the sign is more easily readable.
3. Sign visibility. Ensure the sign is clearly visible for vehicles and pedestrians from the public right-of-way.
4. Graphics and artwork. Shall be limited to registered trademark.

**E. Materials and Installation.** Signs shall be professionally lettered and installed and incorporate the following:

1. The material shall be appropriate for outdoor use;
2. The sign face and sides of the sign shall be smooth;
3. The sign shall have a border attached to the sign;

4. The sign shall be mounted a minimum one (1) inch away from the surface the sign is attached to;
5. All surfaces of the sign shall be finished with exterior quality finishes; and
6. The anchor bolts shall not be visible.

**F. Lighting:**

1. Spillage and glare. To the extent feasible, light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness or other discomfort to persons within the view of such light sources.
2. Properties adjacent to residential zoning districts. Signs located adjacent to any residential zone should be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance.

**17.80.130 – Enforcement. (FULLY UPDATED)**

A. **Abandoned Signs.** Any legal non-conforming sign or sign structure abandoned for 12 months or more shall be removed.

B. **Criminal Enforcement.** It shall be illegal to install, mount, display, use, occupy or maintain signs in violation of this Chapter. Any violation or failure to comply with the provisions of this Chapter constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of Chapter 1.24 (General Penalty) of the EMMC or any other remedies prescribed by law. Enforcement, whether through civil or criminal proceedings, nuisance abatement, injunction or any other means shall be cumulative.

**C. Civil and Administrative Penalties:**

1. Each separate and distinct violation of this Chapter may be penalized pursuant to Chapters 1.18 (Administrative Citations) and 1.19 (Enforcement) of the EMMC and any other civil procedure authorized under the EMMC or state law.
2. Each separate and distinct violation of this Chapter shall: (i) constitute violations as defined under Section 1.18.020 (Administrative Citations – Definitions) of the EMMC; (ii) subject to administrative citation pursuant to Section 1.18.030 (Issuance of Administrative Citation) of the EMMC; and (iii) not be eligible for notice of violation warnings.
3. Notwithstanding the Subsection (C)(2)(iii) above, the City Attorney shall have the authority to waive any first offense within any one (1) calendar year within two (2) days of the issuance of administrative citation.

**D. Abatement:**

1. Nuisance abatement. Signs not in compliance with this Chapter are hereby declared to be a public nuisance, which may be abated in accordance with Chapter 8.44 (Property Maintenance) of the EMMC or by methods authorized by state law.

2. Summary abatement/removal:

- a. In addition to any other enforcement procedures and remedies available to the City under this Chapter or any other provision of the EMMC or state law, unauthorized signs which are displayed, placed or posted in the public thoroughfare or encroach upon the public thoroughfare or which are affixed to any public utilities, equipment and improvements located within the public thoroughfare may be immediately and summarily abated and removed by the City without prior notice to any person or entity.
  - b. In addition to any other enforcement procedures and remedies available to the City under this Chapter or any other provision of the EMMC or state law, signs (including unauthorized signs) which by virtue of their physical condition (as opposed to their graphic design or message content), pose a serious and immediate threat to public safety, may be summarily removed and retained by the City without prior notice to any person or entity. In such case, the City, after removal of the sign, shall promptly give written notice to the sign or property owner, if known, of the emergency confiscation and the cost of redemption.
  - c. In the absence of substantial evidence to the contrary, a person who is featured on a sign or who otherwise benefits from its display shall be presumed to be the person who both owns the sign and was responsible for the placement of the sign. For example, nightclub promoters shall be presumed to be responsible for signs promoting his or her nightclub event.
- E. **Cost for the Removal of Signs.** Except as otherwise provided under Subsection (D) above, any person who violates any provision of this Chapter shall, in addition to any fines imposed under this Chapter or elsewhere under the EMMC, be liable for costs of City labor, equipment and materials used to remove signs not in compliance with this Chapter. The City shall substantiate its costs in the form of an invoice detail the labor, equipment and materials used to remove signs placed by a person or otherwise belonging to the person.

**17.80.140 – Time Period. (FULLY UPDATED)**

- A. A Sign Permit shall be valid for 12 months.
- B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Sign Permit. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.80.150 – Appeals. (FULLY UPDATED)**

Planning Division decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **CHAPTER 17.82 – BILLBOARD OVERLAY ZONE**

### **Sections.**

- 17.82.010 – Summary of Zoning District.
- 17.82.020 – Purpose.
- 17.82.030 – General Requirements.
- 17.82.040 – Development Standards.
- 17.82.050 – Review and Approval Process.
- 17.82.060 – Violations.

### **17.82.010 – Summary of Overlay Zone. (NEW)**

The Billboard Overlay Zone is made up of nine (9) nonresidential sub-areas along the Interstate-10 San Bernardino Freeway and one (1) nonresidential sub-area along Rosemead Boulevard (California State Route-164).

### **17.82.020 – Purpose. (RENUMBERED)**

Billboards are recognized as a legitimate form of commercial advertising in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual character, and can, without appropriate control, create or contribute to visual blight conditions. The purpose of this Chapter is to establish an Overlay Zone where new billboards may be constructed and existing billboards may be removed and relocated or reconstructed subject to reasonable controls, while recognizing that community appearance is an important factor in ensuring the general community welfare.

### **17.82.030 – General Requirements. (RENUMBERED)**

- A. The requirements of this Chapter shall apply to any project involving the installation or construction of a new billboard, or billboards, or relocated billboard, or billboards, or the expansion, modification, or digitization of an existing billboard, or billboards, within the Billboard Overlay Zone, or the addition of additional face(s) to an existing billboard within the Billboard Overlay Zone. Billboards shall be permitted in the Billboard Overlay Zone only after a Development Agreement has been negotiated and executed between the property owner and/or billboard operator and City, and any requisite permits have been issued in accordance with the terms of this Chapter. An existing billboard or digital billboard in existence on the effective date of this ordinance pursuant to a prior agreement (including any amendments or extensions thereof) or other lawful permit may be relocated and rebuilt only within the Billboard Overlay Zone. All billboards constructed within the Billboard Overlay Zone shall comply with this Chapter and all applicable requirements of the California Business and Professions Code and the California Outdoor Advertising Act.
- B. In accordance with California Business and Professions Code Section 5440, new billboards not associated with relocation as described in subdivision C shall be allowed only in those portions of the Billboard Overlay Zone not designated as "landscaped freeways" pursuant to California Business and Professions Code Section 5216.

- C. In accordance with California Business and Professions Code Section 5443.5, relocated billboards shall be allowed only in the Billboard Overlay Zone and shall not be permitted in any location which would result in violation of any applicable local, state or federal law. Billboards to be relocated in the Billboard Overlay Zone may originate in areas outside the Billboard Overlay Zone or outside the City's boundaries, provided the agreement required by this Chapter documents their location and removal, and the benefits associated with such relocation. An owner or entity proposing an agreement for relocation shall establish that the relocated billboard meets one or more of the following eligibility requirements:
1. The billboard proposed for complete demolition and relocation is the subject of any eminent domain action or threat of eminent domain action by a legally created public entity possessing eminent domain/condemnation authority and provides public benefits for such relocation; or
  2. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the Billboard Overlay Zone so as not to conflict with the proposed development or redevelopment of the property and provides public benefits for such relocation as negotiated in the agreement; or
  3. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the Billboard Overlay Zone that lessens the overall negative aesthetic impacts on the City and its residents and provides public benefits for such relocation; or
  4. The applicant has previously removed and completely demolished one or more billboards and maintains credits for such removal by the California Department of Transportation pursuant to California Business and Professions Code Section 5443.5; or
  5. The applicant proposes to enhance, improve and modify an existing billboard already established within the Billboard Overlay Zone for the purpose of modernizing and improving the aesthetic appearance of such billboard.
- D. In the event of any conflict between any provision contained in this Chapter and any other provisions contained elsewhere in this Code, the provisions of this Chapter shall govern.
- E. No billboard shall be approved and no existing billboard shall be modified without the applicant first providing proof of legal or equitable interest in the site proposed for relocation or modification, including, but not limited to a lease, easement or other entitlement, demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner if not readily ascertainable from the foregoing documents.
- F. No billboard shall be approved or modified, and no billboard may be maintained, unless a designated maintenance service is available "24/7," by telephone, to be contacted and to respond in the event a billboard becomes damaged or dilapidated.
- G. All billboard agreements shall include requirements that applicants obtain all additional state and/or federal permits for installation, including but not limited to any applicable

California Department of Transportation (Caltrans) permit. Nothing contained in this Chapter shall require the City to negotiate and/or approve an Agreement on terms that are unacceptable to the City Council.

**17.82.040 – Development Standards. (RENUMBERED)**

**A. Physical Requirements:**

1. The minimum distance between two (2) or more billboards placed within the Billboard Overlay Zone or between billboards and the freeway right-of-way shall be the same as the minimum distance and separation criteria established by the California Department of Transportation. All distances shall be measured from the vertical centerline of each billboard face.
2. All utilities utilized for each billboard shall be underground.
3. No billboard shall have more than one face (display surface) oriented in the same vertical plane.
4. All billboards shall plainly display, and be visible from no less than 100 feet, the name of the person or company owning or maintaining such billboard, and the billboard's identification number.
5. Billboards projecting over a driveway or driving aisle shall have a minimum clearance of 16 feet between the lowest point of the sign and the driveway grade. Billboards shall comply with any California Department of Transportation requirements for placement and operation. No part of any billboard shall cross onto an adjacent property.
6. Billboards projecting over a pedestrian walkway shall have a minimum clearance of 12 feet between the lowest point of the sign and the walkway grade.
7. All billboards not projecting over drive areas or pedestrian walkways shall have a minimum clearance of 12 feet between the lowest point of the billboard and ground level.
8. All billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of new billboards, including backs, sides, structural support members and support poles, shall be screened to the satisfaction of the Community Development Director.
9. All billboards shall be placed at least 250 feet from any residential zoning district, unless it can be demonstrated by the positioning of the digital panels that there is no significant additional light intrusion than if the digital panels are placed at least 250 feet away. Billboard proposals requesting to be located within 250 feet of any residential zoning district shall provide a site-specific light and glare study to be reviewed and approved by the Community Development Director. The measurement shall be from the closest edge of the billboard to the closest edge of the residential zoning district.
10. No billboard, inclusive of supporting structures, shall exceed 75 feet in height, measured from the finished grade of the freeway travel lane closest to the sign to the uppermost

point of the sign, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the City.

**B. Operational Requirements:**

1. No billboard shall display any statement or words of an "obscene, indecent, or immoral character," as that phrase is used in Business and Professions Code Section 5402 and judicial decisions interpreting the same.
2. Each digital billboard shall be connected to the National Emergency Network and provide emergency information, including child abduction alerts (e.g., "Amber Alerts"), in accordance with local and regional first responder protocols.
3. Digital billboard operating criteria:
  - a. Each static message shall not include flashing lights or the varying of light intensity.
  - b. Minimum display time. Each message on the sign must be displayed for a minimum of four (4) seconds.
  - c. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.
  - d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances:
    - 12 feet × 25 feet; 150 feet
    - 10.5 feet × 36 feet; 200 feet
    - 14 feet × 48 feet; 250 feet
    - 20 feet × 60 feet or 25 feet × 48 feet; 350 feet
  - e. Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.
4. Each digital billboard shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.
5. Walls or screens at the base of the billboard shall not create a hazard to public safety or provide an attractive nuisance and shall be continually maintained free from graffiti.
6. Billboards shall not be operated in such a fashion as to constitute a hazard to safe and efficient operation of vehicles on streets or freeways and shall comply with all applicable local, state and federal laws and regulations. Digital billboards when operated in accordance with the operating criteria in Subsections (B)(1) through (5) above and static billboards operated pursuant to local, state and federal law shall be deemed to be in compliance with this Subsection and all requirement of the California Department of Transportation.

7. No billboard shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
8. No billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and for roadways. Digital billboards when operated in accordance with the operating criteria in Subsection (4), above, shall be deemed to be in compliance with this Subsection.
9. No digital billboard shall be operated or maintained so as to constitute an "improper display," as defined or described in Business and Professions Code Section 5403.

**17.82.050 – Review and Approval Process. (RENUMBERED)**

- A. **Application Requirements.** A person or entity wishing to completely demolish and relocate an existing nonconforming billboard or modify an existing billboard within the Billboard Overlay Zone shall submit a request in writing for approval of a Development Agreement, in accordance with Chapter 17.129 (Development Agreements) of this Title, that includes the following:
1. The name, address phone number and other contact information of the person or entity proposing the Development Agreement;
  2. Identification of the location proposed for a new or relocated or modified billboard and the billboard(s) being permanently removed, where applicable;
  3. Information that establishes that the person or entity proposing the Agreement has legal or equitable interest in the billboard being removed or modified and the site proposed for relocation or placement;
  4. Conceptual design drawings for the billboards that includes technical specifications to determine the billboard's compliance with this Chapter;
  5. An explanation of the compensation to be paid or public benefits to be provided to the City; and
  6. The application must include photos of all existing signage or architectural renderings and elevations of proposed billboards as well as a scaled plot plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed billboard.
- B. **Review Process.** All proposed agreements shall be reviewed in accordance with the protocol set forth in Chapter 17.129 (Development Agreements) of this Title, however, the City Council, in addition to the General Plan and Specific Plan (as applicable) consistency findings set forth in Section 17.129.090 (Development Agreements – Necessary Findings) of this Title, shall make the following findings for approval of a Development Agreement:
1. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;

2. The proposed billboard would not create a traffic or safety problem, including problems associated with onsite access circulation or visibility;
  3. The proposed billboard would not interfere with onsite parking or landscaping required by this Title;
  4. The proposed billboard would not otherwise result in a threat to the general health, safety, and welfare of City residents; and
  5. The proposed billboard, in addition to its aesthetic treatment, provides public benefits that would not otherwise accrue to the public in the absence of its installation.
- C. **Design Review.** The Planning Commission shall review and recommend the City Council approve, conditionally approve, or deny the construction or reconstruction of a billboard in accordance with Chapter 17.122 (Design Review) of this Title.

**17.82.060 - Violations. (RENUMBERED)**

Violations in this Chapter shall be subject to all civil, criminal, and administrative remedies available to the City.

## **CHAPTER 17.84 – OUTDOOR ADVERTISING**

### **Sections.**

- 17.84.010 – Nonconforming Use.
- 17.84.020 – Relocation.
- 17.84.030 – Removal of Signs.
- 17.84.040 – Maintenance.
- 17.84.050 – Appendages and Attachments.
- 17.84.060 – Zones and Use Restrictions.

### **17.84.010 – Nonconforming Use. (RENUMBERED)**

Every outdoor structure heretofore lawfully erected and in existence upon the effective date of City Council Ordinance No. 2522 may continue thereafter as a legal nonconforming use, however, any improvement or alteration of any part thereof other than advertising copy shall comply with the provisions of this Section.

### **17.84.020 – Relocation. (RENUMBERED)**

Any outdoor advertising structure heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522 may be relocated in accordance with Chapter 17.82 (Billboard Overlay Zone) of this Title.

### **17.84.030 – Removal of Signs. (RENUMBERED)**

- A. Every outdoor advertising structure heretofore or hereafter unlawfully erected or maintained shall be forthwith removed by the property owner, or by direction of the City Council after a duly noticed public hearing where it is determined such outdoor advertising structure has been unlawfully erected or maintained, and the cost of such removal shall become a lien on the property where such unlawfully erected or maintained outdoor advertising structure was located.
- B. The unlawful structure so removed shall be stored by the City and released to the property owner upon tender of payment to the City of the cost of the removal plus a storage fee of \$250 per day or any fraction thereof, excluding the first day such structure is taken into storage.
- C. If such illegal structure is not claimed within ten (10) working days after storage, the City shall dispose of such structure in the best interests of the property owner seeking to set off against removal and the best interests of the property owner seeking to set off against removal and storage fees any value received for such structure.

### **17.84.040 – Maintenance. (RENUMBERED)**

All signs and sign structures shall be maintained in a state of safe condition and good repair. Any sign or sign structure that is allowed to deteriorate to such a condition that the paint, lettering or plastic face begins to crack, peel or weather, or sign structures which become bent

or damaged in any way, shall be repainted or repaired to its original condition when installed or be entirely replaced or completely removed.

**17.84.050 – Appendages and Attachments. (RENUMBERED)**

Attachment of other on premises or off-premises signs to outdoor advertising structures shall not be permitted. No part of an outdoor advertising structure shall be attached to a building in any manner.

**17.84.060 – Zones and Use Restrictions. (RENUMBERED)**

- A. Except as expressly permitted in Section 17.84.010 of this Chapter or Chapter 17.82 (Billboard Overlay Zone) of this Title, no outdoor advertising structure may hereafter be maintained unless it complies with the following:
1. Outdoor advertising structure – 200 square feet or greater in area:
    - a. The structure is located in the General Commercial (C-3) or Manufacturing (M-1 and M-2) zoning districts.
    - b. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.
    - c. The parcel of land upon which the billboard is located may not contain a residential use.
  2. Outdoor advertising structure – 200 square feet or less in area:
    - a. The structure is located in the General Commercial (C-3) or Manufacturing (M-1 and M-2) zoning districts.
    - b. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for a commercial or industrial use.
    - c. The parcel of land upon which the billboard is located may not contain a residential use.
    - d. The structure shall not be within 150 feet of any on-premise freestanding advertising sign located on the same parcel.
  3. The provisions of this Section shall only apply to outdoor advertising structures heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522.

## DIVISION 9 – WIRELESS REGULATIONS

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### **CHAPTER 17.90 – WIRELESS – NEW AND SUBSTANTIALLY CHANGED**

#### **Sections.**

- 17.90.010 – Purpose.
- 17.90.020 – Applicability.
- 17.90.030 – Exempt Facilities.
- 17.90.040 – Required Approvals and Approval Authority.
- 17.90.050 – Application Requirements.
- 17.90.060 – Site Location Guidelines.
- 17.90.070 – Development Standards.
- 17.90.080 – Notices and Decisions.
- 17.90.090 – Necessary Findings and Limited Exemptions.
- 17.90.100 – Standard Conditions of Approval.
- 17.90.110 – Temporary Wireless Facilities.
- 17.90.120 – Amortization of Nonconforming Wireless Facilities.
- 17.90.130 – Time Periods.
- 17.90.140 – Appeals.

#### **17.90.010 – Purpose. (FULLY UPDATED)**

- A. This Purpose of 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, 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.
- B. This Chapter is also intended to reflect and promote the community interest to:
  - 1. Ensure that the balance between public and private interest is maintained on a case-by-case basis;
  - 2. Protect the City's visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure;
  - 3. Protect and preserve the City's environmental resources; and
  - 4. Promote access to high-quality, advanced telecommunication services for the City's residents, businesses and visitors.

- C. 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 Federal Communications Commission's ("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 State law.

**17.90.020 – Applicability. (RENUMBERED)**

- A. **Applicable Wireless Facilities.** This Chapter applies to all existing wireless facilities within the City and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy wireless facilities in the City, whether located or proposed to be located on private property or in the public right-of-way, unless exempted under Section 17.90.030 of this Chapter or governed under Chapter 17.92 (Wireless – Eligible Facilities Requests) of this Title.
- B. **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") will first be reviewed under Chapter 17.92 (Wireless – Eligible Facilities Requests) of this Title. Qualifying requests for Section 6409 approval will not be subject to this Chapter. To the extent that the applicant's request does not qualify for approval under Section 6409, the applicant may submit the same or a substantially similar application for approval under this Chapter.
- C. **Special Provisions for Small Wireless Facilities.** Notwithstanding any other provision in this Chapter, including any exemption under Section 17.90.030 of this Chapter, all small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(1), as may be amended or superseded, are subject to a permit, as specified in a City Council policy adopted by City Council Resolution. All small wireless facilities shall comply with the City Council's policy. If the policy is repealed, an application for a small wireless facility shall be processed pursuant to this Chapter.

**17.90.030 – Exempt Facilities. (RENUMBERED)**

Notwithstanding the provisions in Subsection 17.90.020(A) of this Chapter, this Chapter shall not be applicable to:

- A. Wireless facilities owned and operated by the City for public purposes;
- B. Wireless facilities installed on City property located outside the public right-of-way;
- C. Wireless facilities installed on City property in the public right-of-way pursuant to a valid master license agreement with the City;
- D. Amateur radio facilities;
- E. OTARD antennas;
- F. Wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
- G. Wireless facilities or 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; and
- H. Routine maintenance and repair performed on existing wireless facilities.

**17.90.040 – Required Approvals and Approval Authority. (RENUMBERED)**

- A. **Conditional Use Permit.** A Conditional Use Permit, subject to the Planning Commission's review and approval, in accordance with the procedures and standards found in Chapter 17.123 (Conditional and Minor Use Permits) of this Title, is required for:
  - 1. All new freestanding wireless facilities;
  - 2. All new wireless facilities and collocations, revisions or other changes to existing wireless facilities that require a limited exception pursuant to Section 17.90.090 of this Chapter; and
  - 3. All new wireless facilities and collocations, revisions or other changes to existing wireless facilities not subject to an Administrative Wireless Permit.
- B. **Administrative Wireless Permit.** An Administrative Wireless Permit, subject to the Public Works Department's review and approval for facilities in the public-right-of-way and the Planning Division's review and approval for all other facilities, in accordance with the procedures and standards of this Chapter, is required for:
  - 1. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities located in the public rights-of-way;
  - 2. All new stealth wireless facilities (e.g. building and towers); and
  - 3. All collocations, revisions or other changes to existing stealth facilities (e.g. on existing buildings and towers).

- C. **Temporary Wireless Permit.** A Temporary Wireless Permit, subject to the Public Works Department’s review and approval for facilities in the public-right-of-way and the Planning Division’s review and approval for all other facilities, in accordance with the procedures and standards of Section 17.90.110 of this Chapter, unless deployed in connection with an emergency pursuant to Subsection 17.90.110(B) of this Chapter.
- D. **Other Permits and Regulatory Approvals.** In addition to any Conditional Use Permit, Administrative Wireless Permit, Temporary Wireless Permit or other permit or approval required under this Chapter, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies. This may include, without limitation, any permits and/or regulatory approvals issued by other City Departments. Furthermore, any permit or approval granted under this Chapter, or deemed granted or deemed approved by law, shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

**17.90.050 – Application Requirements. (FULLY UPDATED)**

- A. **Application Required.** The City shall not approve any request for a Conditional Use Permit, Administrative Wireless Permit or Temporary Wireless Permit except upon a duly filed application consistent with this Section and any other written rules the Community Development Director or Public Works Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applications for a Conditional Use Permit, Administrative Wireless Permit or Temporary Wireless Permit must include all the information and materials required by the Community Development Director and Public Works Director for the application. In addition, the City Council authorizes the Community Development Director and Public Works Director to do the following:
  - 1. Develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that are found necessary, appropriate or useful for processing any application governed under this Chapter; and
  - 2. Establish other reasonable rules and regulations, which may include, without limitation, regular hours for appointments with applicants, as deemed necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Conditional Use Permit or Administrative Wireless Permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection:
  - 1. Pre-submittal conference:
    - a. Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Planning Division for all proposed projects subject to

a Conditional Use Permit or with the Public Works Department that involve the deployment of more than five (5) facilities in the public right-of-way. Pre-submittal conferences for all other proposed projects are strongly encouraged but not required.

- b. The pre-submittal 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 tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City Departments responsible for application review; and application completeness issues.
- c. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable.
- d. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal appointment:

- a. All applications must be submitted to the City at a pre-scheduled appointment. Applicants may submit up to five (5) applications per appointment with the Public Works Department for all facilities in the public right-of-way and the Planning Division for all other facilities.
- b. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Community Development Director or Public Works Director prior to the submittal.

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 within 90 calendar days after the application was deemed incomplete in a written notice to the applicant. The Community Development Director or Public Works Director, at their discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

**E. Peer and Independent Consultant Review:**

1. Authorization. The City Council authorizes the Community Development Director and Public Works Director to, at their discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application.
2. Scope. The Community Development Director and Public Works Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation:
  - a. Permit application completeness and/or accuracy;
  - b. Pre-construction planned compliance with applicable regulations for human exposure to RF emissions;
  - c. Post-construction actual compliance with applicable regulations for human exposure to RF emissions;
  - d. Whether and to what extent a proposed project will address a gap in the applicant's wireless services;
  - e. Whether and to what extent any technically feasible and/or potentially available alternative sites or concealment techniques may exist;
  - f. The applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and
  - g. Any other issue identified by the Community Development Director or Public Works Director that requires expert or specialized knowledge. The Community Development Director and Public Works Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
3. Consultant fees:
  - a. Subject to applicable law, in the event that the Community Development Director and Public Works Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings.
  - b. If the City elects to retain an independent consultant, the City shall collect a fee prior to accepting an application for filing. The amount of the fee collected shall be in accordance with the most recently adopted City Council Resolution.

**17.90.060 – Site Location Guidelines. (RENUMBERED)**

- A. **Locations.** All applicants must, to the maximum extent feasible, propose new wireless facilities on private property or in the public rights-of-way in locations according to the following preferences, ordered from most preferred to least preferred:
1. City-owned property or structures located outside the public rights-of-way;
  2. City-owned property or structures located in the public rights-of-way;
  3. Manufacturing zoning districts;
  4. Commercial zoning districts;
  5. Multiuse zoning districts;
  6. Public and quazi-public zoning districts; and
  7. Residential zoning districts or uses.
- B. **Preferred Support Structures.** In addition to the preferred locations described in Subsection 17.90.060(A) above, the City also expresses its preference for installations on certain support structures (which include support structures on private property or in the public rights-of-way). The City will take into account whether any more preferred support structures are technically feasible and potentially available. The City's preferred support structures are as follows, ordered from most preferred to least preferred:
1. Collocations with existing building or other support structure-mounted wireless facilities;
  2. Collocations with existing wireless facilities on electric transmission towers;
  3. Collocations with existing freestanding wireless facilities;
  4. New installations on existing buildings or other support structures;
  5. New installations on existing electric transmission towers; and
  6. New freestanding wireless facilities.

**17.90.070 – Development Standards. (RENUMBERED)**

- A. **Generally Applicable Development Standards.** All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not covered under Section 6409 must conform to the applicable development standards in this Section:
1. **Concealment.** Wireless facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.

2. Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Chapter 8.36 (Noise Control) of the El Monte Municipal Code (EMMC), and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district.

The City may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment (such as backup power generators) reasonably likely to exceed the applicable limit. In the event a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part, backup power generators may exceed the applicable noise control standards and regulations to the extent reasonably necessary to operate the facility until the declared emergency is lifted or power is restored to the affected facility.

3. Landscaping. All wireless facilities must include landscape features and a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with Chapter 17.72 (Landscaping Requirements) of this Title. The City may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this Chapter.
4. Site security measures. Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash-can corral rather than within a chain link fence. The City may require additional concealment elements as deemed necessary to blend the security measures and other improvements into the natural and/or built environment. The use of barbed wire, razor ribbon, electrified fences or any similar security measures shall be prohibited.
5. Backup power sources. The City may approve permanent backup power sources and/or generators on a case-by-case basis. The City strongly disfavors backup power sources installed on the ground or mounted on poles within the public rights-of-way. In no event shall any diesel generator or other similar noise or noxious generated by used within 250 feet of any residentially zoned property; provided, however, the City may approve sockets or other connections used for temporary backup generators.
6. Lighting. Wireless facilities may not include exterior lights other than: (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations

and within enclosures that mitigate illumination impacts on other properties to the maximum extent feasible.

7. 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 City, required by law or recommended under FCC or other United States governmental agencies for compliance with radiofrequency (RF) emissions regulations.
8. Future collocations and equipment. To the maximum extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
9. Utilities. All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the maximum extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible.

The City shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost; provided, however, that the Community Development Director or Public Works Director may waive this requirement to the extent the approval of new overhead lines or service drops would amount to a de minimis visual change. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna (i.e. the City strongly prefers the undergrounding of wirelines in lieu of wireless backhauls).

10. Parking and 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.
11. Compliance with laws. All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions. This includes, without limitation, the California Building Standards Code, General Plan, EMMC and any applicable Specific Plan and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.

B. **Freestanding Wireless Facilities.** In addition to the requirements in Subsection (A) on the previous pages, all new freestanding wireless facilities and collocations, revisions or other changes to existing freestanding wireless facilities not covered under Section 6409 shall conform to the following:

1. Height. Freestanding facilities shall not exceed the applicable height limit established for the subject zoning district or overlay zone.
2. Setbacks. Wireless facilities shall not encroach into any applicable setback for structures in the subject zoning district.
3. Tower-mounted equipment. All tower-mounted equipment shall be mounted to the vertical support structure as close as possible 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 colors subject to approval by the Planning Commission or Planning Division.
4. Ground-mounted equipment; shelters. All ground-mounted equipment shall be concealed underground or within an existing or new structure, opaque fences or other enclosures subject to approval by the Planning Commission or Planning Division. The Planning Division may require additional concealment elements as deemed necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

C. **Building-Mounted Wireless Facilities.** In addition to the requirements in Subsection (A) on the previous pages, all new building-mounted wireless facilities and collocations, modifications or other changes to existing building-mounted wireless facilities not covered under Section 6409 must conform to the following:

1. Height. Building-mounted wireless facilities shall not exceed the applicable height limit established for the subject zoning district or overlay zone, except as permitted in Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.
2. Setbacks. Wireless facilities shall not encroach into any applicable setback for structures in the subject zoning district, except as permitted in Section 17.60.130 (General Development Standards – Yard Encroachments) of this Title.
3. Preferred concealment techniques. All applicants should, to the maximum extent feasible, propose new 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 new 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.

4. Façade-mounted equipment. When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the Planning Division may approve facade-mounted equipment in accordance with this Section. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The Planning Division may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure.

The Planning Division shall not approve any exposed facade-mounted antennas, including but not limited to, exposed antennas painted to match the facade. To the maximum extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

5. Rooftop-mounted equipment. 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. The Planning Division 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.
6. Ground-mounted equipment; shelters. All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, building interior equipment room, or other enclosures subject to approval by the Planning Division. The City may require additional concealment elements as deemed necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

- D. **Right-of-way Wireless Facilities.** In addition to the applicable requirements in Subsection 17.90.070(A) of this Chapter, all new right-of-way wireless facilities and collocations, modifications or other changes to existing right-of-way wireless facilities not covered under Section 6409 must conform to the following:

1. Concealment. All wireless facilities in the right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, wireless facilities in the rights-of-way may not unreasonably subject the public use, for any purpose including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoy, hinder, impede or obstruct.
2. Overall height. Wireless facilities in the public rights-of-way may not exceed either of the following:
  - a. The minimum separation from supply lines required by the California Public Utilities Corporation (CPUC) General Order 95, as may be amended or superseded, plus four (4) feet; and/or

- b. Four (4) feet above the height of the existing support structure. To the extent that in the Public Works Director's discretion the four (4) foot height allowance would cause the applicant's wireless facility to be materially incompatible with the overall height or appearance of the surrounding support structures in the public right-of-way, the Public Works Director may require the applicant to propose an alternative design (such as mounting the antenna(s) on the side of the pole) or location to the maximum extent technically feasible.
3. Existing support structures. All wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible. The Public Works Director shall not approve any wireless facility proposed to be installed on a traffic control pole unless the Public Works Director finds, in his or her sole discretion, that the traffic control pole has sufficient capacity to support the wireless facility.
4. Replacement support structures. Existing above-ground structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is, in the Public Works Director's discretion, substantially similar to the existing structure to be replaced.
5. New support structures. The Public Works Director shall not approve any new, non-replacement support structures unless:
  - a. The applicant demonstrates that above-ground support structures within the intended service area either do not exist or are not potentially available to the applicant; or
  - b. The Public Works Director specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives in this Chapter than installations on existing structures near the project site. The City shall have the discretion to require that any new support structure must be a streetlight that conforms to the City's streetlight standards and specifications, which the City shall maintain for street illumination and public safety purposes.
6. Undergrounded equipment. To conceal the equipment to the maximum degree feasible, applicants must install all equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the Public Works Director finds that the above-ground equipment would unreasonably interfere with the public's ability to use the right-of-way for uses that include without limitation travel, social, expressive and/or aesthetic uses.

When making a determination on whether to require undergrounded equipment, the Public Works Director shall take into account the presence of existing above-ground utilities. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement. If an applicant proposes to install a facility in an area in which the existing utilities are primarily

located underground, the Public Works Director shall have the discretion, consistent with Subsections 17.90.070(D)(3) through (D)(5) on the previous pages, to require that the applicant install a new streetlight that conforms to the City's streetlight standards and specifications as the facility support structure.

7. Pole-mounted equipment. All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures to the maximum extent feasible. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
  8. Ground-mounted equipment. To the extent that the equipment cannot be placed underground as required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The Public Works Director may conditionally approve new or enhanced landscaping to conceal ground-mounted equipment. The City shall not approve a ground-mounted electric meter pedestal or other electric meter enclosure to the maximum extent feasible.
- E. **Administrative Design Guidelines.** The Community Development Director or Public Works Director may develop, and from time to time amend, design guidelines consistent with the generally applicable development standards and any facility-specific development standards to clarify the aesthetic goals and standards in this Chapter. In the event that a conflict arises between the development standards in this Section and the design guidelines, the development standards in this Section shall control.

**17.90.080 – Notices and Decisions. (FULLY UPDATED)**

**A. General Notice Requirements:**

1. Conditional Use Permits shall require a public hearing and mailed notices from the City as outlined in Section 17.123.030 (Conditional and Minor Use Permits – General Procedures) of this Title.
2. Administrative Wireless Permits:
  - a. A public hearing and mailed notices from the City shall not be required.
  - b. The applicant shall post a notice at the project site, a minimum ten (10) days prior to City action on the Administrative Wireless Permit. The notice shall contain the following:
    - i. General explanation of the proposed project;
    - ii. The applicant's identification and contact information as provided on the application submitted to the City; and

- iii. Contact information for the applicable City Department.
- c. Deemed-Approval Notice. Not more than 30 days before the applicable FCC timeframe for review expires, and in addition to the public notices required in Subsection (A)(2) above and on the previous page, the applicant for an Administrative Wireless Permit must provide a posted notice at the project site that contains:
  - i. A statement the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the City approves or denies the application or the applicant tolls the timeframe for review within the next 30 days;
  - ii. A general explanation of the proposed project;
  - iii. The applicant's identification and contact information as provided on the application submitted to the City; and
  - iv. Contact information for the applicable City Department.
- B. **Deemed Given.** The notices required under Subsection (A)(2) above and on the previous page will be deemed given when the applicant delivers written notice to the Community Development Director or Public Works Director that shows the appropriate notice has been posted at the project site.
- C. **Decisions:**
  1. Conditional Use Permit. The Planning Commission shall make its decision by Resolution. If the entitlement is denied, the findings must contain the reasons for the decision. In addition, the applicant shall be given written instructions on how to file an appeal.
  2. Administrative Wireless Permit. The Community Development Director or Public Works Director shall make his or her decision through a Decision Letter. If the permit is denied, the letter must contain the reasons for the decision and instructions on how to file an appeal.
  3. Timeframe. The Resolution or Decision Letter shall be sent to the applicant within five (5) days after City action or before the FCC Shot Clock expires (whichever occurs first).

**17.90.090 – Necessary Findings and Limited Exemptions. (FULLY UPDATED)**

- A. **Necessary Findings for Conditional Use Permit Approval.** In addition to findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the Planning Commission shall make the following findings prior to approving or conditionally approving a Conditional Use Permit:
  1. The proposed wireless facility complies with all applicable site location guidelines and development standards in Sections 17.90.060 and 17.90.070 of this Chapter;
  2. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions;

3. The applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations and potentially less-intrusive alternative designs for the proposed wireless facility; and
  4. The applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative locations and less-intrusive alternative designs identified in the administrative record are either technically infeasible or unavailable.
- B. Necessary Findings for Administrative Wireless Permit Approval.** The Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) shall make the following findings prior to approving or conditionally approving an Administrative Wireless Permit:
1. The proposed wireless facility complies with all applicable site location guidelines and development standards in Sections 17.90.060 and 17.90.070 of this Chapter; and
  2. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.
- C. Denials Without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Chapter is intended to limit the City's ability to deny without prejudice any application for a Conditional Use Permit or Administrative Wireless Permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this Chapter, the EMMC or the General Plan.
- D. Limited Exemptions for Personal Wireless Service Facilities.** In the event that an applicant claims that strict compliance with Sections 17.90.060 and 17.90.070 of this Chapter would effectively prohibit their ability to provide personal wireless services, the Planning Commission may grant a limited exception from such requirements to the extent necessary to prevent an effective prohibition, subject to all of the following:
1. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded;
  2. The applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  3. The applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Chapter, the EMMC, the General Plan and/or any Specific Plan;
  4. The applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and

5. The applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

**17.90.100 – Standard Conditions of Approval. (PARTIALLY UPDATED)**

In addition to all other conditions adopted by the approval authority, all Conditional Use Permits and Administrative Wireless Permits shall be automatically subject to the conditions in this Section. The approval authority (or the appellate authority on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Chapter.

- A. **Permit Term.** This permit will automatically expire ten (10) years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, revision 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. Upon an application for permit renewal submitted within one year from the expiration date of this permit, the Community Development Director or Public Works Director may renew this permit for an additional ten (10) year term provided that the permittee's wireless facility is in compliance with all applicable conditions of approval and all applicable provisions in the EMMC that exist at the time of the renewal.
- B. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans, as determined by the Community Development Director or Public Works Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other City Departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Community Development Director's or Public Works Director's prior review and approval, who may refer the request to the original approval authority if one of them finds that the requested alteration, revision or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- C. **Build-Out Period.** This permit will automatically expire one year from the approval or deemed-granted date 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, the wireless facility or its use. The Community Development Director or Public Works Director may grant one written extension to a date certain, but not to exceed one additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

- D. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe 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. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- E. **Compliance with 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, which includes without limitation any laws applicable to human exposure to RF emissions. 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. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the EMMC, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the EMMC, any permit, any permit condition or any applicable law or regulation.
- F. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all 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 at 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 the EMMC. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Community Development Director and Public Works Director may issue a stop work order for any activities that violates this condition.
- G. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff or other designee 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 will be permitted to supervise the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.

H. **Permittee's Contact Information.** The permittee shall furnish the Community Development Director or Public Works Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Community Development Director or Public Works Director with updated contact information in the event that the contact information changes.

I. **Indemnification:**

1. 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 City boards, commissions, agents, officers, officials, employees and volunteers 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 City or its agents, officers, officials, employees or volunteers 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.
2. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense.
3. 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.
4. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

J. **Performance Bond:**

1. Before the applicable City Department issues any construction or encroachment permit, as applicable, in connection with this permit, the permittee shall post a

- performance bond from a surety and in a form acceptable to the Community Development Director or Public Works Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal.
2. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws.
  3. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Community Development Director or Public Works Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. In addition, the Community Development Director and Public Works Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.
- K. **Recall to Approval Authority; Permit Revocation.** The Conditional Use Permit or Administrative Wireless Permit shall be subject to the provisions in Section 17.10.130 (General Regulations – Revocation of Permits) of this Title.
- L. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; 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, and complete originals will control over all other copies in any form.
- M. **Undergrounded Utilities.** In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.

- N. **Electric Meter Removal.** In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense shall apply to the City for the required encroachment and/or other ministerial permit(s) to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.
- O. **Rearrangement and Relocation:**
1. The permittee acknowledges that the City, in its sole discretion and at any time, may:
    - a. Change any street grade, width or location;
    - b. Add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or
    - c. Perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work"). The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit.
  2. In the event that the Public Works Director determines that any City work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation.
  3. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense.
  4. The City may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety.
  5. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.
- P. **Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 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 the EMMC. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day 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.

**17.90.110 – Temporary Wireless Facilities. (FULLY UPDATED)**

- A. **General Requirements for Temporary Wireless Facilities.** Except as provided in Subsection (B) on the following pages, the requirements, procedures and standards in this Section shall be applicable to all applications for a temporary wireless facility.
1. Applications for Temporary Wireless Facilities.
    - a. The Community Development Director shall not approve any temporary wireless facility subject to a Temporary Wireless Permit except upon a duly filed application consistent with this Subsection and any other written application requirements or procedures the Director may publish in any publicly-stated format.
    - b. Applicants for a Temporary Wireless Permit must submit, at a minimum:
      - i. A Temporary Wireless Permit application on the most current form prepared by the Planning Division;
      - ii. A site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures;
      - iii. An RF compliance report in accordance with the City's requirements; and
      - iv. An insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and carries at least \$1,000,000.00 in coverage per occurrence.
    - c. Applications must be submitted in person to the Planning Division unless the Community Development Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a Temporary Wireless Permit application.
  2. Administrative review for Temporary Wireless Facilities. After the Planning Division has received a duly filed application for a Temporary Wireless Permit, it shall be reviewed for completeness. After the Planning Division deems the application complete, the Community Development Director shall review the application for conformance with the required findings in Subsection (A)(4) on the following page.
  3. Notices. A public hearing, mailed notices or site postings shall not be required for temporary wireless facilities.

4. Required Findings for Temporary Wireless Facilities. The Community Development Director shall make all of the following findings through a Decision Letter prior to approving or conditionally approving a Temporary Wireless Permit:
    - a. The proposed temporary wireless facility will not exceed 50 feet in overall height above ground level unless the Community Development Director finds that exceeding the 50-foot overall height limit is necessary to integrate a non-freestanding temporary wireless facility with the underlying support structure;
    - b. The proposed temporary wireless facility will be placed as far away from adjacent property lines to the furthest extent as possible, or otherwise in a location that will be least likely to cause adverse impacts on adjacent properties;
    - c. Any excavation or ground disturbance associated with the temporary wireless facility will not exceed two (2) feet below grade;
    - d. The proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation compliance with maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
    - e. The proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location;
    - f. The proposed temporary wireless facility will be identified with a sign that clearly identifies the following: (i) the site operator; (ii) the operator's site identification name or number; and (iii) a working telephone number answered 24 hours per day, seven (7) days per week by a live person who can exert power-down control over the antennas;
    - g. The proposed temporary wireless facility will be removed within 30 days after the Community Development Director grants the Temporary Wireless Permit, or such longer time as found reasonably related to the applicant's need or purpose for the temporary wireless facility; and
    - h. The applicant has not been denied a Conditional Use Permit for any permanent wireless facility in the same or substantially the same location within the previous 365 days.
  5. Decisions. The Community Development Director shall make its decision through a Decision Letter. If the permit is denied (with or without prejudice), the letter must contain the reasons for the decision. In addition, the letter shall include instructions on how to file an appeal.
- B. Temporary Wireless Facilities for Emergencies.** Temporary wireless facilities may be placed and operated within the City without a Temporary Wireless Permit only when a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part. Any temporary wireless facilities placed pursuant to this Section must be removed within 15 days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this Section must send

a written notice that identifies the site location and person responsible for its operation to the Community Development Director as soon as reasonably practicable.

**17.90.120 – Amortization of Nonconforming Wireless Facilities. (RENUMBERED)**

- A. Any non-conforming wireless facilities in existence at the time this Chapter becomes effective must be brought into conformance with this Chapter in accordance with the amortization schedule in this Section. As used in this Section, the "fair market value" will be the construction costs listed on the building permit application for the subject wireless facility and the "minimum years" allowed will be measured from the date on which this Chapter becomes effective. Refer to Table 17.90-1 for the determined fair market value based on minimum years allowed:

Table 17.90-1 – Amortization Period Based on Fair Market Value	
Fair Market Value on Effective Date:	Minimum Years Allowed:
Less than \$50,000	5
\$50,000 to \$500,000	10
Greater than \$500,000	15

- B. The Community Development Director or Public Works Director may grant a written extension to a date certain when the wireless facility owner shows:
  1. Good faith effort to cure non-conformance;
  2. The application of this Section would violate applicable laws; or
  3. Extreme economic hardship would result from strict compliance with the amortization schedule.
  4. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this Section.
- C. Nothing in this Section is intended to limit any permit term to less than ten (10) years. In the event that the amortization required in this Section would reduce the permit term to less than ten (10) years for any permit granted on or after January 1, 2007, then the minimum years allowed will be automatically extended by the difference between ten (10) years and the number of years since the City granted such permit. Nothing in this Section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

**17.90.130 – Time Periods. (NEW)**

- A. **Conditional Use Permits.** Refer to Section 17.123.050 (Conditional and Minor Use Permits – Time Periods) of this Title.

- B. **Administrative Wireless Permit.** The permit shall be valid for 12 months after the date of approval. If the applicant has proceeded in good faith toward the implementation of the Administrative Wireless Permit as determined by the Community Development Director or Public Works Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director or Public Works Director within 30 days of the request. No additional extensions shall be permitted.

**17.90.140 – Appeals. (NEW)**

- A. **Conditional Use Permits.** Planning Commission decisions are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.
- B. **Administrative Wireless Permits and Temporary Wireless Permit.** The Community Development Director’s and Public Works Director’s decisions are appealable to the City Manager. The City Manager’s decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.92 – WIRELESS – ELIGIBLE FACILITIES REQUEST (6409)**

### **Sections.**

- 17.92.010 – Purpose.
- 17.92.020 – Applicability.
- 17.92.030 – Required Approvals and Approval Authority.
- 17.92.040 – Application Requirements.
- 17.92.050 – Notices, Findings and Decisions.
- 17.92.060 – Standard Conditions of Approval.
- 17.92.070 – Time Periods.
- 17.92.080 – Appeals.

### **17.92.010 – Purpose. (RENUMBERED)**

- A. **Background.** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) ("Section 6409"), generally requires that state and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communications Commission ("FCC") regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential "deemed granted" remedy when the state or local government fails to approve or deny the request within sixty (60) days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only "personal wireless service facilities" (e.g., cellular telephone towers and equipment), Section 6409 applies to all "wireless" facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).
- B. **Findings.** The City Council finds that the overlap between wireless deployments covered under Section 6409 and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for confusion that harms the public interest in both efficient wireless facilities deployment and carefully planned community development in accordance with local values. The City Council further finds that a separate permit application and review process specifically designed for compliance with Section 6409 contained in a separate Section devoted to Section 6409 will mitigate such potential confusion, streamline local review and preserve the City's land-use authority to maximum extent possible.
- C. **Intent.** The intent of this Chapter to establish reasonable and uniform standards and procedures in a manner that protects and promotes the public health, safety and welfare, consistent with and subject to federal and California state law, for collocations and modifications to existing wireless facilities pursuant to Section 6409 and related FCC regulations codified in 47 C.F.R. §§ 1.40001 et seq.

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 state law.

**17.92.020 – Applicability. (RENUMBERED)**

This Section applies to all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409. However, the applicant may voluntarily elect to seek a Conditional Use Permit or Administrative Wireless Permit subject to the provisions of Chapter 17.90 (Wireless – New and Substantially Changed) of this Title.

**17.92.030 – Required Approvals and Approval Authority. (RENUMBERED)**

- A. **Section 6409 Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require administrative approval from the City consistent with all valid and enforceable terms and conditions of the underlying use permit or other prior regulatory authorization for the tower or base station (a "Section 6409 Permit").

A Section 6409 Permit shall be subject to the Public Works Director's review and approval the facility is located in the public right-of-way and subject to the Planning Division's review and approval for all other facilities. Each Section 6409 Permit shall be approved, conditionally approved or denied without prejudice pursuant to the standards and procedures contained in this Chapter.

- B. **Other Permits and Regulatory Approvals.** No collocation or modification approved pursuant to this Chapter may occur unless the applicant also obtains all other permits and regulatory approvals as may be required by any other federal, state or local government

agencies, which includes without limitation any permits and/or regulatory approvals issued by other City Departments. Furthermore, any Section 6409 approval granted under this Chapter shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

**17.92.040 – Application Requirements. (FULLY UPDATED)**

- A. **Application Required.** The City shall not approve any request for a Section 6409 Permit except upon a duly filed application consistent with this Section and any other written rules the Community Development Director or Public Works Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applications for a Section 6409 Permit must include all the information and materials required by the Community Development Director or Public Works Director for the application. In addition, the City Council authorizes the Community Development Director and Public Works Director to do the following:
  - 1. Develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that are found necessary, appropriate or useful for processing a Section 6409 permit. However, the Community Development Director or Public Works Director may not require documentation proving the need or presenting the business case for the proposed modification; and
  - 2. Establish other reasonable rules and regulations, which may include, without limitation, regular hours for appointments with applicants, as deemed necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Section 6409 Permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection:
  - 1. Pre-Submittal Conference:
    - a. Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Planning Division or Public Works Department for all proposed collocations or modifications to any concealed or camouflaged wireless tower or base station. Pre-submittal conferences for all other proposed collocations or modifications are strongly encouraged but not required.
    - b. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, including whether the project qualifies for approval pursuant to Section 6409 or not; any latent issues in connection with the existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or

concerns (if applicable); coordination with other City Departments responsible for application review; and application completeness issues.

- c. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable.
- d. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal Appointment:

- a. All applications must be submitted to the City at a pre-scheduled appointment. Applicants may submit up to five (5) applications per appointment with the Public Works Department for all facilities in the public right-of-way and the Planning Division for all other facilities.
- b. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Community Development Director or Public Works Director prior to the submittal.

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 within 90 calendar days after the application was deemed incomplete in a written notice to the applicant. The Community Development Director or Public Works Director, at his or her discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

E. **Peer and Independent Consultant Review:**

1. Authorization. The City Council authorizes the Community Development Director and Public Works Director to, at their discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application.
2. Scope. The Community Development Director or Public Works Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation:

- a. Permit application completeness and/or accuracy;
  - b. Pre-construction planned compliance with applicable regulations for human exposure to RF emissions;
  - c. Post-construction actual compliance with applicable regulations for human exposure to RF emissions;
  - d. The applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and
  - e. Any other issue identified by the Community Development Director or Public Works Director that requires expert or specialized knowledge. The Community Development Director or Public Works Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
3. Consultant Fees:
- a. Subject to applicable law, in the event that the Community Development Director or Public Works Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings.
  - b. If the City elects to retain an independent consultant, the City shall collect a fee prior to accepting an application for filing. The amount of the fee collected shall be in accordance with the most recently adopted City Council Resolution.

**17.92.050 – Notices, Decisions and Findings. (FULLY UPDATED)**

- A. **Administrative Review.** The Planning Division or Public Works Department shall administratively review a complete and duly filed application for a Section 6409 Permit and may act on such application without prior notice or a public hearing.
- B. **Decision Notices.** The Community Development Director or Public Works Director shall make his or her decision through a Decision Letter. Such letter shall be sent to the applicant within five (5) days after City action has been taken or before the FCC Shot Clock expires (whichever occurs first). If the permit is denied, the letter must contain the reasons for the decision, a statement that the denial is without prejudice and instructions on how to file an appeal.
- C. **Necessary Findings for Approval.** The Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) shall make the following findings prior to approving or conditionally approving a Section 6409 Permit:
  - 1. The project involves the collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

2. The project does not substantially change the physical dimensions of the existing wireless tower or base station.
- D. **Criteria for Denial without Prejudice.** Notwithstanding any other provision in this Chapter, and consistent with all applicable federal laws and regulations, the Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) may deny a Section 6409 Permit without prejudice, provided one of the following criteria can be met:
1. The project does not meet the findings required in Subsection (C) above and on the previous page;
  2. The project involves the replacement of the entire support structure; or
  3. The project violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.

**17.92.060 – Standard Conditions of Approval. (PARTIALLY UPDATED)**

Subject to any applicable limitations in federal or state law, nothing in this Chapter is intended to limit the City's authority to conditionally approve an application for a Section 6409 Permit to protect and promote the public health and safety. In addition to all other conditions adopted by the approval authority, all Section 6409 Permit approvals shall be automatically subject to the conditions in this Section. The Community Development Director or Public Works Director (or the City Manager on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Chapter.

- A. **Permit Term.** The City's grant or grant by operation of law of a Section 6409 Permit approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409 Permit approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for a Section 6409 Permit approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.
- B. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any Section 6409 approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409 approvals or the Community Development Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Community

Development Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409 approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.

- C. **City's Standing Reserved.** The City's grant of a Section 6409 approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any Section 6409 approval.
- D. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division, the permittee must incorporate this Section 6409 approval, all conditions associated with this Section 6409 approval and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the approved plans, as determined by the Community Development Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other City Departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Community Development Director's prior review and approval. The Community Development Director may revoke the Section 6409 approval if the Community Development Director finds that the requested alteration, modification or other change causes a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.40001 (b)(7), as may be amended.
- E. **Build-Out Period.** This Section 6409 approval will automatically expire one year from the approval or deemed-granted date 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, the wireless facility or its use. The Community Development Director may grant one written extension for up to one year when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- F. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this Section 6409 approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- G. **Compliance with 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 Section 6409 approval, which includes without limitation any laws applicable to human exposure to RF emissions. 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. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the EMMC, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the EMMC, any permit, any permit condition or any applicable law or regulation.

- H. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all 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 at the site. Undue or unnecessary adverse impacts shall not be interpreted to mean aesthetic impacts that may result from the City's issuance of this Section 6409 approval consistent with applicable law. 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 hours authorized by the EMMC. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Community Development Director may issue a stop work order for any activities that violates this condition.
- I. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff or other designee 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 will be permitted to supervise the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
- J. **Permittee's Contact Information.** The permittee shall furnish the Community Development Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Community Development Director with updated contact information in the event that the contact information changes.
- K. **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 City boards, commissions, agents, officers, officials, employees and volunteers from any and all:

1. 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 City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this Section 6409 approval;
  2. 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 Section 6409 approval or the wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense; and
  3. 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 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 City to approve this Section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this Section 6409 approval.
- L. **Performance Bond.** Before the applicable City Department issues any construction or encroachment permit, in connection with this Section 6409 approval, the permittee shall post a performance bond from a surety and in a form acceptable to the Community Development Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Community Development Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. In addition, the Community Development Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.
- M. **Recall to Approval Authority; Permit Revocation.** The Section 6409 Permit be subject to Section 17.10.130 (General Regulations – Revocation of Permits) of this Title.

- N. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; 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, and complete originals will control over all other copies in any form.
- O. **Undergrounded Utilities.** In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
- P. **Electric Meter Removal.** In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense shall apply to the City for the required encroachment and/or other ministerial permit(s) to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.
- Q. **Rearrangement and Relocation:**
1. The permittee acknowledges that the City, in its sole discretion and at any time, may:
    - a. Change any street grade, width or location;
    - b. Add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or
    - c. Perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work").
  2. The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit. In the event that the Public Works Director determines that any City Work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation.

3. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety.
  4. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.
- R. **Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. 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 the EMMC. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day 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.

**17.92.070 – Time Periods. (NEW)**

A Section 6409 Permit shall be valid for 12 months after the date of approval. If the applicant has proceeded in good faith toward the implementation of the Section 6409 Permit as determined by the Community Development Director or Public Works Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director or Public Works Director within 30 days of the request. No additional extensions shall be permitted.

**17.92.080 – Appeals. (NEW)**

The Community Development Director's and Public Works Director's decisions are appealable to the City Manager. The City Manager's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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# DIVISION 10 – AFFORDABLE HOUSING

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## CHAPTER 17.100 – DENSITY BONUS PROVISIONS

### Sections.

- 17.100.010 – Purpose.
- 17.100.020 – Applicability.
- 17.100.030 – General Procedures.
- 17.100.040 – Minimum Qualifications for a Density Bonus.
- 17.100.050 – Density Bonus Rules and Calculations.
- 17.100.060 – Maps; Donations of Land.
- 17.100.070 – Concessions and Incentives.
- 17.100.080 – Waivers or Reductions of Development Standards.
- 17.100.090 – Parking Reductions.
- 17.100.100 – Continued Affordability; Setting of Affordable Rent.
- 17.100.110 – Initial Occupancy of For-sale Units; Equity Sharing.
- 17.100.120 – Replacement of Pre-Existing Affordable Units.
- 17.100.130 – Child Care Facilities.
- 17.100.140 – Time Periods.
- 17.100.150 – Appeals.

### **17.100.010 – Purpose. (FULLY UPDATED)**

The State Density Bonus Law (Gov. Code § 65915 et seq.) requires each local government to adopt an ordinance that specifies how the jurisdiction will comply with and effectuate applicable state law requirements. This Chapter is intended to satisfy this requirement. Pursuant to state law, this Chapter shall be interpreted liberally in favor of producing the maximum number of total housing units. Any ambiguities in this Chapter shall be interpreted to be consistent with State Density Bonus Law.

### **17.100.020 – Applicability. (NEW)**

The provisions of this Chapter apply only to multiple-family residential and mixed-use development project's consisting of five (5) or more dwelling units, not including units granted as a density bonus. The definitions found in State Density Bonus Law shall apply to the terms contained in this Chapter.

### **17.100.030 – General Procedures. (FULLY UPDATED)**

The rules and procedures for applications, records, investigations applicable to applications for a Density Bonus, Incentives, Concessions or Waivers shall be as follows:

- A. **Application.** Applications for a Density Bonus (with or without concessions or waivers) shall be made on the appropriate form. The Community Development Director shall determine

the minimum filing procedures, content and form of materials which must be submitted before the City can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is necessary for the project.

- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
- C. **Public Notice.** Applications for a Density Bonus (with or without concessions or waivers) do not require public notice.
- D. **Meetings and Decisions.** Applications for a Density Bonus (with or without concessions or waivers) do not require a public meeting. The Community Development Director shall issue a decision within 30 days of determining that the application is complete.
- E. **Affordability Agreement.** Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives or concessions have been received, the applicant shall enter into a written agreement with the City to guarantee the continued affordability of all lower income and restricted occupancy density bonus units as required by California Government Code Section 65915. The agreement shall specify the number and type of reserved units and the length of time for which they must be reserved. The agreement shall run with the land, be binding upon successor(s)-in-interest, be recorded in the County Recorder's Office, and be approved as to form by the City Attorney.

**17.100.040 – Minimum Qualifications for a Density Bonus. (RENUMBERED)**

The City shall grant one (1) density bonus, the amount of which shall be as specified in Section 17.100.050 of this Chapter, and, if requested by the applicant and consistent with the applicable requirements of this Chapter, incentives or concessions, as described in Section 17.100.070, waivers or reductions of development standards, as described Section 17.100.080 of this Chapter, and parking ratios, as described in Section 17.100.090 of this Chapter, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this Chapter, that will contain at least any one (1) of the following:

- A. **Very Low Income:** Five (5) percent of the total units of a housing development for rental or for-sale projects for very low income households, as defined in Section 50105 of the Health and Safety Code.
- B. **Lower Income:** Ten (10) percent of the total units of a housing development for rental or for-sale projects for lower income households, as defined in Section 500079.5 of the Health and Safety Code.

- C. **Seniors:** A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- D. **Moderate Income:** Ten (10) percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
- E. **Transitional Foster Youth/Veterans/Homeless:** Ten (10) percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this Subsection shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
- F. **Student Housing:** 20 percent of the total units for lower income students in a student housing development that meets the following requirements:
  - 1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this Subsection, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this Subsection is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
  - 2. The applicable 20 percent units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Paragraph (1) of Subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in this Subsection, or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this Subsection.

3. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
  4. The development will provide priority for the applicable affordable units for very low or lower income students experiencing homelessness. A homeless service provider, as defined in Paragraph (3) of Subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this Subsection.
  5. For purposes of calculating a density bonus granted pursuant to this Subsection, the term "unit" as used in this Section means one (1) rental bed and its pro rata share of associated common area facilities. The units described in this Subsection shall be subject to a recorded affordability restriction of 55 years.
- G. **Affordable Housing:** A minimum 80 percent of the total units, exclusive of a manager's unit or units, are for very low or lower income households, as defined by Section 50079.5 of the Health and Safety Code, and a maximum 20 percent of the total units in the development are for moderate income households, as defined in Section 50053 of the Health and Safety Code.

**17.100.050 – Density Bonus Rules and Calculations. (FULLY UPDATED)**

- A. For purposes of calculating the amount of the density bonus pursuant to this Section, an applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Section 17.100.040 of this Chapter.
- B. For purposes of this Chapter, "base density" is the maximum allowable gross residential density permitted under this Title and the Land Use Element of the General Plan as of the date of application submittal by the applicant to the City.
- C. For the purposes of this Chapter, "density bonus" means a density increase over the base density, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.100.040 of this Chapter.
- D. For purposes of this Chapter, "total units," "total dwelling units," or "total rental beds" does not include units added by a density bonus awarded pursuant to this Chapter or any local law granting a greater density bonus.
- E. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- F. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

- G. For housing developments that contain an affordable housing set aside for very low income households meeting the criteria of Subsection 17.100.040(A) of this Chapter, the density bonus shall be calculated as shown in Table 17.100-1.
- H. For housing developments that contain an affordable housing set aside for lower income households meeting the criteria of Subsection 17.100.040(B) of this Chapter, the density bonus shall be calculated as shown in Table 17.100-2:

Table 17.100-1 – Very Low Income Units (50% Area Median Income)		Table 17.100-2 – Lower Income Units (80% Area Median Income)	
% Set-Aside Very Low Income Units	% Density Bonus	% Set-Aside Lower Income Units	% Density Bonus
5	20	10	20
6	22.5	11	21.5
7	25	12	23
8	27.5	13	24.5
9	30	14	26
10	32.5	15	27.5
11	35	16	29
12	38.75	17	30.5
13	42.5	18	32
14	46.25	19	33.5
15	50	20	35
100	80	21	38.75
		22	42.5
		23	46.25
		24	50
		100	80

- I. For senior housing developments or mobile park for senior citizens meeting the criteria of Subsection 17.100.040(C) of this Chapter, the density bonus shall be 20 percent of the number of senior housing units.
- J. For housing developments that contain an affordable housing set aside for moderate income households meeting the criteria of Subsection 17.100.040(D) of this Chapter, the density bonus shall be calculated as shown in Table 17.100-3:

Table 17.100-3 – Moderate Income Units (120% Area Median Income)				
% Set-Aside Moderate Income Units	% Density Bonus		% Set-Aside Moderate Income Units	% Density Bonus
10	5		28	23
11	6		29	24
12	7		30	25
13	8		31	26
14	9		32	27
15	10		33	28
16	11		34	29
17	12		35	30
18	13		36	31
19	14		37	32
20	15		38	33
21	16		39	34
22	17		40	35
23	18		41	38.75
24	19		42	42.5
25	20		43	46.25
26	21		44	50
27	22			

- K. For housing developments that contain units set aside for transitional foster youth, disabled veterans, or homeless persons meeting the criteria of Subsection 17.100.040(E) of this Chapter, the density bonus shall be 20 percent of the number of the type of housing.
- L. For student housing developments meeting the criteria of Subsection 17.100.040(F) of this Chapter, the density bonus shall be 35 percent of the student housing units.
- M. For housing developments that contain all units set aside for affordable housing meeting the criteria of Subection 17.100.040(G) of this Chapter, the following shall apply:
  1. Except as otherwise provided in Subsection (M)(2) below, the density bonus shall be 80 percent of the number of units for very low or lower income households.
  2. If the housing development is located within one-half (½) mile of a Major Transit Stop (MTS)<sup>1</sup>, the City shall not impose any maximum controls on density.

<sup>1</sup> As defined in Subdivision (b) of Section 21155 of the Public Resources Code.

**17.100.060 – Maps; Donations of Land. (RENUMBERED)**

A. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City in accordance with the subdivision, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development as shown in Table 17.100-4:

Table 17.100-4 – Maps and Donations of Land				
% Very Low Income Units	% Density Bonus		% Lower Income Units	% Density Bonus
10	15		21	26
11	16		22	27
12	17		23	28
13	18		24	29
14	19		25	30
15	20		26	31
16	21		27	32
17	22		28	33
18	23		29	34
19	24		30	35
20	25		--	--

B. Any increase pursuant to this Section shall be in addition to any increase in density mandated by Section 17.100.040 of this Chapter, up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this Section and Section 17.100.040 of this Chapter. Nothing in this Section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this Section if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten (10) percent of the number of residential units of the proposed development;
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the

density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure;

4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the City before the time of transfer;
5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c) of Section 65583.2, which shall be recorded on the property at the time of the transfer;
6. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer;
7. The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter ( $\frac{1}{4}$ ) mile of the boundary of the proposed development; and
8. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

**17.100.070 – Concessions and Incentives. (FULLY UPDATED)**

- A. For purposes of this Chapter, a concession or incentive means any of the following:
  1. A revision in the development standards of this Title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. This includes, but is not limited to, a reduction in setbacks and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter;
  2. Approval of mixed-use development in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or
  3. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the

targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter.

- B. An applicant for a density bonus pursuant to Section 17.100.040 of this Chapter may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to this Section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
  - 1. The concession or incentive does not result in identifiable and actual cost reductions, consistent with Subsection (A) on the previous page, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter;
  - 2. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower income and moderate income households; or
  - 3. The concession or incentive would be contrary to state or federal law.
- C. The applicant of an eligible project shall receive the number of incentives or concessions as shown in Table 17.100-5:

Table 17.100-5 – Number of Incentives or Concessions <sup>2</sup>			
Number of Incentives/ Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	Minimum 80% Very-Low and/or Lower and Maximum 20% moderate		

- D. The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this Section shall be interpreted to require the City to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid

<sup>2</sup> This is based on the percentage of units designated for very-low, lower and moderate income households.

the specific adverse impact. Nothing in this subdivision shall be interpreted to require the City to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

- E. This Section shall not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land by the City, or the waiver of fees or dedication requirements.
- F. The City bears the burden of proof for the denial of a requested concession or incentive.

**17.100.080 – Waivers or Reductions of Development Standards. (RENUMBERED)**

- A. In no case may the City apply any development standard that will have the effect of physically precluding a development from meeting the criteria of Section 17.100.040 of this Chapter at the densities or with the concessions or incentives permitted by this Chapter. Subject to Subdivision (D) below, an applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.100.040 of this Chapter at the densities or with the concessions or incentives permitted under this Chapter and may request a meeting with the City.
- B. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this Section shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.
- C. A proposal for the waiver or reduction of development standards pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.100.070 of this Chapter.
- D. A housing development located within one-half (½) mile of an MTS that receives a waiver from any maximum controls on density pursuant to Subsection 17.100.050(M)(2) of this Chapter shall not be eligible for, and shall not receive, a waiver or reduction of development standards pursuant to this subdivision, other than as expressly provided in Subsections 17.100.050(M)(2) and 17.100.070(C) of this Chapter.

**17.100.090 – Parking Reductions. (FULLY UPDATED)**

- A. Upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, greater than as shown in Table 17.100-6:

Table 17.100-6 – Parking Reductions			
	Level 1 Affordable Project	Level 2 Affordable Project	Level 3 Affordable Project
Minimum affordability levels	Comply with Section 17.100.040 of this Chapter	Rental or for sale projects with at least 20% lower income units or 11% very low income units	Rental projects with 100% lower or very low income units
Required transit	None	Unobstructed access within 0.5 miles of an MTS	Unobstructed access within 0.5 miles of an MTS
Required onsite parking:			
Studio or 1 bedroom	1.0 spaces per unit	0.5 spaces per unit	None
2 or 3 bedrooms	1.5 Spaces per unit		
4 or more bedrooms	2.5 spaces per unit		

1. The affordability levels shall be as provided in Section 50052.5 of the Health and Safety Code.
  2. The affordability levels shall be exclusive of the manager’s unit(s).
  3. For purposes of this Subsection, a project shall have unobstructed access to a major transit stop if a resident is able to access the MTS without encountering natural or constructed impediments. Per Subdivision (p)(2)(B) of California Government Code Section 65915, “Natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.
- B. Notwithstanding Subsection (A) above and on the previous page, if a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose vehicular parking standards if the development meets the following criteria:
1. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and
  2. The development has either paratransit service or unobstructed access, within one-half (½) mile, to fixed bus route service that operates at least eight (8) times per day.
- C. Notwithstanding Subsection (A) above and on the previous pages and Subsection (G) on the following page, if a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as

provided in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half (½) mile, to fixed bus route service that operates at least eight (8) times per day.

- D. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section, a development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking.
- E. This Section shall apply to a development that meets the requirements of Sections 17.100.040, 17.100.100 and 17.100.110 of this Chapter, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to Section 17.100.070 of this Chapter.
- F. This Section does not preclude the City from reducing or eliminating a parking requirement for development projects of any type in any location.
- G. Notwithstanding Subsection (A) and Subsection (B) on the previous pages, if the City or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven (7) years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Table 17.100-6, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for lower income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this Subsection, supporting the need for the higher parking ratio.
- H. A request pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.100.070 this Chapter.

**17.100.100 – Continued Affordability; Setting of Affordable Rent. (RENUMBERED)**

An applicant shall agree to, and the City shall ensure, the continued affordability of all very low and lower income rental units that qualified the applicant for the award of the density bonus for at least 55 years from the issuance of the final certificate of occupancy by the Building and Safety Division or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

- A. Except as set forth in Subsection (B) below, rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
- B. For housing developments meeting the criteria of Subsection 17.100.040(G) of this Chapter, rents for all units in the development, including both base density and density bonus units, shall be as follows:
  - 1. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
  - 2. The rent for the remaining units shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal lower income housing tax credits from the California Tax Credit Allocation Committee.

**17.100.110 – Initial Occupancy of For-Sale Units; Equity Sharing. (RENUMBERED)**

- A. The applicant shall agree to, and the City shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, lower, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code.
- B. The City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:
  - 1. Upon resale, the seller of the unit shall retain the value of any improvements, the down-payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in Subsection (B)(2) below, and its proportionate share of appreciation, as defined in Subsection (B)(3) below, which amount shall be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.
  - 2. For purposes of Sections 17.100.100 and 17.100.110 of this Chapter, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
  - 3. For purposes of Sections 17.100.100 and 17.100.110 of this Chapter, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

**17.100.120 – Replacement of Pre-Existing Affordable Units. (FULLY UPDATED)**

- A. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five (5) year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity’s valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:
  - 1. The proposed housing development, inclusive of the units replaced pursuant to this Section, contains affordable units at the percentages set forth in Section 17.100.040 of this Chapter; or
  - 2. Each unit in the development, exclusive of the manager’s unit or units, is affordable to and occupied by, either a lower or very low income household.
- B. For the purposes of this Section, “replace” shall mean any of the following:
  - 1. If dwelling units described in Subsection (A) above are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy.
  - 2. For unoccupied dwelling units described in Subsection (A) above in a development with occupied units on the date of application, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy.
  - 3. If dwelling units described in Subsection (A) above have been vacated or demolished within the five (5) year period preceding on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five (5) year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.
- C. When income categories of current or former occupants described in Subsection (B) above are not known, the income level of replacement units shall be determined as follows:
  - 1. For occupied units, if the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter household within the City, as determined by the most recent available data from the

United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

2. For unoccupied units on a property with occupied units, if the income category of the last household in occupancy is no known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.
  3. For units that have been vacated or demolished within the past five (5) years, if the incomes of the persons and families in occupancy at the highpoint as set forth in Subsection (B)(3) on the previous page is not known, it shall be rebuttably presumed that lower income and very low income renter households occupied these units in the same proportion of lower-income and very low income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.
- D. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.
- E. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 17.100.110 of this Chapter.
- F. Notwithstanding Subsection (B) on the previous page, any dwelling unit described in Subsection (A) on the previous page, that is or was, within the five (5) year period preceding the application, subject to a form of rent or price control through the City's valid exercise of its police power and that is or was occupied by persons or families above lower income, the City may, at its discretion, do either of the following:
1. Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, lower income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection (F)(2) below.
  2. Require that the units be replaced in compliance with any applicable City rent or price control ordinance, provided that each unit described in Subsection (A) on the previous page is replaced. Unless otherwise required by any City rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.
- G. For purposes of this Section, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

**17.100.130 – Child Care Facilities. (RENUMBERED)**

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 17.100.040 of this Chapter and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, and conforms to the requirements of California Government Code Section 65917.5, then, the City shall grant either of the following:
  - 1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
  - 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- B. The City shall require, as a condition of approving the housing development, that the following occur:
  - 1. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Sections 17.100.100 and 17.100.110 of this Chapter.
  - 2. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Section 17.100.040 of this Chapter.
- C. Notwithstanding any requirement of this Section, the City shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

**17.100.140 – Time Periods. (RENUMBERED)**

- A. The Density Bonus with or without Concessions or Waivers shall be valid for 12 months after the date of approval by the Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Density Bonus with or without Concessions or Waivers, then the applicant may request a 12-month extension of the permit. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.100.150 – Appeals. (NEW)**

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.102 – INCLUSIONARY HOUSING**

***Reserved.***

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# **DIVISION 11 – REGULATIONS APPLICABLE FOR SPECIFIC USES**

## **CHAPTER 17.110 – STANDARDS FOR SPECIFIC RESIDENTIAL USES**

### **Sections.**

- 17.110.010 – Purpose.
- 17.110.020 – Accessory Buildings.
- 17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.
- 17.110.040 – Home Occupation Permits.
- 17.110.050 – Live/Work Units.
- 17.110.060 – Mixed-Use – Vertical or Horizontal.
- 17.110.070 – *Reserved for Religious Institutions, Housing Developments.*
- 17.110.080 – Single Room Occupancy (SRO)
- 17.112.090 – Transitional Uses.
- 17.110.100 – Urban Dwellings.
- 17.110.110 – Urban Lot Splits.
- 17.110.120 – Urban Housing.

### **17.110.010 – Purpose. (NEW)**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific uses and activities that are permitted or conditionally permitted in some or all zoning districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

### **17.110.020 – Accessory Buildings. (RENUMBERED)**

- A. **Height.** Accessory buildings located in any residential zone shall not exceed one (1) story and 16 feet in height.
- B. **Floor Area.** Accessory buildings shall not exceed an area of 800 square feet.
- C. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the maximum floor area of the accessory building. In addition, the lot coverage and square footage shall be included in the maximum lot coverage and FAR of the underlying zone.
- D. **Location.** Accessory buildings located in any residential zone shall not be located at a distance less than 50 percent of the depth of the lot from the front property line, or 50 feet, whichever is less.
- E. **Setbacks.** Accessory buildings located in any residential zone shall have a minimum side and rear yard setback of four (4) feet. On a corner lot, the setbacks shall meet the minimum required of the underlying zone.

- F. **Bathrooms and Other Plumbing.** Plumbing for bathrooms, washer hookups and other plumbing are permitted as part of an accessory structure located in One-family Dwelling (R-1A, R-1B and R-1C) zoning districts, provided that all of the following conditions are met:
1. The property may not be part of a Planned Residential Development, contain an Accessory Dwelling Unit (ADU), Junior ADU or urban dwelling, or have a legal nonconforming guest house with a kitchen or bathroom;
  2. The structure is consistent with the design of the dwelling and complies with all other requirements of this Section; and
  3. For bathrooms with showers or bathtubs, a covenant shall be signed and recorded against the property by the property owner stating that the structure will not be converted to an ADU or a sleeping/living quarter without obtaining necessary permits from the City and paying any required fees.
- G. See Chapter 17.12 (Rurban Homestead Overlay District) of this Title for additional standards and requirements for accessory buildings within the Rurban Homestead Overlay District (RHOD).

**17.110.030 – Accessory Dwelling Units (ADUs) and junior ADUs. (MINOR UPDATES)**

- A. **Purpose.** The Accessory Dwelling Units (ADUs) and Junior ADU regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 65852.2 of the California Government Code and other applicable state laws. All provisions set forth in this Section shall be subject to the applicable preemptive limitations set forth in Section 65852.2 of the California Government Code, unless stated otherwise.
- B. **Applications:**
1. ADUs/Junior ADUs submitted separately. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an ADU or a Junior ADU within 60 days from the date the City receives a completed application. There shall be an existing single-family or multifamily dwelling on the subject property.
  2. ADUs/Junior ADUs submitted with other improvements. If the permit application to create an ADU or a Junior ADU is submitted with a permit application to create a new single-family dwelling on the relevant lot, the City may delay acting on the permit application for the ADU or the Junior ADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or Junior ADU shall be considered without discretionary review or hearing.
  3. ADUs/Junior ADUs shall be subject to the requirements of this Section and approval of a Zoning Clearance.
- C. **Permitted Zoning Districts, Maximum Quantity and Minimum Lot Size:**
1. ADUs/Junior ADUs outlined in Table 17.110-1 shall be permitted in any R zoned or M.MU zoned lot that includes a proposed or existing dwelling, subject to the requirements of this Section (notwithstanding Subsection (W) on page 11-7):

Table 17.110-1 – Accessory Dwelling Units.			
Zoning:	Existing Structures On-Site:	# of ADUs Permitted:	# of Junior ADUs Permitted:
Single-family	Single-family structure	One attached ADU	None
		One detached ADU	One Junior ADU
Single-family, multifamily or MMU	More than 1 single-family structure on one lot/parcel	Two attached ADUs <u>or</u> Junior ADUs total <sup>1</sup>	
		One detached ADU total	One Junior ADU
Single-family	Multi-family structure(s)	Two detached ADUs and up to 25% of the existing multifamily units, provided each ADU is within an existing multi-family unit, or one unit (whichever is greater) <sup>2 3</sup>	None
Multifamily or MMU	Multi-family structure(s)		None

2. For purposes of this Section, “multifamily structures” shall mean a residential-only structure with two (2) or more attached units.
3. There shall be no minimum lot size to establish an ADU or Junior ADU.
4. No ADU or Junior ADU shall be permitted on a property developed with an urban dwelling as outlined in Section 17.110.520 of this Chapter.

**D. Configuration:**

1. An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the existing dwelling. A Junior ADU shall be attached to the primary dwelling or multi-family structure.
2. For purposes of this Subsection, “attached” shall mean the ADU or Junior ADU shares a wall with the existing or proposed primary dwelling or the multi-family structure, with both sides of the wall being habitable space. ADUs or Junior ADUs shall not be connected to the existing or proposed primary dwelling or multi-family structure solely by a patio cover, breezeway or similar roofed area.

**E. Unit Size:**

1. Attached Junior ADU. The maximum square footage for an attached Junior ADU shall be 500 square feet.

<sup>1</sup> Provided the two attached ADUs or Junior ADUs are attached to different single-family structures.

<sup>2</sup> Multifamily structures that are proposed to be developed with an ADU within the units must still comply with the minimum size of dwelling units set forth in Chapter 17.24.

<sup>3</sup> Portions of existing multifamily structures used as non-habitable space (such as boiler rooms, storage rooms, attics, basements, garages) may be converted into ADUs.

2. Attached ADU. The total square footage of an attached ADU shall not exceed 50 percent of the existing or proposed primary dwelling. In addition, the attached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
  3. Detached ADU. The maximum square footage for a detached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
  4. Efficiency Unit. Notwithstanding this Subsection, and as required under state law, an efficiency unit, meeting the criteria defined in Section 17958.1 of the Health and Safety Code, shall be permitted. An efficiency unit is a unit for occupancy by no more than two (2) persons which has a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities.
- F. **Building Height.** A detached ADU shall not exceed a height of 16 feet.
- G. **Setbacks.** The minimum interior side yard and rear yard setback for a detached ADU shall be four (4) feet, unless the ADU is:
1. Converted from an existing legal or legal nonconforming structure; or
  2. A new structure constructed in the same location and to the same dimensions as an existing legal or legal nonconforming structure.
- H. **Minimum Structure Separation for a Detached ADU.** A minimum ten (10) foot separation must be maintained between a single-family dwelling and detached ADU.
- I. **Parking Requirements:**
1. One (1) parking space shall be required for each ADU bedroom or ADU unit, whichever is less. Such required parking shall supplement additional parking requirements for the existing dwelling. Such parking may be provided as tandem parking on an existing driveway.
  2. When a garage, carport, or covered parking structure is demolished, or required parking otherwise ceases to exist, in conjunction with the construction of an ADU, replacement of the lost off-street covered parking shall not be required to be replaced.
  3. Notwithstanding this Subsection, parking requirements shall not apply to ADUs in any of the following circumstances:
    - a. The ADU is located within one-half (½) mile of public transit. For purposes of this Section, “public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
    - b. The ADU is part of the proposed or existing primary residence or an accessory structure;

- c. When on-street parking permits are required but not offered to the occupant of the ADU; or
  - d. When there is a car sharing vehicle located within one (1) block of the ADU.
- J. **Driveways.** If a property is developed with a detached ADU, and the property has one (1) existing driveway, a second driveway shall not be permitted, unless the second driveway is accessed from an alley. If the property has two (2) existing driveways, the second driveway may remain.
- K. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the FAR limits of the underlying zone.
- L. **Density.** ADUs shall not exceed the maximum allowable density identified in the City's General Plan for the lot in which the ADU is proposed. However, an ADU unit that conforms to this this Section shall be deemed an accessory use or an accessory building. Therefore, it shall not be considered to exceed the allowable density for the lot upon which it is located. It shall be deemed to be a residential use that is consistent with the existing General Plan and zoning district for the lot.
- M. **Limitations to develop an ADU:**
  - 1. No ADU may be sold or otherwise conveyed separate from the primary residence.
  - 2. Any rental of any ADU created pursuant to this Section shall be for a duration longer than 30 consecutive calendar days.
- N. **Design:**
  - 1. All ADU exterior designs shall be compatible with the primary single-family dwelling in terms of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors. The ADU shall retain the appearance of a single-family dwelling and shall be integrated into the design of the existing primary dwelling unit on the property.
  - 2. All ADU façade elevations that are visible from the public right-of-way must provide windows or other architectural features that are compatible with the existing primary single-family dwelling.
  - 3. For attached ADUs, the entrance shall be located on the side or rear of the primary dwelling. The additional entrance is prohibited from being located on the front of the primary dwelling unit, facing the public right-of-way. In addition, there shall be no exterior staircase leading to or from an attached ADU or Junior ADU.
  - 4. For detached ADUs, the entrance shall not face, or be visible from the public right-of-way.
  - 5. For ADUs converted from a garage, the garage door must be removed and replaced with windows and/or other design features that are consistent with the overall architectural

design of the ADU and the primary dwelling unit. In addition, a three (3) foot wide planter shall be installed between the ADU and any driveway.

6. For new ADUs attached to a garage, there shall be no direct access from the garage to the ADU.
7. ADUs and Junior ADUs shall comply with Chapter 17.140 (Design Guidelines) of this Title.
- O. **Occupancy.** For new construction, the primary dwelling shall receive a Certificate of Occupancy at the same time or prior to the ADU receiving a Certificate of Occupancy.
- P. **Building, Fire and Other Codes.** All ADUs shall comply with all provisions of the El Monte Municipal Code (EMMC) pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
- Q. **Sprinklers.** ADUs shall not be required to install fire sprinklers if they are not required for the existing single-family dwelling.
- R. **Nonconforming Zoning Conditions.** The correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or a Junior ADU.
- S. **Request for Delay of Building Enforcement.** Subject to compliance with Section 17980.12 of the California Health and Safety Code, upon request by an owner of an ADU owner, the City shall delay enforcement of building standards for five (5) years if not necessary to protect health and safety for:
  1. Any ADU built before January 1, 2020; or
  2. Any ADU built on or after January 1, 2020 before adoption of Urgency Ordinance No. 2967 and approval thereof by State HCD if such request is made after adoption of such Urgency Ordinance No. 2967 by the City Council and approval thereof by State HCD.
- T. **Owner Occupancy Requirement – Junior ADUs and ADUs:**
  1. Junior ADU: Either the existing primary dwelling or Junior ADU on a lot shall be occupied by the owner of the primary residence, unless the owner is another governmental agency, land trust, or housing organization. A covenant shall be signed and recorded against the property by the property owner stating that the existing primary dwelling or Junior ADU will be occupied by the property owner.
  2. All other ADUs: Effective January 1, 2025, either the existing primary residence or ADU on a lot shall be occupied by the owner of the primary residence. Such restriction shall apply to ADUs permitted as of January 2, 2025.
- U. **Fees/Utility Connections:**
  1. The property owner shall pay all applicable impact fees related to an ADU 750 square feet or larger, including but not limited to, parks, traffic, water and sewer impact fees. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

2. No new or separate utility connection or related fees or capacity charges shall be required for an ADU described in Subsection (W)(1)(a) below, unless such ADU was constructed with a new single-family dwelling.
  3. For ADUs not described in Subsection (W)(1)(a) below, a new or separate utility connection may be required and related fees or capacity charges shall be proportionate to the burden of the proposed ADU based upon either its square feet or number of its drainage fixture unit (“DFU”) values, upon the water or sewage system. Such fees or charges shall not exceed the reasonable cost of providing service.
- V. **Other Development Standards.** For all other development standards not specified in this Section, the development standards of the base zoning shall apply.
- W. **Exempt Units.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (U) on pages 11-2 to 11-6, the City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units:
1. Single-Family.
    - a. One (1) internal ADU (internal to the existing or proposed single-family dwelling or existing accessory structure) or Junior ADU per lot with a proposed or existing single-family dwelling, if all of the following apply:
      - i. The ADU or Junior ADU is within the square footage of a proposed single-family dwelling, or within the square footage of an existing single-family dwelling or existing accessory structure.
      - ii. For an existing accessory structure, an addition of up to 150 square feet may be permitted beyond the physical dimensions of the existing accessory structure. Any such addition shall be limited to accommodating ingress and egress.
      - iii. The maximum square footage for the attached ADU shall not exceed 800 square feet or 50 of the existing or proposed single-family dwelling, whichever is less.
      - iv. The minimum interior side and rear yard setbacks shall be sufficient for fire and safety.
      - v. The attached ADU or Junior ADU shall have exterior access from the proposed or existing single-family dwelling.
      - vi. The Junior ADU complies with the requirements of Section 65852.22 of the California Government Code.
    - b. One (1) detached, new construction, ADU per lot with a proposed or existing single-family dwelling, if all of the following apply:
      - i. The minimum interior side yard and rear yard setbacks shall be four (4) feet.
      - ii. The maximum square footage for the ADU shall be 800 square feet.
      - iii. The maximum height of the ADU shall be 16 feet.

- iv. The ADU may be combined with a Junior ADU described in Subsection (W)(1)(a) on the previous page.
2. Multifamily, including multifamily in mixed-use zones:
- a. Attached ADUs to an existing multifamily building:
    - i. Multiple ADUs within portions of existing multifamily structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with state building standards for dwellings.
    - ii. ADUs equal to a maximum of 25 percent of the units, with a minimum of one (1) ADU per building. Fractions shall be rounded down to the nearest whole number.
  - b. Detached ADUs on a lot with existing multifamily units:
    - i. A maximum of two (2) ADUs shall be permitted.
    - i. The maximum square footage for the ADU shall be 800 square feet.
    - ii. The maximum height of the ADU shall be 16 feet.
    - iii. The minimum interior side yard and rear yard setbacks shall be four (4) feet.

**17.110.040 – Home Occupation Business. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit home occupation businesses, subject to the requirements of this Section.
- B. **Subject Property:**
  - 1. For rental property, the property owner’s written authorization for the proposed use shall be obtained and submitted with the application for a home occupation business.
  - 2. A home occupation business shall be conducted entirely within a structure and shall occupy no more than 500 square feet of floor area. This maximum floor area shall include on-site storage areas and any portion of the home occupation that is located within an accessory structure. No outside storage shall be permitted.
  - 3. Trucks and vans may be used for the home occupation business, provided the vehicles do not exceed a height of seven (7) feet and can fit within a parking stall of 8’6” wide by 18 feet deep.
  - 4. On-site signs advertising a home occupation business shall not be allowed. Paper and electronic advertisements are allowed (including business cards), provided they do not include the address of the home occupation business.
- C. **Operational Standards:**
  - 1. There shall be no items sold on-site other than products crafted on the premises. Items manufactured off-site may be sold through mail order or through the internet as long as the home occupation use (including storage area) does not exceed 500 square feet

of floor area. This floor area maximum can be exceeded if the storage area is located off-site.

2. A home occupation use shall not allow any clients or customers without prior appointments. Client/customer appointments are limited to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday.
3. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

**17.110.050 – Live/Work Units. (FULLY UPDATED)**

A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit live/work units, subject to the requirements of this Section.

B. **Permitted Uses:**

1. Permitted uses. Table 17.110-2 prescribes the land use regulations in live/work units. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
2. Unlisted uses. Any land use not listed in Table 17.110-2 is not permitted in live/work units, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

C. **Development Standards:**

1. Ground floor height. The minimum height shall be nine (9) feet floor-to-floor.
2. Work area access. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit. The entrance should be built at the same grade as the sidewalk, to minimize the need for ramps.
3. Access within the live/work units. The living space shall be contiguous with the working space, with direct access between the two (2) areas.
4. Residential access. Access to individual units should be from common access areas (e.g. lobby entrance) or private entrances along another façade.
5. Emergency access. Access to each unit shall be clearly identified to provide for emergency services.
6. Projections. Projecting element such as balconies, roof overhangs, shade structures and bay windows on upper floor may project up to four (4) feet into a street yard setback.

D. **Operational Standards:**

1. No portion of a live/work unit shall be separately sold or rented.
2. The owner/operator of the live/work unit shall comply with all performance standards outlined in Chapter 17.50 (Performance Standards) of this Title.

Table 17.110-2 – Permitted Uses – Live/Work Units		
Land Use		Notes
Home occupations	P	
Schools and education institutions –		
Specialized education and training	P	Limited to five (5) students at any time
Tutoring and education centers	P	
Offices –		
Ancillary	P	
Administrative, business professional	P	
Medical	P	Limited to chiropractors, acupuncturists and counselors/psychotherapists. Limited to one (1) patient at any time.
Personal service use, general	P	For personal fitness and training facilities, limited to three (3) customers at any time. For all other uses, limited to one (1) customer at any time. Excludes dry cleaning services.

3. All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.
4. Up to two (2) additional persons who do not reside in the live/work unit may work in the unit.
5. Client and customer visits to live/work units are allowed.
6. A live/work unit shall not be converted to either entirely residential use or entirely nonresidential use.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for live/work units.

**17.110.060 – Mixed-Use – Vertical or Horizontal. (FULLY UPDATED)**

**A. Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit mixed-use vertical or horizontal developments, subject to the requirements of this Section.

**B. Permitted Nonresidential Uses:**

1. Properties within one-quarter (¼) mile of an MTI and in the C-3 zoning district. It shall be limited to uses denoted with an "\*" on Table 17.40-1 (Permitted Uses – Commercial Zoning Districts) of Chapter 17.40 (Commercial Zoning Districts) of this Title.

2. M/MU zoning district. For vertical mixed-use, it shall be limited to those uses which are denoted with an "\*" on Table 17.30-1 (Permitted Uses – Mixed/Multiuse Zoning District) of Chapter 17.30 (Mixed/Multiuse Zoning District) of this Title. For horizontal mixed-use, any use listed in Table 17.30-1 may be permitted.
3. Downtown Specific Plan. Any use permitted in the applicable subarea.

**C. Development Standards:**

1. Architectural details and materials:
  - a. Architectural style and use of quality materials shall be compatible and consistent throughout the entire project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project.
  - b. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
  - c. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
2. Building entrances:
  - a. Nonresidential entrances. Each tenant shall have a separate pedestrian entrance which faces the public right-of-way or a public open space area.
  - b. Residential entrances. For vertical mixed-use buildings, entrances to individual units shall not be permitted along a street frontage. Instead, the units shall be accessed from shared entrances (e.g. a lobby). For residential-only buildings, the units may be accessed individually or from shared entrances.
  - c. Design. Entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.
3. Pedestrian access:
  - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).
  - b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and nonresidential uses and parking areas.
  - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories and similar items to create a pleasant pedestrian experience.

- d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
4. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:
  - a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - c. Eliminate areas of concealment, hiding places and dead spaces.
5. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
6. Parking regulations. Residential parking shall be secured and separated from nonresidential parking.
7. Signage regulations:
  - a. The nonresidential portion of project shall follow the sign standards of multiuse zoning districts. The residential portion of the project shall follow the sign standards of multiple-family residential uses.
  - b. A Master Sign Program shall be required.
  - c. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**D. Operational Standards:**

1. A joint Tenants and Owners Association (TOA) should be established for the well-being of each residential and nonresidential tenant and owner. In addition to the requirements outlined in Section 17.50.120 (Performance Standards – Property Maintenance) of this Title, the Covenants, Conditions, and Restrictions (CC&Rs) for the TOA, shall incorporate the following:
  - a. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
  - b. Noise notification procedures;
  - c. Relationship between uses regarding association representation;

- d. Voting procedures; and
  - e. Procedures for solving problems that may arise between the different types of uses or residents.
2. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.
  3. Noise notification:
    - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.
    - b. The covenants, conditions, and restrictions shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information

**17.110.070 – Religious Institutions, Housing Developments.**

*Reserved*

**17.110.080 – Single Room Occupancy (SRO). (RENUMBERED)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit SRO developments, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Each SRO facility shall comply with all applicable development standards for the applicable zoning district it is located in and the minimum standards contained in this Section.
  2. Each unit shall have a minimum size of 150 square feet and a maximum of 400 square feet.
  3. Each unit shall accommodate a maximum of two (2) persons.
  4. Tenancy shall be a minimum 30 days and maximum period of 12 months.
- C. **Required Amenities:**
  1. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.
  2. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.
  3. Each unit shall have a separate closet.
  4. Laundry facilities must be provided in a separate enclosed room at the ratio of one (1) washer and one (1) dryer for every 20 units of fractional number thereof.

5. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
6. Projects with ten (10) or more units shall provide on-site management. A project with less than ten (10) units may provide a management office off-site.

**17.110.090 – Transitional Uses. (FULLY UPDATED)**

A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit transitional uses, subject to the requirements of this Section.

B. **Permitted Uses:**

1. Table 17.110-3 prescribes the land use regulations for transitional uses. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
2. Unlisted permitted uses. Any land use not listed in Table 17.110-3 is not permitted, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

C. **Operational Standards:**

1. The transitional use may continue in perpetuity.
2. If the commercial use converts to a residential use or other conforming use, it cannot thereafter convert to a nonconforming commercial use.

Table 17.110-3 – Permitted Uses – Transitional Uses	
Land Use	Notes
Coffeehouse or café	Excludes ancillary entertainment
Retail use	Limited to 3,500 sq. ft. in gross floor area. Excludes convenience store or minimart and alcohol sales.
Schools and education institutions –	
Specialized education and training	Limited to five (5) students at any time
Tutoring and education centers	
Offices –	
Ancillary	
Administrative, business professional	
Medical	Limited to chiropractors, acupuncturists and counselors/psychotherapists
Personal service use, general	With the exception of clothing rental shops, locksmiths and metaphysical stores, all other personal service uses shall be by appointment only. Excludes dry cleaning services.

3. This Section only applies to existing structures; new projects must adhere to current applicable zoning.
  4. The Conditional Use Permit or Minor Use Permit may limit signage and hours of operation among other standards. Minor renovations to the building may be permitted, such as new/replaced doors, windows and facades, provided no additional square footage is added.
  5. The Conditional Use Permit or Minor Use Permit may limit signage and hours of operation among other standards. Minor renovations to the building may be permitted, such as new/replaced doors, windows and facades, provided no additional square footage is added.
- E. **Limitations.** Applications to request a transitional use will only be accepted up to December 31, 2026. Thereafter, the use and property shall be subject to the nonconforming provisions outlined in Chapter 17.16 (Nonconforming Provisions) of this Title.
- F. **Additional Findings.** In addition to the required findings outlined in Chapter 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
1. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and
  2. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, walls and fencing, building facades, trash enclosures and the Americans with Disabilities Act (ADA) accessibility.

**17.110.100 – Urban Dwellings. (MINOR UPDATES)**

- A. **Purpose.** The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 65852.21 of the California Government Code and other applicable state laws. All provisions set forth in this Section shall be subject to the applicable preemptive limitations set forth in Section 65852.21 of the California Government Code, unless stated otherwise.
- B. **Applications:**
1. An urban dwelling submitted separately. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an urban dwelling. If the property is vacant and two (2) urban dwellings are proposed, they shall be submitted as one (1) application.
  2. An urban dwelling submitted with new primary single-family dwelling. The City may delay acting on the application for the urban dwelling until the City acts on the application to create the new primary single-family dwelling. However, the application for the urban dwelling shall still be considered without discretionary review or hearing.
  3. One (1) or two (2) urban dwellings submitted as part of an urban lot split (as outlined per Section 17.110.110 of this Chapter). The City shall act on the urban lot split at the same time or before acting on the application for the urban dwelling(s). However, the

applications for the urban lot split and urban dwelling(s) shall still be considered without discretionary review or hearing.

4. An urban dwelling shall be the requirements of this Section and approval of a Zoning Clearance.
- C. **Permitted Zoning Districts.** Urban dwellings shall only be permitted in One-Family Dwelling (R-1A or R-1B) zoning districts.
- D. **Development Standards:** Table 17.110-4 prescribes the land use regulations for urban dwellings.
- E. **Design Standards – Primary Single-family Dwelling and one (1) Urban Dwelling:**
1. Exterior. The urban dwelling’s exterior design shall be compatible with all other structures on the property in terms of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors.
  2. Street elevations. The urban dwelling’s elevations that are visible from the public right-of-way must provide windows or other architectural features that are compatible with the existing primary single-family dwelling.
  3. Entrances:
    - a. For an attached urban dwelling, the entrance shall be located on the side or rear of the primary single-family dwelling. The entrance shall not face the front yard or street side yard (for corner properties). In addition, there shall be no exterior staircase leading to or from an urban dwelling.
    - b. For a detached urban dwelling, the entrance shall not face or be visible from the public right-of-way.
  4. For an urban dwelling attached to a garage, there shall be no direct access from the garage to the urban dwelling.

Table 17.110-4 – Development Standards – Urban Dwellings			
Development Standard	Existing or Proposed Primary Single-family Dwelling		Existing Vacant or Proposed Vacant Parcel
Maximum number of urban dwelling <sup>4</sup>	One (1) permitted	One (1) permitted	Two (2) permitted
Maximum unit size	800 sq. ft.	800 sq. ft.	800 sq. ft. each
Building height	Underlying R zone	Maximum one (1) story and 16 ft.	

<sup>4</sup> If the property is developed with two (2) or more single-family, multiple-family dwellings, an Accessory Dwelling Unit (ADU) or Junior ADU, no urban dwelling(s) shall be permitted.

Table 17.110-4 – Development Standards – Urban Dwellings (continued)			
Development Standard	Existing or Proposed Primary Single-family Dwelling		Existing Vacant or Proposed Vacant Parcel
	Attached <sup>5</sup>	Detached	
Configuration	Attached <sup>5</sup>	Detached	Attached or detached
Building separation	None	Minimum 10 ft.	
Minimum setbacks	Underlying R zone	Front: 50% of the parcel depth or 50 ft, whichever is less. Street side: underlying zone Interior side & rear: 4 ft.	Front & street side: underlying zone Interior side & rear: 4 ft.
Minimum Parking	Primary dwelling: underlying zone Urban dwelling: <ul style="list-style-type: none"> <li>• One (1) tandem open space per urban dwelling.</li> <li>• No parking if property within 0.5 miles walking of a High Transit Corridor or Major Transit Stop (MTS)<sup>6</sup>, or within one (1) block of a car sharing vehicle location.</li> </ul> If no on-site parking is proposed as permissible in this table, the property owner shall submit all necessary documentation to confirm compliance with one of the circumstances.  If the City were to implement limitations on overnight parking, none of the dwellings shall be eligible for overnight parking permits.		
Driveways	If the property has one (1) existing driveway, a second driveway shall not be permitted, unless the second driveway is accessed from an alley. If the property has two (2) existing driveways, the second driveway may remain.		Limited to one (1) driveway
Lot coverage and Floor Area Ratio (FAR)	The roofed area of an urban dwelling shall be included in the maximum lot coverage and the square footage of an urban dwelling shall be included in the FAR limits of the underlying zone.		
Minimum private open space for each urban dwelling	200 sq. ft. Minimum dimension of ten (10) ft. in each direction.		R-1A zone: 200 sq. ft. R-1B or R-1C zones: 300 sq. ft. Minimum dimensions of ten (10) ft. in each direction.

<sup>5</sup> Attached shall mean the urban dwelling shares a wall with the existing or proposed primary single-family dwelling, with both sides of the wall being habitable space. An urban dwelling shall not be connected to an existing or proposed primary single-family dwelling solely by a patio cover, breezeway or similar roofed area.

<sup>6</sup> High Quality Transit Corridor as defined in Section 21155(b) of the Public Resources Code; MTS as defined in Section 21064.3 of the Public Resources Code.

5. Urban dwellings shall comply with Chapter 17.140 (Design Guidelines) of this Title.
- F. Design Standards – Two (2) Urban Dwellings:**
1. Exterior. The urban dwellings’ exterior design shall be compatible with each other in terms of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors.
  2. Entrances. Only one (1) entrance to an urban dwelling may face a public or private street. The entrance for the second urban dwelling shall not face or be visible from a public or private street, whether attached or detached.
  3. Street elevations. Street elevations must include at least two (2) of the following: porch, canopy, bay window, awning, chimney or courtyard. A porch or courtyard must be a minimum five (5) feet deep.
  4. Materials. All structures must have at least two (2) exterior building wall materials. Examples include stucco, wood, rock/stone, hand-painted tile, brick or clinker brick. Window and door trim do not count as a second material. Materials made from foam covered by stucco shall not be permitted.
  5. Colors. Buildings must include at least two (2) colors, one (1) for the main wall color and another for architectural trim pieces.
- G. Occupancy.** For new construction, the primary single-family dwelling shall receive a Certificate of Occupancy at the same time or prior to the urban dwelling receiving a Certificate of Occupancy.
- H. Building, Fire and Other Codes.** All urban dwellings shall comply with all provisions of the EMMC pertaining to water, sewer, electrical, drainage, and fire and emergency services to the property on which the urban dwelling will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
- I. Other Development Standards.** For all other development standards not specified in this Section, the development standards of the base zoning shall apply.
- J. Fees/Utility Connections:**
1. Impact fees. The applicant shall pay all applicable impact fees for each new dwelling, including but not limited to, parks, traffic, water and sewer. Such fees shall be charged at the same rate as a new single-family dwelling.
  2. Utilities. New or separate utility connection shall be required, including all related fees or capacity charges. Such fees shall be charged at the same rate as a new single-family dwelling.
  3. Inclusionary housing. If the City were to adopt an Inclusionary Housing Ordinance, all new urban dwellings shall be subject to the Ordinance.
- K. Limitations to Develop an Urban Dwelling:**
1. Historic properties. Any proposed urban dwelling shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section

5020.1 of the Public Resources Code), or within a property that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

2. Demolition:

- a. The following types of housing shall not be demolished or altered to accommodate an urban dwelling:
  - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;
  - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
  - iii. Housing that has been occupied by a tenant within the past three (3) years.
- b. For housing that has been vacant and/or owner occupied for the past three (3) years, the dwelling may be fully demolished.
- c. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community and Economic Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.

3. Accessory Dwelling Units (ADUs) and Junior ADUs. An urban dwelling shall not be permitted if the property is already developed with an ADU or Junior ADU. In addition, if an urban dwelling is developed on the property, an ADU or Junior ADU shall not be permitted thereafter.

4. Separate conveyance. The urban dwelling shall not be sold or otherwise conveyed separate from any other dwelling on the property; and

5. Short term rentals. The urban dwelling shall not be rented for any duration less than 30 consecutive calendar days.

L. **Disclosures:**

1. The dwellings shall not be used for short term rentals;
2. The property (or properties if there was an urban lot split) shall not be further subdivided in the future (through an urban lot split or other process);
3. The urban dwelling shall not be sold or otherwise conveyed separate from any other dwelling on the property;
4. The driveway easement shall remain in place and both property owners shall be equally responsible to maintain, repair and repave the driveway;
5. If the City were to establish overnight parking limitations, urban dwellings shall not be eligible for overnight parking permits; and

6. If the City were to adopt an Inclusionary Housing Ordinance and the property owner to develops the dwelling(s) as affordable housing, the seller must disclose the property must continue to be used as affordable housing per the recorded covenant.
- M. **Exempt Units.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (M) above, the City shall ministerially approve an application for a building permit within a one-family dwelling zone (R-1A and R-1B) to create any of the following units:
1. If the property is vacant and two (2) urban dwellings are proposed, the City shall approve an average size of up to 800 square feet for each urban dwelling (i.e. 1,600 square feet total).
  2. If the property is developed with one (1) primary single-family dwelling, the City shall approval an urban dwelling of up to 800 square feet.
  3. If the above cannot be accommodated because of property constraints, the City shall provide relief to the development standards of this Section (without requiring a Variance or Minor Variance), in the following descending order (i.e. relief shall be provided through (a) maximum FAR first and then (b) lot coverage, and so on):
    - a. Maximum Floor Area Ratio (FAR) for the property.
    - b. Maximum lot coverage for the property.
    - c. Minimum building separation for a detached urban dwelling.
    - d. Requirement for enclosed parking spaces may be partially or fully replaced with unenclosed parking spaces;
    - e. Minimum front yard setback for the rear urban dwelling(s) may be reduced to four (4) feet;
    - f. Height. The overall height may be increased to two (2) stories with a maximum top plate of 18 feet and a maximum overall height of 25 feet, provided the following standards are met:
      - i. The front yard, street side yard and interior side yard shall be step backed an additional five (5) feet from the line of the first floor;
      - ii. The rear yard shall have a setback of ten (10) feet for the rear urban dwelling(s);
      - iii. There shall be no exterior staircase leading to or from an urban dwelling; and
      - iv. There shall be no upper floor patios or balconies.
    - g. Minimum open space requirements may be reduced, eliminated and/or have reduced dimensions.
    - h. Minimum parking requirements for the urban dwellings may be reduced or eliminated.
    - i. Additional height. If a third story is needed to accommodate the minimum square footage, it shall be completely subterranean (with exception to the minimum

opening requirements for light and ventilation per the most recently adopted California Building Code).

- j. Other standards as determined by the Community and Economic Development Director.

**17.110.110 – Urban Lot Splits. (RENUMBERED)**

A. **Purpose.** The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 66411.7 of the California Government Code and other applicable state laws. All provisions set forth in this Section shall be subject to the applicable preemptive limitations set forth in Section 66411.7 of the California Government Code, unless stated otherwise.

B. **Applications:**

1. Urban lot split. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an urban lot split.
2. Urban lot split submitted as part of one (1) or two (2) urban dwelling(s) (as outlined in Section 17.06.166 of this Chapter). The City shall act on the urban lot split at the same time or before acting on the application for the urban dwelling(s). However, the applications for the urban lot split and urban dwelling(s) shall still be considered without discretionary review or hearing.
3. An urban lot split shall be subject to a Tentative Parcel Map as outlined in Chapter 16.12 (Subdivisions – Tentative Parcel Maps) of the EMMC. However, the following shall apply:
  - a. The City shall not require any dedication of right-of-way;
  - b. The City shall not require the construction of any offsite improvements; and
  - c. The application shall be approved ministerially by the Community Development Director, and without discretionary review or a hearing.

C. **Permitted Zoning Districts.** Urban lot splits shall only be permitted in One-Family Dwelling (R-1A or R-1B) zoning districts.

D. **Number and Lot Size:**

1. Number of urban lots. The parcel map subdividing an existing parcel shall create no more than two (2) parcels. Both parcels shall be considered new parcels.
2. Size of urban lots. One (1) parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
3. Minimum urban lot size. Both newly created parcels shall have a minimum size of 1,200 square feet.

E. **Parcel Configuration:**

1. The lot split line shall be parallel (i.e. a straight line) to the street property line. If the street property line curves, the lot split line may have the same curve radius or may be straight;

2. The front parcel shall be the same size or larger than the rear parcel; and
  3. An access easement shall be recorded shall providing street access for the rear parcel.
- F. **Owner Occupancy Requirements.** The applicant for an urban lot split shall sign an affidavit stating they intend to occupy one (1) of the urban dwellings as their principal residence for a minimum of three (3) years from the date of the approval of the urban lot split.
- G. **Nonconforming Zoning Conditions.** The City shall not require, as a condition for approval to create an urban lot split, the correction of a nonconforming zoning condition.
- H. **Limitations to Urban Lot Splits:**
1. Historic properties. Any proposed urban lot split shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section 5020.1 of the Public Resources Code), or within a property that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
  2. Demolition:
    - a. The following types of housing shall not be demolished or altered to accommodate an urban lot split:
      - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;
      - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
      - iii. Housing that has been occupied by a tenant within the past three (3) years.
    - b. For housing that has been vacant and/or owner occupied for the past three (3) years, the dwelling may be fully demolished.
    - c. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community and Economic Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.
  3. Existing housing. An urban lot split shall not be permitted for a property that is currently developed with four (4) or more housing units.
  4. New construction. Any new dwelling constructed on either of the new parcels shall be limited to an urban dwelling as outlined in Section 17.110.100 of this Chapter.
  5. Development of adjacent parcels. Neither the owner or any person acting in concert with the owner of the parcel being subdivided may subdivide an adjacent parcel using an urban lot split as provided for in this Section.
- I. **Urban Dwelling Standards.** Refer to Section 17.110.100 of this Chapter for development standards to develop urban dwellings on the newly created urban lots.

### **17.110.120 – Urban Housing. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit urban housing, subject to the requirements of this Section.
- B. **Development Standards:**
1. Minimum density. The project shall have a minimum density of 35 units per acre. The maximum density shall be the maximum permitted in the underlying zoning district.
  2. Architectural details and materials:
    - a. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
    - b. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
  3. Building entrances. Units may be accessed individually or from shared entrances (e.g. a lobby).
  4. Pedestrian access:
    - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).
    - b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and parking areas.
    - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories and similar items to create a pleasant pedestrian experience.
    - d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
  5. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:
    - a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
    - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.

- c. Eliminate areas of concealment, hiding places and dead spaces.
- 6. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
- 7. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**D. Operational Standards:**

- 1. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.
- 2. Noise notification:
  - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.
  - b. The covenants, conditions, and restrictions shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.

## **CHAPTER 17.112 – STANDARDS FOR SPECIFIC NONRESIDENTIAL USES**

### **Sections.**

- 17.112.010 – Purpose.
- 17.112.020 – Adult Entertainment Establishment.
- 17.112.030 – Alcohol Sales Use.
- 17.112.040 – Alternative Financial Establishment.
- 17.112.050 – Automated Teller Machine (ATM).
- 17.112.060 – Collection Containers.
- 17.112.070 – Correctional Facility.
- 17.112.080 – Drive-thru Business.
- 17.112.090 – Hotel or Motel.
- 17.112.100 – Low Barrier Navigation Center and Emergency Shelter.
- 17.112.110 – Multiple-tenant Center.
- 17.112.120 – Outdoor Dining.
- 17.112.130 – Pawnbroker or Pawnshop.
- 17.112.140 – Personal Service Use (General, Restricted and Massage).
- 17.112.150 – Recycling Facility.
- 17.112.160 – Secondhand Vendor.
- 17.112.170 – Significant Tobacco Retailer.
- 17.112.180 – Vehicle Sales and Lease.
- 17.112.190 – Vehicle Repair Facility.
- 17.112.200 – Vehicle Service Station.
- 17.112.210 – Vehicle Washing Facility.

### **17.112.010 – Purpose. (NEW)**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific uses and activities that are permitted or conditionally permitted in some or all zoning districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

### **17.112.020 – Adult Entertainment Establishment. (RENUMBERED)**

#### **A. Purpose:**

1. The purpose and intent of this Section is to regulate adult entertainment establishment which, unless closely regulated, may have serious negative secondary effects on properties within the vicinity of an adult entertainment establishment, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas; interference with residential property owners' enjoyment of their property as a result of increases in crime, litter, noise and vandalism; higher crime rates; and blighting conditions such as lower maintenance levels of commercial properties, which thereby have a deleterious effect

upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult entertainment establishment.

2. It is neither the intent nor the effect of this Section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Chapter to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult entertainment establishment to their intended market.
  3. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City Ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
  4. Notwithstanding any provision of Title 9 (Public Peace, Morals and Safety) of the EMMC, the regulations set forth under this Chapter shall apply specifically to adult entertainment establishment.
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit adult entertainment establishments, subject to the requirements of this Section.
- C. **Applicability.** This Section shall apply to adult entertainment establishments, as defined in Chapter 17.150 (Use Definitions) of this Title.
- D. **Exempt Businesses.** This Section shall not apply to any of the following businesses or activities:
1. Any massage establishment holding a valid massage establishment certificate and whose owner(s) and manager(s) are also the holders of valid operating certificates, all issued in accordance with the provisions of Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC;
  2. Any massage practitioner holding a valid state certificate and in full compliance with all requirements, restrictions and obligations set forth under Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC; and
  3. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the State of California to practice such art or profession under the provisions of the Business and Professions Code or any other applicable state law.
- E. **Development Standards:**
1. Separation requirements from sensitive uses. Any adult entertainment establishments shall be a minimum 250 feet from any of the following:
    - a. Any residential zoning district, whether in the City, in an adjoining City or within an unincorporated area;

- b. Any residential use in any zoning district;
  - c. Public recreation facilities;
  - d. Public or private K-12 schools, public or private preschools and child daycare centers;
  - e. Community centers and libraries; and
  - f. Religious institutions.
2. Separation requirements from another adult entertainment establishment. Any adult entertainment establishment shall be a minimum 750 feet another adult entertainment establishment, whether in the City, in an adjoining City or within an unincorporated area (provided the adult business was legally established).
  3. Each such adult entertainment establishment must, prior to commencement or continuation or substantial enlargement of such business, first apply for and receive an adult business license in accordance with the provisions of Chapter 5.98 (Adult Business License Regulations) of the EMMC.
- F. **Misdemeanor Offenses.** In addition to all other offenses specified in this Section, this Title and state statutes, an adult entertainment establishment shall be subject to the following restrictions:
1. Notwithstanding that it is not a criminal offense for a person to operate or cause to be operated an adult entertainment establishment to be in violation of the nudity limitation set forth in Chapter 5.98 (Adult Business License Regulations) of the EMMC, it is unlawful and a misdemeanor to establish, substantially enlarge or operate an adult entertainment establishment within the City without first complying with the provisions of this Chapter.
  2. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment outside of the zones specified in this Chapter.
  3. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment in violation of the locational standards set forth in Subsection 17.112.020 of this Section.
  4. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of more than one (1) adult entertainment establishment within the same building, structure or portion thereof, or cause the increase of floor area of any adult entertainment establishment in any building, structure or portion thereof containing another adult entertainment establishment.
  5. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of a sex supermarket/sex mini-mall as defined in this Section.
- G. **Penalties:**
1. Violations/penalties. Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this Chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than \$1,000.00 and/or by imprisonment for not more than six (6)

months, or by both such fine and imprisonment. Any violation of the provision of this Chapter shall constitute a separate offense for each and every day during which such violation is committed, permitted, caused or continued.

2. Administrative penalties. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Chapter may be subject to administrative penalties, as set forth by City Ordinance.
- H. **Civil Injunction.** The violation of any provision of this Chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.
- I. **Public Nuisance.** In addition to the penalties set forth above, any adult entertainment establishment which is operating in violation of this Chapter or any provision thereof, or Chapter 5.98 (Adult Business License Regulations) of the EMMC, or any provision thereof, is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

**17.112.030 – Alcohol Sales Use. (NEW)**

**A. Off-site Alcohol Sales:**

1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit off-site alcohol sales, subject to the requirements of this Subsection.
2. Development standards:
  - a. Retail stores that sell alcohol and are less than 5,000 square feet of gross floor area (this Subsection shall not apply to retail stores that are 5,000 square feet or greater):
    - i. If the proposed alcohol sales business will be within 500 feet of a public recreation facility or community center, the applicant shall provide a letter of non-protest from the Parks and Recreation Director; and
    - ii. If the proposed alcohol sales business will be within 500 feet of a public or private school (grades K-12), the applicant shall provide a letter of non-protest from the school principal.
  - b. All liquor stores (this Subsection shall apply to all liquor stores, regardless of their size):
    - i. The proposed alcohol sales business shall be a minimum 500 feet from a public recreation facility, community center and public or private school (K-12); and
    - ii. The proposed alcohol sales business shall be a minimum 500 feet from any existing liquor store.
3. Operating standards. All of the following shall apply:
  - a. Alcohol consumption on premises prohibited. Consumption of alcoholic beverages inside a retail alcohol sales business, outside the building, or elsewhere outside on the premises shall be prohibited.

- b. Sales activities. Alcoholic beverages shall not be sold outside the exterior walls of the alcohol sales business or from drive-up or walk-up service windows.
  - c. Litter and graffiti. The owner/operator shall:
    - i. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times; and
    - ii. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises.
  - d. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside the building.
  - e. Sales training:
    - i. Personnel. Owners, operators, and managers of businesses selling alcoholic beverages shall complete a Licensee Education on Alcohol and Drugs (LEAD) program sponsored by the Department of Alcoholic Beverage Control (ABC).
    - ii. Records. Records of each owner's and operator's successful completion of the LEAD training program shall be maintained on the premises and shall be presented to a representative of the City upon request
4. Signs. Signs shall comply with Chapter 17.80 (Signage Regulations). In addition, the following shall apply:
- a. 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; and
  - b. Loitering, open container, and other signs specified by the Alcoholic Beverage Control (ABC) Act shall be posted as required by the ABC.
5. Additional Findings. In addition to the required findings outlined in Chapter 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
- a. The crime rate in the reporting service area is not significantly higher compared to other areas of the City. In addition, the numbers of alcohol-related calls for service, crimes, or arrests in the reporting service area are not significantly higher compared to other areas of the City; and
  - b. The proposed alcohol sales business will not significantly contribute to an undue proliferation of alcohol sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering and traffic problems.

**B. On-site Alcohol Sales:**

- 1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit off-site alcohol sales, subject to the requirements of this Subsection.

2. Additional Finding. In addition to the required findings outlined in Chapter 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following finding shall also be made (this shall not apply to proposed alcohol sales businesses in the Gateway Specific Plan (SP-1) and Downtown Specific Plan (SP-4)):
  - a. The proposed alcohol sales business will not significantly contribute to an undue proliferation of alcohol sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area’s function and character, problems of crime and loitering and traffic problems.

**17.112.040 – Alternative Financial Establishment. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit alternative financial establishments, subject to the requirements of this Section.
- B. **Separation Requirement.** Any new alternative financial establishment business shall be a minimum 1,000 feet from an existing alternative financial establishment business.

**17.112.050 – Automated Teller Machine (ATM). (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit ATM facilities, subject to the requirements of this Section.
- B. **Development and Operational Standards:**
  1. Visibility. ATM facilities within a building and walk-up ATM facilities shall be highly visible from the public right-of-way.
  2. Design. Walk-up ATM facilities that are stand-alone structures shall incorporate the on-site building’s architectural design, materials and colors.
  3. Privacy. ATM facilities on the exterior wall of a building and facing a walkway shall have a three (3) foot deep privacy area between the ATM and the walkway.
  4. Lighting. Adequate lighting shall be provided for safety purposes.
  5. Maintenance. A refuse container shall be accessible immediately adjacent to the ATM.
  6. Future removal. When walk-up facilities are removed, the structure’s façade shall have a finished appearance consistent with the existing structure.

**17.112.060 – Collection Containers. (FULLY UPDATED)**

- A. **Permitted Zoning Districts.** Refer to Division A(Matrix of Permitted Uses) for zoning districts that may permit collection containers, subject to the requirements of this Section.
- B. **Exemptions:**
  1. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building or otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth below.

2. Refuse or recycling containers that comply with the provisions of this Title.

**C. Development Standards:**

1. Separation requirements. A property with a new collection container shall be a minimum 500 feet from another property with an existing collection container.
2. Maximum number. A maximum of one (1) collection container shall be located on any property.
3. Residential uses. Collection containers shall not be located on a property which has a residential use. In addition, the collection container area shall be set back a minimum 100 feet from any residentially zoned property.
4. Vacant properties. Collection containers shall not be located on a vacant property.
5. Location on property. No collection container shall be located within a required landscaping area, parking space and within 20 feet of a street property line.
6. Minimum access requirements. Collection containers shall not be located to block or impede access to driveways, parking areas, pedestrian and disabled access routes, emergency access, building ingress and egress, refuse storage facilities.
7. Physical attributes. All collection containers, shall:
  - a. Be fabricated of durable and waterproof materials;
  - b. Be placed on ground that is paved with durable cement;
  - c. Have a tamper-resistant locking mechanism for all collection openings;
  - d. Not be electrically or hydraulically powered or otherwise mechanized; and
  - e. Not be considered a fixture of the site or an improvement to real property.
8. A small collection container shall be no taller than seven (7) feet above the finished grade of the parcel on which it is located.
9. Collection containers shall have the following information conspicuously displayed in at least two (2) inch type visible from the front on the collection container:
  - a. The name, address, 24-hour telephone number and email address of the operator of the collection container and the agent for the property owner;
  - b. The type of materials that may be deposited;
  - c. For small collection containers: a notice stating that no material shall be left outside the collection container. For large collection containers: a statement that no items may be left for collection unless an attendant is on duty; and
  - d. A sticker, certificate or other form of identification from the Planning Division with the permit number and date of City approval or inspection.

**D. Operational Standards:**

1. Maintenance. Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
2. Minimum service. Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in of this Code.
3. Solid waste and hazardous materials. Collection containers shall not be used for the collection of solid waste and/or any hazardous materials except as authorized by of this Code or other applicable law.
4. Reporting requirements. The operators of the collection containers shall report all tonnage collected within City limits on an annual basis by June 1 of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System i) and any related successor laws or regulations in order to properly account for the city's waste diversion and recycling efforts.
5. Attendants. Large collection containers shall have an attendant present at the container at all times that items are being received.
6. Enforcement. Any conditions that are in violation of this Section must be remedied or abated within 48 hours of being reported to the operator or property owner.

**17.112.070 – Correctional Facility. (FULLY UPDATED)**

A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit correctional facilities, subject to the requirements of this Section.

**B. Development Standards:**

1. Separation requirements from sensitive uses. Any correctional facility shall be set back from the following uses:
  - a. Minimum 500 feet from any community care use;
  - b. Minimum 1,000 feet from public or private K-12 schools, public or private preschools, child daycare centers and libraries;
  - c. Minimum 1,000 feet from public recreation facilities and community centers; and
  - d. Minimum one-half (½) mile from another correctional facility.
2. Sleeping space. A correctional facility shall provide a minimum of 60 square feet of sleeping space per bed/resident, not including the square footage provided for Subsections (3) through (6) below.

3. Multi-purpose space. A minimum ten (10) square feet of multi-purpose space per bed/resident shall be provided. Multi-purpose space shall be used for games and activities, visiting, television lounge, meetings and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict. In addition, the facility shall provide an exercise area of at least 500 square feet, not including required yards and required landscape areas.
  4. Storage space. A minimum eight (8) cubic feet of closet and drawer space per bed/resident shall be provided. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.
  5. Dining areas. A minimum 15 square feet of dining area per bed/resident shall be provided, not including kitchen areas.
  6. Restroom facilities. A minimum one (1) toilet and wash basin for every eight (8) beds/residents shall be provided. In addition, a minimum one (1) shower or bathtub for every 12 beds/residents shall be provided. The correctional facility shall provide individual privacy for all toilet, shower, and bath areas.
- C. **Employment Requirements.** Correctional facility residents shall be regularly employed, regularly attending job training or regularly attending a learning institution.
- D. **Dispatch Calls.** A correctional facility may be liable for City Police Department costs related to dispatch calls, up to a maximum of \$500.00 per dispatch call. This shall apply if the Police Department determines that the dispatch call was the result of a crime or alleged crime that resulted in a police report or enforcement agency investigation.
- E. **Electronic and Written Record Maintenance:**
1. List of residents. The correctional facility shall maintain a list of all facility residents, which shall detail the sentences and offenses precipitating each resident's stay at the facility. In addition, the facility shall maintain a list of residents returned to higher security federal, state or county prison or jail for violation of facility rules and/or parole. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
  2. Electronic and written records. The correctional facility shall maintain electronic and written records, including but not limited to, Department of Motor Vehicle registration and licensing pertaining to all vehicles driven by residents of the facility. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
  3. Surveillance system. The correctional facility shall install recorded camera surveillance systems as approved by the City. The installation of such recorded camera surveillance systems shall be a condition precedent to the City's issuance of a Certificate of Occupancy for the facility. Such systems shall be set up for a 45-day rotation period. All video recordings shall be kept onsite for at least five (5) years from the date of recordings. The recordings shall be made available to the City within 15 calendar days of the City presenting a written request.

4. Failure to timely make electronic and written records available to the City, as provided for in this Section, within the time period allowed shall result in the assessment of a \$500.00 penalty due to the City per day until the requested records are made available.

**F. Personnel Requirements:**

1. All correctional facility personnel shall be trained in accordance with Title 15, Sections 11-358 of the California Code of Regulations and maintained at levels mandated by the Federal Bureau of Prisons.
2. Correctional facilities shall provide at least two Cardiopulmonary Resuscitation (CPR) trained, uniformed custodial guards or monitors on duty at all times on facility premises. CPR training must be made in accordance with the most current American Heart Association CPR guidelines.

**G. Excludable Offences.** A correctional facility shall not accept persons that were convicted of any of the following offenses, as are defined in the California Penal Code, to be facility residents or personnel:

- 
- |   |   |
|---|---|
| ● Arson   | ● Holding of a hostage by a prisoner                    |
| ● Assault with a deadly weapon  | ● Kidnapping  |
| ● Assault by a life prisoner on a non-inmate  | ● Lewd act on a child                                   |
| ● Assault with a deadly weapon by an inmate   | ● Mayhem  |
| ● Assault with intent to rape or rob;   | ● Murder  |
| ● Exploding a destructive device with intent to injure, murder, cause mayhem or great bodily injury | ● Personal infliction of a great bodily injury          |
| ● Any felony punishable by death or life imprisonment   | ● Personal use of a deadly weapon or a firearm          |
| ● Forcible oral copulation  | ● Rape  |
| ● Forcible penetration by foreign object  | ● Robbery (including bank robbery)                      |
| ● Forcible sodomy   | ● Sale or possession for sale of a controlled substance |
| ● Grand theft using a firearm   | ● Selling and/or furnishing drugs to a minor            |
|   | ● Vehicular manslaughter                                |
|   | ● Voluntary manslaughter                                |

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- An attempt to commit any of the crimes listed above;
  - Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under California Penal Code Section 290, and also offenses involving child pornography as described in California Penal Code Sections 311 through 312.3;
  - Any person convicted of a crime whom the sentencing judge deems unacceptable for community access; and
  - Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.
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- H. **Repeat Residence Prohibition.** Correctional facilities shall not accept persons to be facility residents that have previously resided in any correctional facility within the City limits and were subsequently released, after service of his or her sentence, or returned to federal, state or county prison or jail for violation of correctional facility rules and/or parole.

**17.112.080 – Drive-thru Business. (NEW)**

- A. **Applicability.** This Section applies to drive-thru food or beverage establishments and drive-thru service or retail uses (e.g. banks, pharmacies, etc.). The drive-thru may be ancillary to the main business or the primary form of the business. This Section shall not apply to vehicle related activities (e.g. vehicle washing facilities).
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit drive-thru businesses, subject to the requirements of this Section.
- C. **Development Standards:**
  - 1. Drive-thru site orientation. In multiuse zoning districts, the drive-thru aisle shall be inwardly focused within the property and located away from adjoining streets. In all other zones, this is highly encouraged, when feasible.
  - 2. Pedestrian walkways. Such walkways should not intersect the drive-thru access aisle. When they are permitted, they shall be clearly visible and emphasized by enhanced paving or markings.
  - 3. Parking. The provisions of drive-thru and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
  - 4. Vehicle stacking requirements:
    - a. Food or beverage establishment. A minimum two (2) waiting vehicles before the order window and a minimum two (2) waiting vehicles before the pick-up window. A minimum of three (3) vehicles if there is only one (1) window.
    - b. Pharmacy. A minimum two (2) waiting vehicles before the pick-up window.
    - c. Financial institution. A minimum one (1) waiting vehicle before the Automated Teller Machine (ATM). If two (2) or more drive-thru ATMs are provided, waiting vehicle areas are not required.
    - d. All other uses. As required per the Conditional Use Permit or Minor Use Permit.
    - e. Queuing study. The vehicle stacking requirements listed in Subsections (a), (b), (c) and (d) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.
  - 5. Drive-thru aisle. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
  - 6. Landscaping. The area between the drive-thru aisle and adjacent sidewalks, roadways, driveways or parking areas shall be separated by curbing and landscaping. Such

landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet high to provide visibility.

7. Adjacent to residential properties. A minimum six (6) feet high solid decorative masonry wall shall be constructed on each property line that adjoins a residentially zoned property. A minimum five (5) feet deep landscape planter shall be provided between the wall and any parking or driveway.

**D. Operational Standards:**

1. Noise. All amplified equipment (e.g. menu board speakers) shall be located so as not to adversely impact adjoining uses. Outdoor piped music shall be prohibited.
2. Refuse. The applicant shall provide a litter pick-up schedule and a map of the clean-up area. Outdoor refuse bins shall be incorporated throughout the parking lot.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for live/work units.

**F. Additional Findings.** In addition to the required findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the following findings shall also be made:

1. The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses; and
2. The proposed location of the drive-thru business will not result in adverse impacts on the surrounding area, after giving consideration to the site plan, litter clean-up plan and business operations plan.

**17.112.090 – Hotel or Motel. (NEW)**

**A. Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit hotels or motels, subject to the requirements of this Section.

**B. Maximum Floor Area Ratio (FAR).** Hotels and motels with 100 or more rooms may request an FAR bonus of up to ten (10) percent, provided the additional square footage is evaluated for any potential environmental impacts (and mitigated to less than significant levels).

**C. Development Standards:**

1. Lot size. The minimum lot size shall be 30,000 square feet and the minimum lot width shall be 150 feet. This standard shall not apply for projects within the Downtown Specific Plan (SP-4).
2. Lobby. The minimum interior lobby size shall be 400 square feet, exclusive of any office area.

3. Guest amenities. One (1) or more amenity area(s) shall be provided for each hotel or motel facility. This shall be at the rate of 25 square feet of amenity space per guestroom, or 2,500 square feet, whichever is less. A minimum 50 percent shall be outdoors and a minimum 25 percent shall be indoors. Examples include patios, playground equipment, swimming pools, tennis courts, exercise rooms and saunas.
4. Minimum stay. Hotel and motel guest rooms shall not be provided on less than a daily basis.
5. Manager unit. An on-site manager's dwelling unit shall be provided for each hotel or motel facility having fewer than 75 rooms. Such dwelling shall contain a minimum of one (1) bedroom and a maximum of two (2) bedrooms.

**D. Ancillary Uses:**

1. Hotel guests only. Examples may include the guest amenities listed in Subsection (C) above, continental breakfast areas, business concierge service areas and meeting rooms.
2. Hotel and other guests. Examples may include the restaurants, lounge/bar areas, gift shops, conference rooms and banquet facilities.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for hotels and motels.

**17.112.100 – Low Barrier Navigation Center and Emergency Shelter. (FULLY UPDATED)**

**A. Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit low barrier navigation centers and emergency shelters, subject to the requirements of this Section. In addition, emergency shelters shall comply with Section 65583(4)(A) of the California Government Code.

**B. Development Standards:**

1. Separation requirements:
  - a. The facility shall be a minimum 300 feet from any existing low barrier navigation center or emergency shelter.
  - b. The facility shall be a minimum 500 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.
2. Waiting areas. An interior waiting area shall be provided near the entrance of the facility. It shall have an area of ten (10) square feet per bed, with a minimum overall area of 100 square feet.

**C. Amenities:**

1. Required for low barrier navigation centers and emergency shelters:
  - a. A minimum of one (1) toilet for every eight (8) beds per gender.

- b. A minimum of one (1) shower for every (8) beds per gender.
  - c. A private toilet and shower for each area designated for use by individual families. In addition, the facility shall provide lockers for clients to temporarily store their belongings.
  - d. A minimum of one (1) short-term bicycle parking space for every six (6) beds. The bicycle parking shall be within 25 feet of the main entrance.
2. Required for low barrier navigation centers and optional for emergency shelters:
- a. A recreation area inside the facility or in an outdoor area visually separated from public view by a minimum six (6) foot high decorative wall or fence.
  - b. A minimum one (1) storage area of five (5) square feet for every two (2) beds. Shopping carts shall not be permitted on-site.
  - c. Privacy screens around beds in a dormitory setting or in larger rooms containing more than two (2) beds. Screens may be in the form of draperies or partitions.
3. Optional for low barrier navigation centers and emergency shelters:
- a. A counseling center for job placement, educational, health care, legal services, or mental health services.
  - b. Laundry facilities to serve the number of clients at the shelter.
  - c. Kitchen and dining areas.
- D. Operational Standards:**
1. Required for low barrier navigation centers and emergency shelters:
- a. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the shelter between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. There shall be no referral requirement to stay at the facility.
  - b. Clients shall vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.
  - c. There shall be a minimum one (1) staff member per ten (10) beds awake and on duty when the facility is open. Staff shall be trained in operating procedures, safety plans and assisting. The shelter shall not employ staff who has been convicted of a felony or who are required to register as a sex registrant under Penal Code Section 290.
  - d. The facility shall maintain sufficient monetary resources to enable them to operate per the facility management plan. They shall demonstrate to the City prior to approval of the permit application that such funds shall be available for use upon first occupant and shall reasonably be expected to be available for the life of the facility.
  - e. Alcohol and illegal drug use shall be prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.

- f. The facility shall be subject to City inspection prior to the commencement of operations. In addition, the City may inspect the facility at any time for compliance with the facility's management plan and other applicable laws and standards.
2. Required for low barrier navigation centers and optional for emergency shelters:
- a. The facility shall allow for the presence of partners, unless it is a population-specific facility, such as for survivors of domestic violence or sexual assault.
  - b. The facility shall allow for the presence of pets.
  - c. The facility shall accommodate people with disabilities.
  - d. The facility shall not deny entry based on use of drugs or alcohol, a history of justice involvement or poor credit, or refusal to participate in services or programs.

**E. Facility Management Plan:**

1. Required for low barrier navigation centers and emergency shelters:
- a. Maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.
  - b. Provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to the City.
  - c. Maintain information on individuals utilizing the facility to ensure that the maximum stay at the facility shall not exceed 120 days in a 365-day period.
  - d. Continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
  - e. Educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the City.
  - f. Establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.
  - g. Implement other conditions and/or measures as determined by the City, in consultation with other agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
  - h. Provide an updated list of emergency shelter residents each month to the City.
  - i. Provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
  - j. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

2. Required for low barrier navigation centers and optional for emergency shelters:
  - a. The facility is linked to a coordinated entry system so that staff may conduct assessments and provide services to connect people to permanent housing.
  - b. The facility has a system for entering information regarding client stays, client demographics, client income and exit designations through the Local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

**17.112.110 – Multiple-Tenant Commercial Center. (FULLY UPDATED)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit multiple-tenant commercial centers, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Lot size. The minimum lot size shall be 20,000 square feet and the minimum lot width shall be 150 feet. This standard shall not apply to vertical mixed-use projects.
  2. Tenant sizes. One (1) tenant shall be a minimum 20 percent of the total building square footage or 3,500 square feet, whichever is less. This standard shall not apply to vertical mixed-use projects.
  3. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**17.112.120 – Outdoor Dining. (NEW)**

- A. **Permitted Zoning Districts.** Outdoor dining may occur as ancillary to any existing or proposed restaurant use or as a primary use in zoning districts that permit restaurants and other eateries. Outdoor dining areas shall be set back a minimum 20 feet from any residential zone. In addition, outdoor dining on public property shall require approval of an Encroachment Permit by the Public Works Director.
- B. **Development Standards:**
  1. Design. The design and appearance of the outdoor dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure.
  2. Furniture. Furniture shall include durable tables, chairs and refuse bins that match each other. Perimeter fencing on private property is encouraged. Suitable materials include picket, wood lattice and decorative metal fencing. For outdoor areas visible from the public right-of-way, perimeter fencing shall exceed a height of 42 inches. In all other areas, perimeter fencing shall not exceed a height of six (6) feet. The use of folding banquet tables, metal folding chairs and/or chain link fencing shall not be permitted.
  3. Seasonal needs. Umbrellas and sail shade structures are encouraged. Pop-up canopies and party tents may only be used in outdoor areas not visible from the public right-of-way. The use of water misters and heat lamps may also be permitted.

4. Landscaping and lighting. The use of landscaping is encouraged. This can be incorporated with the perimeter fencing (e.g. hanging flower boxes), potted plants and shrubs and/or table centerpieces. Accent lighting is also encouraged (e.g. white hanging lights). However, bright spotlights, spinning or flashing lights shall not be permitted.

**C. Operational Standards:**

1. Hours of operation. Hours of operation for outdoor dining areas shall coincide with those of the associated indoor restaurant.
2. Outdoor bar prohibited. A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside dining area.
3. Noise. Amplified sound (e.g., music, television, etc.) shall not be audible beyond the property line.
4. Maintenance. The operator shall maintain the outdoor dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, umbrellas and other related furniture. An adequate number of refuse bins shall be provided to serve the outdoor dining area.

**17.112.130 – Pawnbroker or Pawnshop. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit pawnbrokers or pawnshops, subject to the requirements of this Section.
- B. **Separation Requirement.** Any new pawnshop shall be a minimum 1,000 feet from an existing pawnshop.

**17.112.140 – Personal Service Use. (NEW)**

**A. Personal Service, General and Restricted:**

1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit personal service general and restricted, subject to the requirements of this Subsection. This Subsection shall not apply to dry cleaning services, locksmiths and modeling agencies.
2. Development and operational standards:
  - a. Interior space. There shall be no partitions in excess of four (4) in height in the interior of the tenant space, except for appropriate interior partitions for a maximum of two (2) restrooms and one (1) room for storage or office not to exceed 25 percent of the gross floor area.
  - b. Visibility. The front of the use shall not be covered with blinds, curtains, window coverings or temporary window signs that block visibility into and through the facility.

**B. Personal Service, Massage:**

1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit personal service massage, subject to the requirements of this Subsection.
2. Separation requirement. Any new massage business shall be a minimum 1,000 feet from an existing massage business.
3. Other EMMC requirements. Refer to Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC for additional requirements.

**17.112.150 – Recycling Facility.**

**A. Mobile Facility: (NEW)**

1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit mobile facilities, subject to the requirements of this Subsection.
2. The facilities shall be an accessory use to an existing or proposed retail, office, service, industrial or transportation use.
3. Quantity. Shall be limited to one (1) facility per host business.
4. Hours and setbacks:
  - a. The minimum setback from a residential zoning district shall be 50 feet; and
  - b. If the facility is located between 50 feet and 100 feet from a residential zoning district, the hours shall be limited to 9:00 a.m. to 7:00 p.m. daily.
5. Parking. Facilities shall have an area clearly marked to prohibit other vehicle parking during the hours when the mobile unit is scheduled to be present.
6. Operations and maintenance:
  - a. All recyclable materials shall be stored in the mobile vehicle; no materials shall be left outside the mobile vehicle.
  - b. The mobile facility shall leave the property at the end of each day.
  - c. The area shall be maintained in a dust-free and litter-free condition and shall sweep site on a daily basis.

**B. Self-service Facility.** Facilities located outdoors shall comply with the following: **(NEW)**

1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit self-service facilities, subject to the requirements of this Subsection.
2. The facility shall be an accessory use to an existing or proposed retail, office, service, industrial or transportation use.
3. Quantity. There shall be a maximum of one (1) facility primary use.
4. Area, height and setbacks:

- a. The maximum area shall not exceed 100 square feet;
  - b. The maximum height shall not exceed eight (8) feet;
  - c. The minimum setback shall be 15 feet from any street property line;
  - d. The machine shall not block pedestrian or vehicular access.
- 5. Hours. The operating hours shall not extend past that of the primary use.
  - 6. Parking. The machine shall not occupy any required parking spaces.
  - 7. Operations and maintenance:
    - a. The machine shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
    - b. The area shall be maintained in a litter-free condition on a daily basis; and
    - c. The area shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

C. **Small Collection Facility: (FULLY UPDATED)**

- 1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit small collection facilities, subject to the requirements of this Subsection.
- 2. Recyclable materials:
  - a. Shall accept only glass, metal, plastic containers, papers and cardboard;
  - b. Shall use containers that are clearly marked to identify the type of recyclables to be deposited. The name and telephone number of the owner or manager of the facility shall be conspicuously posted; and
  - c. Use the facility for the deposit of solid waste is not permitted.
- 3. Area, height and setbacks:
  - a. The maximum area of the facility shall not exceed 500 square feet;
  - b. The maximum height of the facility shall not exceed 12 feet;
  - c. The minimum setback shall be 20 feet from any street property line;
  - d. The minimum setback from a residential zoning district shall be 100 feet; and
  - e. The facility shall not block pedestrian or vehicular access.
- 4. Hours. The operating hours shall be limited to the hours of 9:00 a.m. to 7:00 p.m. daily.
- 5. Parking. The use of existing required parking shall not be allowed unless the following conditions exist:
  - a. The facility is located in a Convenience Zone, as designated by the California Department of Conservation;

- b. The facility is certified by the California Department of Conservation; and
- c. If the facility meets the requirements outlined in Subsections (a) and (b) above, a parking reduction may be granted as follows:

Provided Parking:	Parking Space Reduction:
0 to 25	1
26 to 35	2
36 to 49	3
50 to 99	4
100 or greater	5

6. Design:

- a. The facility shall be constructed and maintained with durable waterproof and rustproof material;
- b. Roofing material shall be decorative metal seam or similar material; and
- c. Exterior siding shall be a smooth painted finish and weatherproof.

7. Noise:

- a. The facility shall not use power-driven sorting and consolidating equipment such as crushers or balers, nor shall it use power-driven processing equipment except for reverse vending machines.
- b. Noise levels shall not exceed 50 dBA as measured at the property line of the nearest residentially zoned property, or 65 dBA at the property line for of all other zoned properties.

8. Operations and maintenance:

- a. The containers shall be clearly marked to identify the type of recyclables to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- b. The containers shall be covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
- c. All recyclable materials shall be stored in containers; no materials shall be placed in open areas; any mobile recycling units must be removed from the site when not operating;
- d. A notice shall be displayed at the exterior of the facility stating that materials shall not be left outside during non-business hours.

- e. The area shall be maintained in a dust-free and litter-free condition and shall sweep site on a daily basis.
  - f. The area shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
9. Expiration. If a permit expires without a renewal, the facility shall be removed from the site on the date following the expiration.
- D. **Large Collection Facility: (FULLY UPDATED)**
- 1. Permitted zoning districts. Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit large collection facilities, subject to the requirements of this Section.
  - 2. Hours. The operating hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday and 9:00 a.m. to 7:00 p.m. on Sunday if within 150 feet of a residentially zoned property.
  - 3. Noise. Power-driven processing, including aluminum foil and can compacting, baling, plastic bag shredding or other light processing activities necessary for efficient temporary storage and shipment of materials, may be approved as part of the Conditional Use Permit.
  - 4. Operations and maintenance:
    - a. All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material; and
    - b. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
    - c. A notice shall be displayed at all entrances stating that materials shall not be left outside during non-business hours.
    - d. The area shall be maintained in a dust-free, odor-free and litter-free condition and shall sweep site on a daily basis.
    - e. The area shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- E. **Signage Regulations.** Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for recycling facilities.
- F. **Revocation of Permits.** If the facility has been revoked, and the appeal period has lapsed or been exhausted, and the applicant has not immediately removed the recycling facility from the property, the following may apply:
- 1. The Community Development Director may give the applicant an “intent to remove” notice, stating, unless the recycling facility is removed within five (5) business days, it will be impounded.

2. If the recycling facility is impounded, the recycling materials may be stored in any convenient place. The Community Development Director shall give the applicant a “notice of removal” notice. The notice shall include the location of the stored materials, procedures to collect the materials and costs due to the City. In addition, it shall include information as to what shall occur if the materials are not claimed.
3. If the recycling materials are not claimed within 45 calendar days, the materials shall be considered unclaimed property in possession of the City and may be disposed of.

**17.112.160 – Secondhand Vendor. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit secondhand vendors, subject to the requirements of this Section.
- B. **Separation Requirements:**
  1. Downtown Specific Plan (SP-4). Any new vendor shall be a minimum 500 feet from an existing secondhand dealer.
  2. All other zoning districts. Any new vendor shall be a minimum 1,000 feet from an existing secondhand dealer.

**17.112.170 – Significant Tobacco Retailer. (NEW)**

- A. **Permitted Zoning Districts and Required Approvals.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit significant tobacco retailers, subject to the requirements of this Section.
- B. **Separation Requirements:**
  1. Separation requirements from sensitive uses. Any new significant tobacco retailer shall be a minimum 250 feet from public recreation facilities, public or private K-12 schools, public or private preschools, child daycare centers, community centers and libraries.
  2. Separation requirements from another significant tobacco retailer. Any new significant tobacco retailer shall be a minimum 500 feet from any existing significant tobacco retailer.
- C. **Operational Standards:**
  1. The significant tobacco retailer shall comply with all applicable local, state and federal laws regarding the advertising, display or sales of tobacco products.
  2. Only store employees shall have immediate access to tobacco products.
  3. No person under the age of 18 may exchange, sample or sell tobacco products.
  4. Smoking rooms and lounges shall be prohibited.

**17.112.180 – Vehicle Sales and Lease. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit vehicle sales and lease, subject to the requirements of this Section. Vehicle sales and lease limited shall not be subject to the requirements of this Section.

**B. Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 25,000 square feet.
2. Lot width. The minimum street frontage shall be 150 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
3. Landscaping. A landscape planter shall be placed along all street frontages with a minimum width of ten (10) feet.
4. Walls and fences. No wall or fence shall exceed a height of four (4) feet within 40 feet of any street property line. In addition, the wall or fence shall be decorative and a minimum 50 percent open.
5. Ancillary uses. Any other use on the site shall be ancillary to the vehicle sales use. Ancillary uses shall not occupy more than 30 percent of the total lot area. Examples of ancillary uses include the following:
  - a. Vehicle repair. Refer to Section 17.112.190 of this Chapter for development and operational standards.
  - b. Vehicle washing. Refer to Section 17.112.210 of this Chapter for development and operational standards.
  - c. Other uses. Examples include parts and accessory sales, vehicle rental and food and beverage establishments (primarily for customers).
6. Customer and employee parking. Customer and employee parking areas shall be easily accessible and located separately from vehicle display areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

**C. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle sales uses.

**17.112.190 – Vehicle Repair Facility. (NEW)**

- A. **Applicability.** All new automobile repair facilities, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit vehicle repair minor and major, subject to the requirements of this Section.

**C. Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 20,000 square feet.
2. Lot width. The minimum street frontage shall be 100 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.

3. Building orientation. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors shall be screened from the public right-of-way to the greatest extent feasible.
4. Work areas. All work on vehicles shall be conducted within an enclosed building.
5. Vehicle storage. Vehicles awaiting service or pick-up shall be stored within an enclosed building or in a designed parking area. Unattended vehicles shall not be parked or stored in required customer parking spaces, within the public right-of-way or off-site on an off-site property.
6. Equipment, products and vehicle parts storage. Exterior storage, including tires, shall be fully screened from all property lines by building walls and/or screen walls.
7. Spray/paint booths. If spray or paint booths are permitted, they shall be fully screened and set back a minimum 50 feet from any residential zoning district.
8. Hours of operation:
  - a. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
  - b. Adjacent to all other properties. The hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. daily.
  - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Additional restrictions. The Planning Commission may further restrict the hours of operation through the Conditional Use Permit process to address noise impacts on adjacent properties.

**17.112.200 – Vehicle Service Station. (FULLY UPDATED)**

- A. **Applicability.** All new vehicle service stations, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit vehicle repair minor and major, subject to the requirements of this Section.
- C. **Development Standards:**
  1. Lot size. The minimum lot size shall be 20,000 square feet.
  2. Lot width. The minimum street frontage shall be 100 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
  3. Setbacks:
    - a. Buildings. A minimum setback of 25 feet shall be maintained from any street property line.

- b. Canopies. A minimum setback of ten (10) feet shall be maintained from any property lines.
- c. Pump islands. A minimum setback of 20 feet shall be maintained from any property line.
- 4. Landscaping. A minimum 200 square foot landscape planter shall be installed and maintained at the intersection of the property lines at a street corner.
- 5. Driveways:
  - a. Number. A maximum of two (2) driveways may be installed along each street frontage.
  - b. Separation. A minimum separation of 25 feet shall be maintained between two driveways along the same street frontage.
  - c. Setbacks. A minimum setback of ten (10) feet shall be maintained from any interior property line. A minimum setback of 20 feet shall be maintained from any street corner.
  - d. Width. Driveways shall have a minimum width of 30 feet and a maximum width of 35 feet.

**D. Operational Standards:**

- 1. Air and water. The service station shall provide air and water self-service for vehicles at no charge.
- 2. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside of buildings.
- 3. Hours of operation:
  - a. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily. This limitation shall not apply to service stations within 300 feet of a freeway on-ramp or off-ramp.
  - b. As an ancillary use. In addition to the limitations outlined in Subsection (a) above, the operating hours shall not extend past that of the primary use.
  - c. Additional restrictions. The Planning Commission may further restrict the hours of operation through the Conditional Use Permit process to address noise impacts on adjacent properties.

**E. Signage Regulations:**

- 1. A Master Sign Program shall be required.
- 2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle service stations.

**17.112.210 – Vehicle Washing Facility. (NEW)**

- A. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit vehicle washing facilities, subject to the requirements of this Section.
- B. **All Washing Facilities:**
1. Site plan and circulation:
    - a. Overall circulation. All vehicular circulation shall be entirely on site.
    - b. Building placement. Buildings shall be oriented on the site to minimize visibility of the washing tunnel’s entrance and exit from the public right-of-way. Washing tunnel exits should not face directly toward a residential zone.
    - c. Driveways and drive-thru aisles. All driveway approaches shall be set back a minimum 25 feet from street corners and adjacent property lines. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
    - d. Walkways. Pedestrian walkways should not intersect with the drive-thru access aisle. When they are permitted, they shall be clearly visible and emphasized by enhanced parking or markings.
  2. Noise:
    - a. Drive-thru aisles. The washing tunnel’s entrances and exits shall be reduced to the greatest extent feasible to minimize noise exiting from the tunnel areas.
    - b. Noise reduction measures. A minimum 50 percent of the wall and ceiling area adjacent to the dryers shall be treated with sound absorbing materials with a minimum noise reduction coefficient (NRC) of 1.0.
    - c. Vacuum systems. A central vacuum system should be utilized so that multiple vacuum stalls are supported by a single vacuum motor. The motor should be located within an indoor equipment room or other fully enclosed and roofed building with any required venting directed away from adjacent properties.
  3. Hours of operation:
    - a. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
    - b. Adjacent to all other properties. The hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. daily.
    - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
    - d. Additional restrictions. The Planning Commission may further restrict the hours of operation through the Conditional Use Permit process to address noise impacts on adjacent properties.

4. Landscaping and screening:
  - a. Equipment screening. Ground mounted equipment, including vacuum systems, visible from the public right-of-way shall be screened from view with landscaping and/or a combination of landscaping, decorative fencing and low-height walls to the greatest extent feasible.
  - b. Drive-thru aisles. The area between drive-thru aisles and adjacent sidewalks, roadways, driveways or parking areas should be separated by curbing and landscaping. Such landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet to provide visibility.
5. Security. The washing tunnel's entrances and exits shall be closed and secured during nonoperation hours to prevent unauthorized access.

**C. Self-service and Automated Facilities:**

1. Primary or secondary uses. Self-service or automated facilities may be the primary use on a property and may also be permitted as an ancillary use to a vehicle service station.
2. Vehicle stacking requirements. A minimum three (3) waiting vehicles before the first stopping point and two (2) vehicles before the second stopping point. If only one (1) stopping point is provided, it shall have vehicle stacking for four (4) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.
3. Noise. Vacuums shall be equipped with automatic shut-off timers to prevent use when the facility is closed. Vacuums and dryers shall be located a minimum 25 feet from any residentially zoned property.

**D. Full-service Facilities:**

1. Vehicle stacking requirements. A minimum four (4) waiting vehicles before the first stopping point and three (3) vehicles before the second stopping point. If only one (1) stopping point is provided, it shall have vehicle stacking for five (5) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.
2. Customer waiting areas. A customer waiting area shall be provided that incorporates benches, landscaping and amenities, including but not limited to fountains, sculptures, information kiosks and enhanced paving.
3. Drying areas. There shall be a sufficient drying area at the end of the washing tunnel to accommodate eight (8) vehicles. The drying area shall be separated from the site's ingress and egress and access to parking spaces.

- E. Queuing Study.** The vehicle stacking requirements listed in Subsections (C)(2) and (D)(1) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.

F. **Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle washing facilities.

## DIVISION 12 – APPLICATIONS AND PERMITS

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### CHAPTER 17.120 – ZONING CLEARANCE & ADMINISTRATIVE PERMIT

#### Sections.

- 17.120.010 – Purpose.
- 17.120.020 – Applicability.
- 17.120.030 – Exempt Projects.
- 17.120.040 – General Procedures.
- 17.120.050 – Guidelines.
- 17.120.060 – Time Periods.
- 17.120.070 – Appeals.

#### **17.120.010 – Purpose. (RENUMBERED)**

Zoning Clearance and Administrative Permit review is ministerial act that ensures development is consistent with the General Plan and this Title. The Zoning Clearance is intended to implement architectural standards, site planning, circulation, landscaping and other zoning and planning policies. The Administrative Permit is intended to ensure adjacent properties are not negatively impacted by any secondary effects of the proposed activity.

#### **17.120.020 – Applicability. (UPDATED)**

- A. **Zoning Clearance.** Approval of a Zoning Clearance shall be received prior to obtaining any other planning or building permit or prior to commencing work. Specifically, a Zoning Clearance shall be required for any of the following:
1. Automated Teller Machine (ATM);
  2. Building murals;
  3. Buildings and structures, including new construction, additions or conversions;
  4. Decks that are more than two (2) feet above the adjacent grade at any point;
  5. Exterior mounted security bars, for existing buildings only (constructed prior to January 1, 2022) and when there is no option to locate them in the interior of the building. The bars shall be retractable during business hours and they shall be decorative in style;
  6. Exterior spas, hot tubs, or swimming pools, provided they shall be setback a minimum ten (10) feet from the street side yard. In addition, they shall be setback a minimum 50 feet from the front yard setback, or located within the rear 50 percent of the depth of the lot, whichever is less; and
  7. Fences and walls that are more than two (2) feet above the adjacent grade;

8. Occupancy of an existing tenant space in a nonconforming multi-tenant commercial or industrial center. This shall only be required when the vacancy of the center is less than 50 percent of the total gross floor area and if the vacancy has been in place for more than one (1) year<sup>1</sup>;
  9. Patio covers, patio enclosures, gazebos, porch or trellis covers, breezeways and similar structures;
  10. Self-service (i.e. reverse vending machines) recycling facilities, subject to Section 17.112.140 (Standards for Nonresidential Uses – Recycling Facilities) of this Title;
  11. Storage structures and tool sheds in excess of 120 square feet in area; and
  12. Vending machines.
- B. **Administrative Permits.** Approval of an Administrative Permit shall be required for any of the following:
1. Downtown parking credits;
  2. Large group homes with seven (7) or more residents;
  3. Large residential care homes with seven (7) or more residents; and
  4. Small or large collection containers, subject to Section 17.112.060 (Standards for Nonresidential Uses – Collection Containers) of this Title;
  5. Small recycling facilities, subject to Section 17.112.140 (Standards for Nonresidential Uses – Recycling Facilities) of this Title; and
  6. Other improvements that require approval from the Community Development Director.

**17.120.030 – Exempt Projects. (RENUMBERED)**

The following projects shall be exempt from a Zoning Clearance:

- A. Buildings and structures that received application or permit approvals as outlined in any of the following Chapters: 17.122 (Design and Minor Design Review), 17.123 (Conditional and Minor Use Permits), 17.125 (Variance and Minor Variance), 17.126 (Modification for an Individual with a Disability) and/or 17.127 (Planned Residential Development) of this Title;
- B. Repainting of buildings or structures provided the color is not fluorescent, luminescent or bright and provided the building colors were not specified under a previously approved land use entitlement;
- C. Landscaping improvement or restoration;
- D. Concrete flatwork that does not cover more than 40 percent of the front or street side yard of any residentially zoned or used property; and
- E. Projects that have received approval of an Administrative Permit.

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<sup>1</sup> If the vacancy is greater than 50 percent, the new use shall comply with the zoning district; if the vacancy has for less than one (1), the use does not need a Zoning Clearance.

**17.120.040 – General Procedures. (FULLY UPDATED)**

The rules and procedures for applications, records and investigations applicable to Zoning Clearance shall be as follows:

- A. **Application.** Applications for a Zoning Clearance and Administrative Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
- C. **Decisions.** The Planning Division shall issue a Decision Letter for the Zoning Clearance within 30 days of deeming the application complete. The Community Development Director shall issue a Decision Letter on the Administrative permit within 30 days of deeming the application complete.

**17.120.050 – Guidelines. (RENUMBERED)**

In order to grant Zoning Clearance or Administrative Permit approval, the Planning Division or Community Development Director, respectively, shall review the applicable guidelines outlined below, to determine if the request is appropriate:

- A. The proposed improvements will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the area.
- B. The orientation and location of the buildings or structures are appropriate for the property;
- C. The vehicular and pedestrian circulation on the property allow for the safe movement of people regardless of their mode of travel;
- D. The functionality of the floor plans is superior; and
- E. The scale, character and quality of the improvements are consistent with purpose, goals and policies of the City's General Plan, Zoning Code, any applicable Specific Plan and its Comprehensive Design Guidelines.

**17.120.060 – Time Periods. (FULLY UPDATED)**

- A. The Zoning Clearance and Administrative Permit shall be valid for 12 months after the date of approval by Planning Division.
- B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Community Development Director, then the applicant may request a 12-month extension of the Zoning Clearance or Administrative Permit. The applicant shall submit the request prior to the expiration date. The extension shall be

considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.120.070 – Appeals. (FULLY UPDATED)**

Planning Division decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission’s decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.121 – INITIAL PLAN REVIEW (NEW)**

### **Sections.**

- 17.121.010 – Purpose.
- 17.121.020 – Applicability.
- 17.121.030 – General Procedures.
- 17.121.040 – Time Periods.

### **17.121.010 Purpose. (NEW)**

Projects should use sound design principles to establish buildings of high quality design consistent with the City’s General Plan and Comprehensive Design Guidelines. In order to achieve this, the Initial Plan Review process has been established. Through this process, the applicant submits a preliminary site plan, elevations and other items for review by the Planning Division, other City Divisions and outside agencies for comments relevant to the proposed project. These comments should then be incorporated as part of the formal application submittal.

### **17.121.020 – Applicability. (NEW)**

- A. The Planning Division shall review and provide comments on the site configuration, architectural design, signage and landscaping for the following:
  - 1. New nonresidential buildings greater than 5,000 square feet in gross floor area;
  - 2. New drive-thru facilities;
  - 3. New vehicle car wash facilities, vehicle sales (new and/or used vehicles), vehicle service and repair facilities and vehicle service stations;
  - 4. New mixed-use projects with multiple-family residential units;
  - 5. Housing development projects with two new (2) units on a property, including developments with two (2) new urban dwelling units; and
  - 6. Housing development projects with three (3) or more units that do not meet the eligibility requirements under Section 17.122.020(C)(8) (Design Review – Applicability) of this Title.
- B. The Community Development Director may, at his or her discretion, have the Initial Plan Review requirement waived, provided both of the following apply:
  - 1. The project was approved and expired within the past three (3) years or the same or substantially similar project went through the Initial Plan Review process within the past three (3) years; and
  - 2. A General Plan or Zoning Amendment, as defined in Section 17.128.020 (General Plan and Zoning Amendment – Applicability) of this Title, has not occurred where the proposed use and/or the proposed site plan and elevations would no longer be permitted.

- C. The Community Development Director may, at his or her discretion, have the Initial Plan Review and entitlement review run concurrently. This shall only occur when the Planning Division and the applicant have had extensive preliminary discussions on the development project prior to the typical submittal period of an Initial Plan Review. In addition, the Community Development Director must find that the site configuration and architectural design are consistent with the City's Comprehensive Design Guidelines.

**17.121.030 – General Procedures. (NEW)**

The rules and procedures for applications, records and investigations applicable to an Initial Plan Review shall be as follows:

- A. **Application.** Applications for an Initial Plan Review shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before Planning Division and other City Departments for review and comments. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
- C. **Decisions.** The Planning Division shall issue a Comment Letter within 90 days after a complete application is filed.

**17.121.040 – Time Periods. (NEW)**

- A. Comments provided by the Planning Division are advisory and shall not be binding. If a General Plan Amendment or Zoning Amendment have been approved by the City Council after the Initial Plan Review comments have been provided, the development project shall comply with the new regulations. In addition, if new fees have been adopted after the Initial Plan Review comments have been provided, the development project shall be subject to the new fees.
- B. An entitlement application should be submitted within 365 days from the date Planning Division comments were provided. After that period, a new Initial Plan Review should be required unless the Initial Plan Review can be waived or run concurrent with other entitlements, subject to Sections 17.121.020(B) and 17.121.020(C) of this Chapter.

## **CHAPTER 17.122 – DESIGN AND MINOR DESIGN REVIEW**

### **Sections.**

- 17.122.010 – Purpose.
- 17.122.020 – Applicability.
- 17.122.030 – General Procedures.
- 17.122.040 – Necessary Findings.
- 17.122.050 – Time Periods.
- 17.122.060 – Appeals.

### **17.122.010 - Purpose. (RENUMBERED)**

New construction needs to be compatible and harmonious with the design and uses of surrounding properties. In order to achieve this, the Planning Commission or Community Development Director may grant Design Review approval for new buildings and additions or remodels to existing buildings, provided the architecture, building materials and landscaping are of high quality and are consistent with the City's Comprehensive Design Guidelines. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.122.020 - Applicability. (UPDATED)**

- A. **Design Review Applications.** The Planning Commission shall review and approve, conditionally approve, or deny the site configuration, architectural design, signage and landscaping for the following:
1. Nonresidential uses:
    - a. New buildings greater than 5,000 square feet in gross floor area;
    - b. New drive-thru facilities;
    - c. New vehicle washing facilities (as a primary use), vehicle sales (new and/or used vehicles), vehicle service and repair facilities and vehicle service stations;
    - d. Additions that are greater than 25 percent of the current building's gross floor area;
    - e. Changes to more than 50 percent of a building's elevations;
    - f. Additional height covering more than 25 percent of the existing roof area, to provide improved architectural design (e.g. towers or other architectural features) that are visible from a street;
    - g. Pylon signs greater than 25 feet in height, as outlined in Chapter 17.80 (Signage Regulations) of this Title; and
    - h. New billboards or the rehabilitation of existing billboards within the Billboard Overlay Zone (BOZ).

2. Mixed-use and residential uses:
  - a. Any new mixed-use with multiple-family residential units in the Downtown Transit-Oriented District Specific Plan (SP-4) and Mixed/Multiuse (M/MU) zoning districts; and
  - b. Housing development projects with three (3) or more units that do not meet the eligibility requirements as outlined in Subsections (C)(8) or (C)(9) below.
- B. **Minor Design Review Applications in the Rurban Homesteads Overlay District (RHOD).** The Community Development Director shall review and approve, conditionally approve, deny or refer to the Planning Commission, the dwelling's architectural design. Refer to Chapter 17.22 (Rurban Homesteads Overlay District) of this Title for additional standards and requirements.
- C. **All Other Minor Design Review Applications.** The Community Development Director shall review and approve, conditionally approve, deny or refer to the Planning Commission the site configuration, architectural design, signage and landscaping for the following:
  1. New nonresidential buildings 5,000 square feet or less in gross floor area;
  2. Nonresidential additions that are between ten (10) percent and 25 percent of the current building's gross floor area and visible from the street;
  3. Changes between 25 percent and 50 percent of a nonresidential building's elevations;
  4. Conversion of a building from a residential use to a nonresidential use;
  5. Additional height covering between 15 percent and 25 percent of the existing roof area, to provide improved architectural design (e.g. towers or other architectural features) that are visible from a street;
  6. Any new or remodeled structures that will be occupied by a Commercial Cannabis Business Licensee, pursuant of Chapter 5.18 (Commercial Cannabis Activities) of the EMMC, regardless of square footage;
  7. Housing development projects with two (2) units;
  8. Housing development projects with two (2) or more units that are defined as a "Housing Development Project" by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)); and
  9. Housing projects with 11 or more units where a minimum 20 percent of the units are designated for lower-income or very-low income households, as defined in Sections 500079.5 and 50105, respectively, of the California Health and Safety Code.
- D. **Thresholds.** The thresholds identified in this Section shall be cumulative over a five (5) year period. The starting point for the five (5) years shall be when the Certificate of Occupancy has been issued.

**17.122.030 – General Procedures. (FULLY UPDATED)**

- A. **Application.** Applications for a Design Review permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Director can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices:**
1. Design Review and Minor Design Review applications as listed in Sections 17.122.020(A) and 17.122.020(B), respectively, of this Chapter. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the method specified as follows:
    - a. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
    - b. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing or director-level decision. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City:
      - i. For Design Review applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
      - ii. For Minor Design Review applications, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
    - c. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.
  2. Minor Design Review applications as listed in Section 17.122.020(C) of this Chapter. Public notices shall not be required.

**D. Public Hearings and Decisions:**

1. Design Review and Minor Design Review applications as listed in Section 17.122.020(A) of this Chapter. Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter. The Planning Commission shall make its decision by Resolution.
2. Minor Design Review applications as listed in Section 17.122.020(B) of this Chapter. Public hearings shall not be required. However, the public shall be given an opportunity to provide comments a minimum of ten (10) days prior to the Community Development Director making a decision. The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete.
3. Minor Design Review applications as listed in Section 17.122.020(C) of this Chapter. Public hearings shall not be required. The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete.

**17.122.040 – Necessary Findings. (FULLY UPDATED)**

Before a Design Review approval may be granted, the Planning Commission or Community Development Director shall make all of the following findings, unless otherwise noted:

- A. The Design Review will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The architectural design provides a desirable environment for its occupants, neighbors and visitors through its careful placement of building mass and its use of materials, textures and colors and will remain appealing through ongoing maintenance;
- C. The site plan and layout incorporate measures to encourage and protect alternative modes of transportation such as pedestrians, bicyclists and transit riders (only required when the proposed project includes a new site plan or revisions to an existing site plan);
- D. The landscaping, including the location, type, size and maintenance, complies with Chapter 17.72 (Landscaping Requirements) and Chapter 17.74 (Landscaping – Water Efficiency) of this Title (only required when landscaping is proposed or required); and
- E. The Design Review is consistent with purpose, goals and policies of the City’s General Plan, Zoning Code, any applicable Specific Plan and its Comprehensive Design Guidelines.
- F. For a project that is defined as a “Housing Development Project” by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)), the reviewing body must approve or conditionally approve Design Review unless it makes one of the following findings supported by a preponderance of the evidence in the record:
  1. The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.
  2. The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.

As used in Subsection (F) above, a “specific, adverse impact” is defined by California Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**17.122.050 - Time Periods. (RENUMBERED)**

- A. The Design Review or Minor Design Review shall be valid for 12 months after the date of approval by the Planning Commission or Community Development Director. Projects approved with a subdivision shall be valid for a minimum of two (2) years, or the life of the subdivision map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the Design Review or Minor Design Review, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.122.060 - Appeals. (FULLY UPDATED)**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **CHAPTER 17.123 – CONDITIONAL AND MINOR USE PERMITS**

### **Sections.**

- 17.123.010 – Purpose.
- 17.123.020 – Applicability.
- 17.123.030 – General Procedures.
- 17.123.040 – Necessary Findings.
- 17.123.050 – Time Periods.
- 17.123.060 – Abandonment.
- 17.123.070 – Appeals.

### **17.123.010 – Purpose. (FULLY UPDATED)**

When certain uses of this Title may have potential negative impacts or need to be looked at on a case-by-case basis, the Planning Commission or Zoning Review Committee may grant a Conditional Use Permit or Minor Use Permit, respectively. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.123.020 – Applicability. (FULLY UPDATED)**

Refer to Division 2, Chapters 17.20 through 17.46 (Zoning Districts and Overlays) for comprehensive lists of uses that require the approval of a Conditional Use Permit and Minor Use Permit. Conditional Use Permit applications shall be reviewed by the Planning Commission and Minor Use Permit applications shall be reviewed by the Zoning Review Committee.

### **17.88.030 – General Procedures. (UPDATED)**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Conditional Use Permits and Minor Use Permits shall be as follows:

- A. **Application.** Applications for a Conditional Use Permit or Minor Use Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Zoning Review Committee can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:

1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  2. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - a. For Conditional use Permit applications for the following uses, the mailing radius shall be 700 feet of the exterior boundaries of the subject property:
      - i. Boarding or rooming houses with seven (7) or more residents;
      - ii. Community care facility with seven (7) or more residents;
      - iii. Correctional facilities in accordance with Section 17.112.070 (Standards for Nonresidential Uses – Correctional Facilities) of this Title;
      - iv. Emergency shelter (25 or more occupants/beds) in accordance with Section 17.112.090 (Standards for Residential Uses – Emergency Shelters) of this Title; and
      - v. Massage establishments.
    - b. For all other Conditional Use Permit applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
    - c. For Minor Use Permit reviews, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
  3. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.
- D. **Public Hearings.** Public hearings, as provided for in this Chapter, shall be held before the Planning Commission for Conditional Use Permits and the Zoning Review Committee for Minor Use Permits.
- E. **Decisions.** The Planning Commission shall make its decision by Resolution. The Zoning Review Committee shall make its decision through a Decision Letter.

**17.123.040 – Necessary Findings. (UPDATED)**

Before a Conditional Use Permit or Minor Use Permit may be granted, the Planning Commission or Zoning Review Committee shall make all of the following findings:

- A. The Conditional Use Permit or Minor Use Permit will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;

- B. The proposed use applied for at the location indicated is one (1) for which a Conditional Use Permit or Minor Use Permit is authorized;
- C. The subject property for the proposed use is adequate in size and shape to accommodate such use; and that all yards, spaces, walls, fences, parking, loading, landscaping, and other features required for the proposed use are provided;
- D. The subject property abuts streets and highways adequate in width and pavement type to carry the kind of traffic which will be generated by the proposed use; and
- E. The Conditional Use Permit or Minor Use Permit is consistent with the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan.

**17.123.050 – Time Periods. (RENUMBERED)**

- A. The Conditional Use Permit or Minor Use Permit shall be valid for 12 months after the date of approval by the Planning Commission or Zoning Review Committee. Projects approved with a subdivision shall be valid for the life of the entitlement or subdivision map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the Conditional Use Permit or Minor Use Permit, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.123.060 – Abandonment. (RENUMBERED)**

If the use authorized by any Conditional Use Permit or Minor Use Permit is, or has been, unused, abandoned or discontinued for a period of 12 months, such Conditional Use Permit or Minor Use Permit shall become null and void.

**17.123.070 – Appeals. (FULLY UPDATED)**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Zoning Review Committee decisions regarding this Chapter are appealable to the Planning Commission, and ultimately to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **CHAPTER 17.124 – TEMPORARY USE PERMIT**

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## **CHAPTER 17.125 – VARIANCE AND MINOR VARIANCE**

### **Sections.**

- 17.125.010 – Purpose.
- 17.125.020 – Applicability.
- 17.125.030 – General Procedures.
- 17.125.040 – Necessary Findings.
- 17.125.050 – Time Periods.
- 17.125.060 – Appeals.

### **17.125.010 – Purpose. (FULLY UPDATED)**

When the strict interpretation of any provision of this Title creates practical difficulties or unnecessary hardships, the Planning Commission or Zoning Review Committee may grant a Variance or Minor Variance, respectively. Such approvals allow an applicant to deviate from a specific requirement of this Title. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.125.020 – Applicability. (FULLY UPDATED)**

- A. For Minor Variance applications, the Zoning Review Committee shall review and approve, conditionally approve, deny or refer to the Planning Commission relief from the following development standards:
1. Waiver of up to 25 percent of automobile parking space or ten (10) parking spaces, whichever is greater, or waiver of loading space requirements;
  2. Square footage, location, dimensions, quantity and other requirements for signs as stated in Chapter 17.80 (Signage Regulations) of this Title, with exception to changeable copy signs, electronic copy signs and signs listed in Section 17.80.040 (Sign Regulations – Prohibited Signs) of this Title. In addition, pylon signs greater than 25 feet high shall require Design Review approval from the Planning Commission;
  3. Yard setbacks requirements;
  4. Building separation requirements;
  5. The location, setbacks, materials, height and other requirements for fences, walls and hedges;
  6. Landscaping requirements (as outlined in Chapter 17.72);
  7. The height of nonresidential structures, provided it will not exceed the maximum height by five (5) feet or ten (10) percent, whichever is less; and
  8. Satellite dish antenna regulations. The term "satellite dish antenna" shall have the same meaning as set forth under Chapter 17.150 (Definitions – Uses) of this Title.

- B. For Variance applications, the Planning Commission shall review and approve, conditionally approve or deny relief from all other development standards of this Title, unless otherwise noted.

**17.12.030 – General Procedures. (FULLY UPDATED)**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Variances and Minor Variances shall be as follows:

- A. **Application.** Applications for a Variance and Minor Variance shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Zoning Review Committee can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:
  - 1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  - 2. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - a. For Variance applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
    - b. For Minor Variance applications, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
  - 3. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

- D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission or Zoning Review Committee at the time and place for which public notice has been given as before required in this Chapter.
- E. **Decisions.** The Planning Commission shall make its decision by Resolution. The Zoning Review Committee shall make its decision through a Decision Letter.

**17.125.040 - Necessary Findings. (FULLY UPDATED)**

Before a Variance or Minor Variance may be granted, the Planning Commission or Zoning Review Committee shall make all of the following findings:

- A. The Variance or Minor Variance will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The Variance or Minor Variance will not authorize a use or activity that is not otherwise expressly authorized in the subject property’s zoning classification;
- C. There are exceptional or extraordinary circumstances applicable to the property involved (e.g. location, shape, size, surroundings and topography), so that the strict application of this Title denies the property owner privileges enjoyed by others in the vicinity and under identical zoning classifications;
- D. The Variance or Minor Variance will not provide special privileges for the property involved, which are inconsistent with other properties in the vicinity and within the same zoning classification; and
- E. The Variance or Minor Variance will not adversely affect the purpose, goals and policies of the General Plan, the Zoning Code and any applicable Specific Plan.

**17.125.050 - Time Periods. (RENUMBERED)**

- A. The Variance or Minor Variance shall be valid for 12 months after the date of approval by the Planning Commission or Zoning Review Committee. Projects approved with a subdivision shall be valid for the life of the entitlement or subdivision map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the Variance or Minor Variance, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.125.060 - Appeals. (FULLY UPDATED)**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Zoning Review Committee decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **17.126 – MODIFICATION FOR AN INDIVIDUAL WITH A DISABILITY**

### **Sections.**

- 17.126.010 – Purpose.
- 17.126.020 – Applicability.
- 17.126.030 – General Procedures.
- 17.126.040 – Necessary Findings.
- 17.126.050 – Time Periods.
- 17.126.060 – Appeals.

### **17.126.010 – Purpose. (NEW)**

A Modification for an Individual with a Disability provides a mechanism for the City, in compliance with state and federal law, to grant relief from the strict requirements of this Title, as necessary to provide individuals with disabilities reasonable accommodations to avoid discrimination against, eliminate barriers and ensure equal access to housing for individuals with disabilities. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.126.020 – Applicability. (NEW)**

- A. A request for a Modification for an individual with a disability may be made by any disabled person, his or her representative, a developer providing housing for disabled persons, or a provider of housing for disabled persons. The applicant may request any applicable development standard be modified or waived, with exception to density, Floor Area Ratio (FAR) and lot coverage, to eliminate barriers to housing opportunities and prevent discrimination against the individual on the basis of the individual's disability.
- B. The Community Development Director shall have the authority to grant a reasonable accommodation Modification for an individual with a disability for relief from all development standards of this Title.

### **17.126.030 – General Procedures. (FULLY UPDATED)**

- A. **Application.** Applications for a Modification for an Individual with a Disability shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Director can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.

- C. **Confidential information.** Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. **Assistance.** If an individual needs assistance in making the request for a Modification, the City will provide assistance to ensure that the process is accessible.
- E. **Decisions.** The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete and may either grant, grant with modifications or deny a request for reasonable accommodations in accordance with the required findings.

**17.126.040 – Necessary Findings. (FULLY UPDATED)**

Before a Modification for an Individual with a Disability may be granted, the Community Development Director shall make all of the following findings:

- A. The person that will live in the housing which is the subject of the Modification request is a qualified individual with a disability protected under the fair housing laws;
- B. The Modification for an Individual with a Disability is necessary to make housing available to disabled persons protected under the fair housing laws; and
- C. The Modification for an Individual with a Disability will not adversely affect the purpose, goals and policies of the General Plan, the Zoning Code and any applicable Specific Plan.

**17.126.050 – Time Periods. (NEW)**

- A. A Modification for an individual with a Disability shall be valid for 12 months after the date of approval by the Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Modification granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Modification. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.
- C. The Community Development Director may, at his or her discretion, require the improvements be removed upon the future sale of the property and/or the disabled person no longer resides on the property. This shall be limited to site improvements such as excess paving or a second driveway.

**17.126.060 – Appeals. (FULLY UPDATED)**

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission’s decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.127 – PLANNED RESIDENTIAL DEVELOPMENTS**

### **Sections.**

- 17.127.010 – Purpose.
- 17.127.020 – Applicability.
- 17.127.030 – General Procedures.
- 17.127.040 – Permitted Exceptions.
- 17.127.050 – Necessary Findings.
- 17.127.060 – Time Periods.
- 17.127.070 – Appeals.

### **17.127.010 – Purpose. (FULLY UPDATED)**

While the strict application of zoning regulations may result in larger multiple-family housing projects, the Planned Residential Development (PRD) process is intended to encourage more creative designs and a better environment through more flexible standards. The PRD process is further intended to facilitate development that provides a harmonious variety of housing choices, a higher level of residential amenities, and preservation of natural resources and open space. Through the Planned Residential Development process, projects should include a variety of dwelling unit types, site arrangement plans and greater amounts of open space for recreational and visual uses. In return, the applicant can receive flexibility in numerous development standards such as building placement, building separation, building setbacks and open space dimensions.

### **17.127.020 – Applicability. (FULLY UPDATED)**

- A. **Zoning.** Planned Residential Developments shall only be permitted on property zoned One-family Dwelling (R-1B), Low-density Multiple-family Dwelling (R-2), Medium-density Multiple-family Dwelling (R-3), High-density Multiple-family Dwelling (R-4), Office Commercial (C-1) and Neighborhood Commercial (C-2) or within one-quarter ( $\frac{1}{4}$ ) mile of a Major Transit Intersection (MTI) and zoned General Commercial (C-3).
- B. **Land Area.** For properties zoned R-1B, R-2, R-3 and R-4, the minimum parcel size shall be 20,000 square feet. For properties located in the C-1 and C-2 and within one-quarter ( $\frac{1}{4}$ ) of an MTI and zoned C-3, the minimum parcel size shall be 30,000 square feet. A Variance shall not be permissible to deviate from these requirements.
- C. **Open Space:**
  - 1. A minimum 40 percent of the units shall have their entrances face directly onto a street or one (1) or more main common open space area(s).
  - 2. Main common open space areas:
    - a. Shall have a minimum dimension of 20 linear feet horizontally in each direction (compared to 15 feet for a regular multiple-family project) with an unobstructed vertical height of seven (7) feet.

- b. For projects in the R-1B, R-2, R-3 and R-4 zoning districts, main common open space areas shall have a minimum size of 500 square feet. For projects in the C-1 and C-2 zoning districts or within one-quarter (¼) mile of an MTI and zoned C-3, main common open space area shall be a minimum size of 800 square feet.
  - 3. A Variance shall not be permissible to deviate from the requirements in this Subsection.
- D. **Dwelling Unit Type.** All units shall be developed and sold for individual ownership.

**17.127.030 – General Procedures. (FULLY UPDATED)**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Planned Residential Developments shall be as follows:

- A. **Application.** Applications for Planned Residential Developments shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:
  - 1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  - 2. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius:
    - a. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - b. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
  - 3. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter.

E. **Decisions.** The Planning Commission shall make its decision by Resolution.

**17.127.040 – Permitted Exceptions. (FULLY UPDATED)**

**A. Exceptions to Zoning Regulations:**

1. Reduce yard setbacks, with exception to the front yard and any street side yard;
2. Reduce second and third floor building setbacks with exception to the front yard and any street side yard;
3. Reduce building separation requirements;
4. Increase the lot coverage by up to five (5) percent;
5. Reduce private open space dimensions;
6. Adjust the open space allocation between private open space and common open space; and
7. Increase the Floor Area Ratio (FAR) to the maximum of what is permitted for the underlying zoning district. If the property is split zoned, the FAR may be spread across the entire property.

B. **Open Space.** Failure to meet the minimum open space requirements of the underlying zoning district shall not be permitted through the Planned Residential Development process. Rather, approval of a Variance shall be required.

C. **Parking.** Failure to meet the minimum parking requirements shall not be permitted through the Planned Residential Development process. Rather, approval of a Minor Variance or Variance shall be required.

D. **Additional Standards.** Any development standards not identified in this Chapter shall follow the standards of the underlying zoning district.

E. **Additional Regulations.** After reviewing an application for a Planned Residential Development, the Planning Commission may, in its approval thereof, impose conditions or requirements in addition to or in excess of those specified in this Chapter if it finds that such additional requirements or conditions are necessary for the protection of the public health, safety or welfare.

**17.127.050 – Necessary Findings. (FULLY UPDATED)**

Before a Planned Residential Development may be granted, the Planning Commission shall make all of the following findings:

A. The Planned Residential Development will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;

- B. The Planned Residential Development is centered around common open space, recreational areas and/or the public streets;
- C. The Planned Residential Development will provide for a comprehensive and harmonious arrangement of buildings, housing types, open spaces, off-street parking, and development amenities. The internal street and walkway system is designed for the efficient and safe movement of vehicles, bicyclists and pedestrians;
- D. The Planned Residential Development is demonstratively superior to the development that could have occurred under the standards applicable to the underlying zoning district, and will achieve superior community design, environmental preservation and/or substantial public benefit; and
- E. The Planned Residential Development is consistent with the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan.

**17.127.060 – Time Periods. (FULLY UPDATED)**

- A. The Planned Residential Development shall be valid for 12 months after the date of approval by the Planning Commission Resolution. Projects approved with a subdivision shall be valid for a minimum of two (2) years, or the life of the subdivision map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the Planned Residential Development granted as determined by the Community Development Director, then the applicant may request a 12-month extension of the Planned Residential Development. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.127.070 – Appeals. (FULLY UPDATED)**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **17.128 – GENERAL PLAN AND ZONING AMENDMENTS**

### **Sections.**

- 17.128.010 – Purpose.
- 17.128.020 – Applicability.
- 17.128.030 – General Procedures.
- 17.128.040 – Necessary Findings.
- 17.128.050 – Time Periods.
- 17.128.060 – Appeals.

### **17.128.010 – Purpose. (NEW)**

This Chapter establishes provisions for amending the General Plan or this Title whenever deemed necessary. This includes amending, supplementing or changing standards, districts or regulations of the General Plan or this Title. In addition, this Chapter outlines the process for the Planning Commission to make General Plan Conformity findings for street and alleyway vacations.

### **17.128.020 – Applicability. (NEW)**

#### **A. General Plan Amendments:**

1. Revise any text;
2. Revise any map, table, graphic illustration, other than the Land Use Policy Plan (or the Land Use Map) located in the Land Use Element; or
3. Revise the General Plan Land Use Policy Plan (or the Land Use Map) located in the Land Use Element. This has the effect of changing the land use from one category to another.

#### **B. Zoning Amendments:**

1. Revise any text, table, graphic or illustration of this Title (or a Zoning Code Amendment); or
2. Revise the Zoning Map (or a Zone Change). This has the effect of rezoning property from one zoning district to another.

#### **C. General Plan Conformity Applications.** Vacate a public street or alleyway.

### **17.128.030 – General Procedures. (NEW)**

#### **A. Application:**

1. Applications for a General Plan Amendment, General Plan Conformity or Zoning Amendment shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be

published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.

2. The following may submit or initiate an application for a General Plan Amendment, General Plan Conformity or Zoning Amendment:
  - a. A majority of the City Council;
  - b. A majority of the City Council may adopt an urgency measure or an interim Zoning Code Amendment in compliance with State law (California Government Code Section 65858);
  - c. The Community Development Director; or
  - d. An owner or authorized applicant of property for which the amendment is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application. The Community Development Director also has the authority to initiate expanding the boundaries.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Clerk.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:
  1. Public notice for a General Plan or Zoning Amendment that includes one (1) or more properties:
    - a. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
    - b. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
      - i. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
      - ii. If the number of effected properties exceed 1,000, the Community Development Director or City Clerk may reduce the mailing radius to 300 feet or, in lieu of a mailed or written notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation.

- c. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line. If the number of effected properties exceeds five (5), the Community Development Director or City Clerk may remove this requirement.
  - 2. Public notice for a General Plan or Zoning Amendment that does not include a specific property as the subject of the application. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and the nature of the request.
  - 3. Public notice shall not be required for a General Plan Conformity.
- D. Public Hearings for a General Plan or Zoning Amendment:**
- 1. At the conclusion of a Planning Commission public hearing on a proposed General Plan or Zoning Amendment, the Planning Commission may recommend the City Council approve the Amendment, approve the Amendment with revisions or deny the Amendment. If evidence received shows facts which the provisions of this Chapter would entitle a person to a Variance or Conditional Use Permit, the Planning Commission may concurrently recommend the City Council entitle the applicant to a Variance or Conditional Use Permit.
  - 2. At the conclusion of a City Council public hearing on a proposed General Plan or Zoning Amendment, the City Council may approve or deny the Amendment, or it may refer the Amendment back to the Planning Commission for further consideration. If the Planning Commission concurrently recommends the City Council approve a Variance or Conditional Use Permit, the City Council may approve, deny or refer the recommendation back to the Planning Commission for further consideration.
  - 3. The Planning Commission shall not review an urgency measure or an interim Zoning Code Amendment in compliance with State law (California Government Code Section 65858).
- E. Public Meetings for a Conformity Application.** The Planning Commission shall make or deny the Conformity findings. The findings shall then be forwarded to the City Council to complete the street or alleyway vacation process.
- F. Decisions.** The Planning Commission shall make its recommendation or decision on a General Plan, Zoning Amendment and/or Conformity by Resolution. The City Council shall make its decision on a General Plan Amendment by Resolution and its decision on a Zoning Amendment by Ordinance.

**17.128.040 – Necessary Findings. (NEW)**

- A. Before a General Plan or Zoning Amendment may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

1. The Amendment will not be detrimental to the public health, safety or welfare or injurious to the City;
  2. The subject property is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments (only required when the Amendment is for a map or illustration); and
  3. The Amendment is consistent with the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan.
- B. Before a General Plan Conformity may be granted, the Planning Commission shall make all of the following findings:
1. The proposed Vacation is anticipated to serve the public interest and be a public benefit; and
  2. The proposed Vacation is consistent with the purpose, goals and policies of the City's General Plan.

**17.128.050 – Time Periods. (NEW)**

- A. A General Plan Amendment shall become effective immediately upon the adoption of a Resolution by the City Council.
- B. A General Plan Conformity shall become effective immediately upon the adoption of a Resolution by the Planning Commission.
- C. A Zoning Amendment shall become effective 30 days following the second reading of an Ordinance. However, an Urgency Ordinance or an interim Zoning Code Amendment in compliance with State law (California Government Code Section 65858) shall take effect immediately.

**17.128.060 – Appeals. (NEW)**

Planning Commission denials regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.129 – DEVELOPMENT AGREEMENTS**

### **Sections.**

- 17.129.010 – Purpose.
- 17.129.020 – Applicability.
- 17.129.030 – General Procedures – Submittal.
- 17.129.040 – General Procedures – Application Contents.
- 17.129.050 – General Procedures – Agreement Contents.
- 17.129.060 – General Procedures – Public Notices.
- 17.129.070 – Planning Commission Public Hearing.
- 17.129.080 – City Council Public Hearing.
- 17.129.090 – Necessary Findings.
- 17.129.100 – Development Agreement Reviews.
- 17.129.110 – Good Faith Compliance.
- 17.129.120 – Initiation of Amendment or Cancellation.
- 17.129.130 – Irregularity in Proceeding.
- 17.129.140 – Subsequently Adopted State and Federal Laws.
- 17.129.150 – Effect of Rules, Regulations and Policies on a Development Agreement.
- 17.129.160 – Enforcement of Development Agreements.
- 17.129.170 – Severability Clause.
- 17.129.180 – Condemnation.
- 17.129.190 – Judicial Review – Time Limitation.

### **17.129.010 – Purpose. (NEW)**

Development Agreements are contracts approved by the City Council, where the City and a developer expressly define a development project's rules, regulations, commitments, and policies for a specific period of time. The purpose is to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development. A Development Agreement reduces the risks associated with development, thereby enhancing the City's ability to obtain public benefits beyond those achievable through existing ordinances and regulations.

### **17.129.020 – Applicability. (NEW)**

There are no specific minimum requirements for a proposed project to include a Development Agreement. An applicant is able to request an application for a Development Agreement on any proposed development. A majority of the City Council may initiate a Development Agreement. However, a Development Agreement cannot be sanctioned on a developer.

### **17.129.030 – General Procedures – Submittal. (FULLY UPDATED)**

- A. **Application.** An application for a Development Agreement may be made to the Community Development Director in accordance with the procedures set forth herein:

1. Applications may be made by any qualified applicant. In addition, applications may be initiated by a majority of the City Council by resolution. If an application is made for a Development Agreement by the City Council, the City shall obtain and attach a notarized statement of consent to proceed with the proposed agreement executed by the owner of the subject property. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) permit or action is necessary for the project.
  2. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be published and made available to the public.
  3. For applications made by a qualified applicant, no petition shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Council.
- C. **Investigation.** For applications made by a qualified applicant, the applicant shall bear the burden of providing sufficient documents and exhibits that allow the Planning Commission and City Council to render a decision upon the application under consideration. The Planning Commission and City Council may request additional information before rendering a decision. Further, it is the responsibility of the applicant to certify the information contained therein. The filing of an application also grants the Planning Division the right to enter the property to make any inspections necessary to render a decision on the application. Prior to an inspection, the applicant shall be given notice a minimum of 48 hours in advance.
- D. **Qualifications of the Applicant.** A qualified applicant includes an authorized agent of a qualified applicant. The Community Development Director may require an applicant to submit proof of his/her interest in the real property and of the authority of the agent to act for the qualified applicant. Such proof may include a title report, policy or guarantees issued by a title insurance company licensed to do business in the State of California evidencing the requisite interest of the applicant in the real property.

If the application is made by the holder of an equitable interest, the application shall be accompanied by a title guarantee issued by a title insurance company report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest. Before processing the application, the Community Development Director shall obtain the opinion of the City Attorney as to the sufficiency of the qualified applicant's interest in the real property to enter into the Development Agreement as a qualified applicant hereunder.

**17.129.040 – General Procedures – Application Contents. (RENUMBERED)**

The submitted application shall include, at minimum, the following items in order to proceed forward through the public hearing process:

- A. The parties to the Development Agreement;
- B. The nature of the qualified applicant's legal or equitable interest in the real property constituting such person as a qualified applicant hereunder;
- C. A description of the development project sufficient to permit the Development Agreement to be reviewed under the applicable criteria of this Chapter. Such description may include, but is not limited to, references to site and building plans, elevations sufficient to determine heights and areas, relationships to adjacent properties and operational data. Where appropriate, such description may distinguish between elements of the development project which are proposed to be fixed under the Development Agreement, those which may vary and the standards and criteria pursuant to which the same may be reviewed;
- D. An identification of the approvals and permits for the development project enacted to the date of or contemplated by the Development Agreement;
- E. The proposed duration of the Development Agreement;
- F. The proposed site improvements, building improvements and design standards;
- G. The proposed phasing of the construction, and any public improvements to be required;
- H. A program and criteria for regular periodic review under this Chapter;
- I. Proposed provisions providing security for the performance of the qualified applicant under the Development Agreement; and
- J. Any other relevant provisions which may be deemed necessary by the Community Development Director under this Chapter.

**17.129.050 – General Procedures – Agreement Contents. (RENUMBERED)**

- A. A Development Agreement shall specify its duration, the permitted uses of the property thereunder, the density and/or intensity of use, the maximum height and size of proposed buildings and improvements, and provisions for reservation or dedication of land for public purposes.
- B. A Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the property for the uses and to the density or intensity, height, and size of development set forth in the Development Agreement and phasing if and to the extent the Development Agreement so provides. Without limitation as to types of conditions, terms, and restrictions, the Development Agreement may provide for the phasing of construction of development projects and any improvements with respect thereto, and the Development Agreement may also provide that the construction shall be commenced and completed

within specified times and that the development project, public improvements, or any phase thereof be commenced and completed within specified times.

- C. A Development Agreement shall include all conditions imposed by the City, and may also include conditions imposed by other agencies, and all obligations agreed to by the City and other parties to the Development Agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the City's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the Development Agreement.
- D. A Development Agreement shall contain an indemnity and insurance clause in form and substance acceptable to the City Attorney, requiring the qualified applicant to protect, defend, indemnify and hold harmless the City against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of qualified applicant by the City.
- E. A Development Agreement shall include appropriate provisions acceptable to the City Attorney providing security for the performance under the Development Agreement.

**17.129.060 – General Procedures – Public Notices. (FULLY UPDATED)**

Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:

- A. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
- B. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius:
  - 1. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
  - 2. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
- C. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

**17.129.070 – Planning Commission Public Hearing. (RENUMBERED)**

- A. The Planning Commission may recommend adoption of a Development Agreement as a method of implementing or providing standards and criteria for any approval of the

Planning Commission or permits or approvals issued or made by any other agency, including but not limited to:

1. Rezoning and/or conditions imposed upon approval of rezoning;
  2. Issuance of a Conditional Use Permit;
  3. Conditions imposed upon approval of a permit after discretionary review;
  4. Conditions imposed in connection with the adoption of any General Plan Amendment or Specific Plan;
  5. Site-specific conditions imposed in any other district;
  6. Approval of and/or conditions imposed upon approval of a subdivision map;
  7. The separate review and approval by the City Attorney of conditions, covenants and restrictions (CC&Rs) affecting the subject property where the development project affects, or is proposed to affect, more than one legal parcel, which CC&Rs shall include enforcement provisions acceptable to the City including without limitation the grant of power to the City by the applicant to enforce the property maintenance standards set forth in such CC&Rs as if the City was a property owner party to such CC&Rs. Such CC&Rs shall be recorded against the lands included in the development project prior to issuance by the City of any Certificate of Occupancy;
  8. The formation of any assessment district, benefit district, maintenance district or special benefit district or any other procedure, for the installation of required or necessary on-site or off-site improvements or infrastructure; and/or
  9. Mitigation measures imposed upon a development project pursuant to the California Environmental Quality Act (CEQA).
- B. The Planning Commission shall make a recommendation in writing to the City Council as follows:
1. That the Development Agreement be adopted as proposed;
  2. That the Development Agreement be adopted with revisions, as proposed by the Planning Commission; or
  3. That the Development Agreement be denied.
- C. Any action taken by the Planning Commission shall occur at a noticed public hearing as outlined in Section 17.129.060 of this Chapter.
- D. The Planning Commission shall make all recommendations by Resolution.

**17.129.080 – City Council Public Hearing. (FULLY UPDATED)**

- A. A Development Agreement is a legislative act and it shall be enacted or amended by Ordinance. The Ordinance shall be subject to a referendum and shall incorporate by reference the text of the Development Agreement.

- B. The Development Agreement shall not be binding or enforceable prior to the effective date of the Ordinance approving the Development Agreement and execution of the Development Agreement by all parties thereto.
- C. Because a Development Agreement is also a contract which requires the consent of each party in order to become binding, the City Council reserves the right to disapprove entering into any Development Agreement, regardless of the provisions hereof, and the Ordinance shall be advisory only and shall not require the acceptance of any Development Agreement.
- D. The City Council may do any of the following:
  1. Refer the issue back to the Planning Commission for further hearing and recommendation whereupon Planning Commission shall reconsider the referral from the City Council within 30 days thereafter;
  2. Act on all or any such issue without reference back to the Planning Commission;
  3. Approve the Development Agreement as recommended by the Planning Commission;
  4. Approve the Development Agreement with revisions; or
  5. Reject the Development Agreement, in whole or in part.
- E. Any action taken by the Planning Commission shall occur at a noticed public hearing as outlined in Section 17.129.060 of this Chapter.
- F. The City Clerk shall record a fully executed copy of the Development Agreement and ordinance within ten (10) days of the effective date of the ordinance. The Development Agreement shall be binding upon, and the benefits of the Development Agreement shall inure to the parties and all successors in interest to the parties to the Development Agreement.

**17.129.090 – Necessary Findings. (NEW)**

Before a Development Agreement may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

- A. The Development Agreement will not be detrimental to the public health, safety or welfare or injurious to the City;
- B. The Development Agreement will be just, reasonable, fair and equitable under the circumstances facing the City;
- C. The Development Agreement will have a positive effect on the orderly development of property or the preservation of neighboring property values;
- D. The Development Agreement will provide sufficient benefits to the community to justify entering into the agreement; and
- E. The Development Agreement is consistent with the purpose, goals and policies of the City's General Plan, and any applicable Specific Plan.

**17.129.100 – Development Agreement Reviews. (FULLY UPDATED)**

**A. Community Development Director Periodic Review:**

1. The City shall review the performance of the developer under a Development Agreement periodically on a regular basis as determined in the Development Agreement or at least once every 12 months for the term of the Development Agreement.
2. The anniversary of the effective date of the Development Agreement shall be 90 days prior to the "established date or dates for regular periodic review," or such other substitute date or dates, mutually agreed to by the developer and City in writing. The developer shall submit evidence to the Community Development Director showing good faith compliance with the Development Agreement.
3. If the Community Development Director determines that such evidence is insufficient for the regular periodic review, or if the developer fails to submit any evidence, the Community Development Director shall deliver or mail written notice to the developer prior to 75 days of the established date or dates of the regular periodic review. The notice shall state the developer's failure to submit any evidence or additional information reasonably required to review whether the developer has shown good faith compliance with the Development Agreement.
4. The developer shall have 30 days after the mailing or delivery of such written notice by the Community Development Director in which to respond. If the developer fails to provide such information to the Community Development Director within the 30 day period, the Community Development Director shall find that the developer has not complied in good faith with the terms of the Development Agreement.

**B. Community Development Director Special Review:**

1. Reviews which are not periodic reviews are defined as special reviews and may occur either by agreement between the developer and City or by initiation of the City by the affirmative vote of the City Council, but in any event shall not be held more frequently than three (3) times a year.
2. The Community Development Director shall deliver or mail to the developer a 30 day notice of intent for the City to undertake a special review to determine if the developer has complied in good faith with the terms of the Development Agreement. The developer shall provide the City with any evidence supporting good faith compliance with the terms of the Development Agreement.
3. If the Community Development Director determines that such evidence is insufficient for the special review, or if the developer fails to submit any evidence within the 30 day period, the Community Development Director shall deliver or mail written notice to the developer within 45 days of the delivery or mailing date of the notice of intent. The notice shall outline the developer's failure to submit any evidence or additional information reasonably needed in order to review the developer's good faith compliance with the terms of the Development Agreement.

4. The developer shall have 30 days after mailing or delivery of such written notice by the Community Development Director in which to respond. If the developer fails to provide such information to the Community Development Director within the 30 days period, the Community Development Director shall find that the developer has not complied in good faith with the terms of the Development Agreement.

**17.129.110 – Good Faith Compliance. (FULLY UPDATED)**

- A. **Finding of Good Faith Compliance.** If the Community Development Director finds good faith compliance by the developer with the terms of the Development Agreement for the period or special review, the Community Development Director, upon request of developer, shall issue a certificate of compliance for such period reviewed. The certificate of compliance shall be in a recordable form and may be recorded by the developer in the official records of Los Angeles County. The issuance of a certificate of compliance by the Community Development Director shall conclude the review for the applicable period for which the finding was made and such determination shall be final in the absence of fraud.
- B. **Failure to Find Good Faith Compliance:**
  1. If the Community Development Director does not find, on the basis of substantial evidence, that the developer has complied in good faith with the terms of the Development Agreement, he or she shall so notify the City Council and the developer. The Community Development Director shall specify the reasons for the determination, the information relied upon in making such decision and any findings made with respect thereto.
  2. The Community Development Director’s findings shall be presented to the City Council. The City Council may do any of the following:
    - a. Compliance. Determine on the basis of evidence presented that there has been good faith compliance by the developer with the terms of the Development Agreement, in which event the Community Development Director, upon request of the developer, shall issue a certificate of compliance in accordance with Section 17.129.110 of this Chapter.
    - b. Failure to Find Good Faith Compliance. If the City Council is unable to determine on the basis of the evidence presented that there has been good faith compliance by the developer with the terms of the Development Agreement, the City Council shall do one or both of the following:
      - i. Additional Time. Upon receipt of sufficient justification to City Council, grant the developer additional time in which to establish good faith compliance with the terms of the Development Agreement at a subsequent duly called council meeting; or
      - ii. Hearing. Set a date for a public hearing on the issue of compliance by the developer with the terms of the Development Agreement and the possible conditioning and/or termination or revision of the Development Agreement.

The public hearing shall follow the procedures outlined in Section 17.129.060 of this Chapter.

- c. Necessary City Council Finding. Based upon substantial evidence, the developer has or has not complied in good faith with the terms and conditions of the Development Agreement.
3. City Council Public Hearing to Determine Good Faith Compliance:
    - a. Compliance. If the City Council finds good faith compliance by the developer with the terms of the Development Agreement, the Community Development Director upon request of the developer and subject to the written concerns of the City Attorney shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the developer in the official records of the Los Angeles County.
    - b. Noncompliance. If the City Council does not find good faith compliance by the developer with the terms of the Development Agreement, it may do any of the following:
      - i. Determine, on the basis of substantial evidence, that the developer has not complied in good faith with the terms and conditions of the Development Agreement during the period under review, the City Council may allow the Development Agreement to be continued by imposing new terms and conditions intended to remedy such noncompliance or to be otherwise modified.
      - ii. Mutually with the developer, or unilaterally, terminate the Development Agreement or take the action authorized by California Government Code Section 65865.1.
      - iii. Impose such terms and conditions to the Development Agreement as it considers necessary to protect the interests of the City.
      - iv. The decision of the City Council shall be final. The rights of the parties after termination shall be as set forth in Section 17.129.120 of this Chapter.
    - c. Necessary City Council Finding. Based upon substantial evidence, the developer has or has not complied in good faith with the terms and conditions of the Development Agreement.
- C. **Ordinance.** Any termination, revision or imposition of new terms and conditions pursuant to this Section shall be by Ordinance. The ordinance shall recite the facts, findings, information relied on and/or the lack thereof, and the reasons which, in the opinion of the City Council, make the termination, revision or imposition of new terms and conditions of the Development Agreement necessary. The enactment of such an ordinance by the City Council shall be final and conclusive as to its effect on the subject Development Agreement. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The Development Agreement shall be terminated, or the amendments to the Development Agreement shall become effective, on the effective date of the ordinance or as otherwise provided in such ordinance.

**17.129.120 – Initiation of Amendment or Cancellation. (FULLY UPDATED)**

A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the Development Agreement or their successors in interest. Any such person may propose an amendment to or cancellation in whole or in part of the Development Agreement previously entered into.

A. The procedure for amendment or cancellation in whole or in part of a Development Agreement by mutual consent shall be as follows:

1. A request for an amendment to or cancellation in whole or in part of the Development Agreement shall be submitted to the Community Development Director. A public hearing before the City Council shall be held within 90 days of receipt of the request. The public hearing shall follow the procedures outlined in Section 17.129.060 of this Chapter.
2. Any amendment, cancellation or imposition of new terms and conditions pursuant to this Section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on, and reasons which, in the opinion of the City Council, make the amendments or cancellation of the Development Agreement necessary. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The amendment to or cancellation of a Development Agreement shall become effective on the effective date of such ordinance unless otherwise indicated therein.
3. Although approved by the City Council, an amendment to or cancellation of a Development Agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the amendment or cancellation of the Development Agreement and the execution of such amendment or a written consent to such cancellation by all parties to the Development Agreement or by their successors in interest.

B. Rights of the Parties after Cancellation or Termination:

1. In the event that a Development Agreement is canceled, or otherwise terminated, unless otherwise agreed to in writing by City, all rights of the developer, property owner or successors in interest under the Development Agreement shall terminate and any and all benefits, including money or land, received by the City shall be retained by the City.
2. Notwithstanding Subsection (B)(1) above, any termination of the Development Agreement shall not prevent the developer from completing a building or other improvements authorized to be constructed pursuant to a valid operative building permit previously approved by the City and under construction at the time of termination.
3. The City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and neither the developer nor any

tenant shall occupy any portion of the project or any building not authorized by an occupancy permit.

4. As used herein: (a) "construction" shall mean work on site under a valid building permit; (b) "completing" shall mean completion of construction for beneficial occupancy for developer's use, or if a portion of the project is intended for use by a lessee or tenant; and (c) "completion" shall mean completion of construction except for interior improvements such as partitions, duct and electrical run outs, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings, and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of EMMC.

**17.129.130 – Irregularity in Proceeding. (RENUMBERED)**

Formal rules of evidence or procedure which must be followed in a court of law shall not be applied in the consideration of a proposed Development Agreement, its revision, cancellation, or termination. Rather, the provisions of this Chapter shall apply. The qualified applicant or developer has the burden of presenting substantial evidence at each of the public hearings on the proposal and shall be given an opportunity to present evidence in support of the qualified applicant's or developer's position.

No action, inaction, or recommendation regarding the proposed Development Agreement, its revision, cancellation, or termination shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

**17.129.140 – Subsequently Adopted State and Federal Laws. (RENUMBERED)**

All Development Agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States and any codes, statutes or executive mandates and any court decisions, state or federal, thereunder. In the event that any such law, code, statute, or decision made or enacted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement then such provisions of the Development Agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such Development Agreement shall so provide.

**17.129.150 – Effect of Rules, Regulations and Policies on a Development Agreement. (RENUMBERED)**

- A. Unless otherwise provided by the Development Agreement, or imposed for reasons of health or safety during the term of the Development Agreement, rules, regulations and official policies of the City governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a Development Agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
- B. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property at the time of execution of the Development Agreement, nor shall a Development Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.
- C. Each Development Agreement shall provide, and it is provided in this Section, that this Section and the provisions thereof do not apply to taxes, imposts, assessments, fees, charges or other exactions imposed by or payable to City unless specifically and to the extent otherwise expressly agreed to by City in the Development Agreement, and that all of such shall be in amounts fixed at the time they are payable.

**17.129.160 – Enforcement of Development Agreements. (RENUMBERED)**

- A. Except as provided in Subsection (B) below, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable General Plan, Zoning Code, Specific Plan, subdivision map, or building regulation adopted by the City which alters or amends the rules, regulations, or policies specified in Section 17.129.150 of this Chapter or in the Development Agreement itself.
- B. An exception to the certainty intended by execution of a Development Agreement as expressed in Sections 17.129.010 and 17.129.020 of this Chapter, shall be when a change to the Development Agreement is imposed or required not by a City initiated action, but rather by City response to (i) federal or state court or administrative agency determination or (ii) federal or state legislative or administrative agency regulation requirement.

**17.129.170 – Severability Clause. (RENUMBERED)**

Should any provision of this Chapter or of a subsequent Development Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and Development Agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a Development Agreement. The City Council hereby declares that it would have adopted and enacted this Chapter and each provision thereof irrespective of the fact that any one or more of the provisions, or the applications thereof to any person or place, be declared invalid or unconstitutional. For the purpose of this Section, a "provision" is a section, subsection, paragraph, sentence, clause, phrase or portion of any thereof.

**17.129.180 – Condemnation. (RENUMBERED)**

All and every part of a Development Agreement is subject to condemnation proceedings and entering into such agreement is not intended to restrict the exercise of eminent domain by the City or any other public agency.

**17.129.190 – Judicial Review – Time Limitation. (RENUMBERED)**

- A. Any judicial review of the initial approval by the City of a Development Agreement shall be by writ of mandate pursuant to Section 1085 of the Code of Civil Procedure; and judicial review of any City action taken pursuant to this Chapter, other than the initial approval of a Development Agreement, shall be by writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure.
- B. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City taken pursuant to this Chapter shall not be maintained by any person unless the action or proceeding is commenced within 90 days after the date of a City Council decision.

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## DIVISION 13 – SPECIFIC PLANS

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### **CHAPTER 17.130 – SPECIFIC PLANS**

#### **Sections.**

- 17.130.010 – Purpose.
- 17.130.020 – Applicability.
- 17.130.030 – General Procedures.
- 17.130.040 – Preparation and Content.
- 17.130.050 – Specific Plans, the General Plan and the Zoning Map.
- 17.130.060 – Necessary Findings.
- 17.130.070 – Time Period.
- 17.130.080 – Appeals.
- 17.130.090 – Amendments.

#### **17.130.010 – Purpose. (NEW)**

The Specific Plan designation serves as a planning tool to enhance development options when current zoning does not adequately provide for an optimal design or development program. The purpose of this Chapter is to establish uniform procedures for the adoption and implementation of a Specific Plan. The intent of the Specific Plan designation is as follows:

- A. To promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it;
- B. To encourage a more efficient use of the land;
- C. To encourage a range of housing and employment activities so as to give imagination and variety in the physical development pattern of the City;
- D. To encourage the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmental friendly design concepts whenever possible; and
- E. To facilitate development within the City in accordance with the General Plan by permitting greater flexibility and encouraging more creative design development projects.

#### **17.130.020 – Applicability. (NEW)**

The minimum project area for a Specific Plan shall be five (5) acres. A Variance shall not be permissible to deviate from this requirement. The project area may be one (1) property under single ownership, or a combination of adjoining lots subject to a unified planning concept. For a Specific Plan initiated by the City, the area can extend over several blocks of land.

**17.130.030 – General Procedures. (FULLY UPDATED)**

**A. Application:**

1. Applications for a Specific Plan shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) permit or action is necessary for the project.
2. The following may submit or initiate an application for a Specific Plan or Specific Plan Amendment:
  - a. A majority of the City Council;
  - b. The Community Development Director; or
  - c. An owner or authorized applicant of property for which a Specific Plan is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application. The Community Development Director shall also have the authority to initiate expanding the boundaries.

**B. Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Clerk.

**C. Public Notice.** Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:

1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
2. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius:
  - a. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
  - b. The mailing radius shall be 500 feet of the exterior boundaries of the specific plan boundary. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
  - c. If the number of effected properties exceed 1,000, the Community Development Director or City Clerk may reduce the mailing radius to 300 feet or, in lieu of a

mailed or written notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation.

3. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line. If the number of effected properties exceeds five (5), the Community Development Director or City Clerk may remove this requirement.
- D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter.
1. At the Planning Commission public hearing, the Planning Commission may recommend the City Council approve the Specific Plan, approve with revisions, or deny.
  2. At the City Council public hearing, the City Council may approve or deny the Specific Plan or refer the Specific Plan back to the Planning Commission for further consideration.
- E. **Decisions.** The Planning Commission shall make its recommendation or decision by Resolution. The City Council shall make its decision by Ordinance or Resolution in compliance with state law (Government Code Section 65453).

**17.130.040 – Preparation and Content. (FULLY UPDATED)**

The Specific Plan shall include detailed information in the form of text and diagrams, organized in compliance with State law (Government Code Section 65451). The following information shall be provided:

- A. **Boundary Survey Map.** The Specific Plan shall include the property or project area with a calculation of the gross land area covered by the Plan. A Tentative Tract or Parcel Map may be substituted if processed concurrently;
- B. **Land Uses and Development Standards.** The Specific Plan shall include the distribution, location, and extent of land uses proposed within the proposed area, including open space areas. The Specific Plan shall also include development standards, design requirements and landscape guidelines by which development would proceed;
- C. **Infrastructure.** The Specific Plan shall show the location of existing public utilities on and adjacent to the area. In addition, it shall show the distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed on and adjacent to the area covered by the plan and needed to support the land uses described in the plan;
- D. **General Plan.** The Specific Plan shall include a discussion of the relationship of the Specific Plan to the goals, policies, and objectives of the General Plan;

- E. **Administrative Procedures.** The Specific Plan shall address the procedures and conditions for amending, adjusting standards, and interpreting the Specific Plan, consistent with Section 17.130.030 of this Chapter;
- F. **Implementation Measures.** The Specific Plan shall include a program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria; and
- G. **Additional Information.** The Specific Plan shall contain additional information deemed to be necessary by the Community Development Director.

**17.130.050 – Specific Plans, the General Plan and the Zoning Code and Map. (FULLY UPDATED)**

**A. Specific Plans and the General Plan:**

1. The Specific Plan shall be consistent with the General Plan. If the General Plan needs to be amended to be consistent, then an application for a General Plan Amendment shall be submitted concurrent with the Specific Plan.
2. General Plan Land Use Map. The Specific Plan shall be consistent with the General Plan’s Land Use Map. If a General Plan needs to be amended to be consistent, then an application for a General Plan Land Use Map Amendment shall be submitted concurrent with the Specific Plan. In cases where the Specific Plan is not consistent with any existing category listed in the General Plan Land Use Map, a new category shall be added.

**B. Specific Plans and the Zoning Code and Map:**

1. In connection with the approval of a Specific Plan, the Zoning Map shall be amended by an Ordinance adopted by the City Council to rezone and reclassify the area covered by the Specific Plan. The Specific Plan district shall be indicated on the Zoning Map by an SP designation and a number.
2. An existing zone, or zones, may be specified as the underlying base zone(s) for the area covered by a Specific Plan. Exceptions to the zoning and development standards of the base zone(s) shall be provided in the Specific Plan.
3. The Specific Plan zoning and development standards shall, upon adoption, supersede the zoning previously established for the area covered by the Specific Plan. Violations of the Specific Plan zoning and development standards shall carry the same penalties and shall be enforceable in the same manner as other violations of this Title.
4. Unless otherwise provided in a Specific Plan, adoption of a Specific Plan shall have no effect upon other requirements under state law or the EMMC for development approval including, but not limited to, subdivision maps, grading, design, engineering, and location.

**17.130.060 – Necessary Findings. (FULLY UPDATED)**

Before a Specific Plan may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

- A. The Specific Plan will not be detrimental to the public health, safety or welfare or injurious to the City;
- B. The subject property (or properties) proposed for the Specific Plan has unique characteristics such as topography, location, size or surroundings that are enhanced by special land use and development standards;
- C. The Specific Plan provides for pedestrian, bicycle and transit access to, and where feasible, within the property, including connection to City or regional networks;
- D. The Specific Plan results in development of desirable character and use types that will be compatible with the surrounding area and provides effective buffering from adjacent uses as found necessary; and
- E. The Specific Plan is consistent with purpose, goals and policies of the City’s General Plan, Zoning Code and its Comprehensive Design Guidelines.

**17.130.070 – Time Period. (NEW)**

A Specific Plan shall become effective 30 days following the second reading of the Ordinance.

**17.130.080 – Appeals. (FULLY UPDATED)**

Denials of the Planning Commission regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

**17.130.090 – Amendments. (NEW)**

- A. An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
- B. The Specific Plan may be amended as often as deemed necessary by the City Council, in compliance with Government Code Section 65453.

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## **CHAPTER 17.131 – GATEWAY SPECIFIC PLAN<sup>1</sup>**

### **Sections.**

- 17.131.010 – Purpose and Applicability.
- 17.131.020 – Vision and Guiding Principles.
- 17.131.030 – Summary of Subdistricts.
- 17.131.040 – Summary of Land Use Buildout.
- 17.131.050 – Permitted Uses.
- 17.131.060 – Development Standards.
- 17.131.070 – Design Guidelines.
- 17.131.080 – Other Requirements.

### **17.131.010 – Purpose and Applicability. (RENUMBERED)**

This Chapter summarizes the development standards and guidelines for the Gateway Specific Plan. Regulations are provided for commercial, mixed use, open space and residential uses. Application of these regulations is intended to create a harmonious relationship among the land uses and districts, and protect the health, safety and welfare of the community. The Specific Plan also lays the foundation for the design guidelines and development regulations. The development standards contained in this Chapter shall apply to parcels within the Specific Plan’s project area boundaries. All new projects, including additions to buildings and changes in use, are subject to the provisions of this Chapter.

### **17.131.020 – Vision and Guiding Principles. (RENUMBERED)**

The Specific Plan’s Guiding Principles are intended to serve as a benchmark for the analysis of future proposals and design concepts to determine if they are supportive of the spirit and intent of this Specific Plan.

- A. **Guiding Principle 1.** Positively influence the creation of a daytime employment and residential population.
- B. **Guiding Principle 2.** Coordinated land use, urban design, transportation and infrastructure planning.
- C. **Guiding Principle 3.** Strategic implementation of land use and activities that foster citywide economic development.
- D. **Guiding Principle 4.** Enhanced pedestrian utilization, public mass transit use and high occupancy vehicle (HOV) access that foster stronger connections in the downtown area and the regional marketplace.
- E. **Guiding Principle 5.** Preservation, creation and enhancement of public parks and public open space.
- F. **Guiding Principle 6.** Provision of community-accessible social and recreational amenities.

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<sup>1</sup> The Gateway Specific Plan was adopted as the El Monte Gateway Specific Plan.

- G. **Guiding Principle 7.** Provision of childcare and education facilities.
- H. **Guiding Principle 8.** Housing opportunities for persons with a variety of income levels and household compositions.
- I. **Guiding Principle 9.** Provision of more retail and dining choices for residents and business in the community.
- J. **Guiding Principle 10.** Provision of a hotel, conference center and meeting facilities.
- K. **Guiding Principle 11.** Planning, design and development that respects the respects the history and character of El Monte.
- L. **Guiding Principle 12.** A predictable, streamlined discretionary review process that fosters high quality design and development.
- M. **Guiding Principle 13.** A vibrant mixed use environmental, providing a complimentary mix of housing, retail, commercial and recreation opportunities.
- N. **Guiding Principle 14.** Implementation of sustainable development principles that encourage the conservation of resources in the natural and man-made environment.
- O. **Guiding Principle 15.** Physical and functional connections with adjacent neighborhoods and commercial centers that foster utilization by the local community.

**17.131.030 – Summary of Subdistricts. (RENUMBERED)**

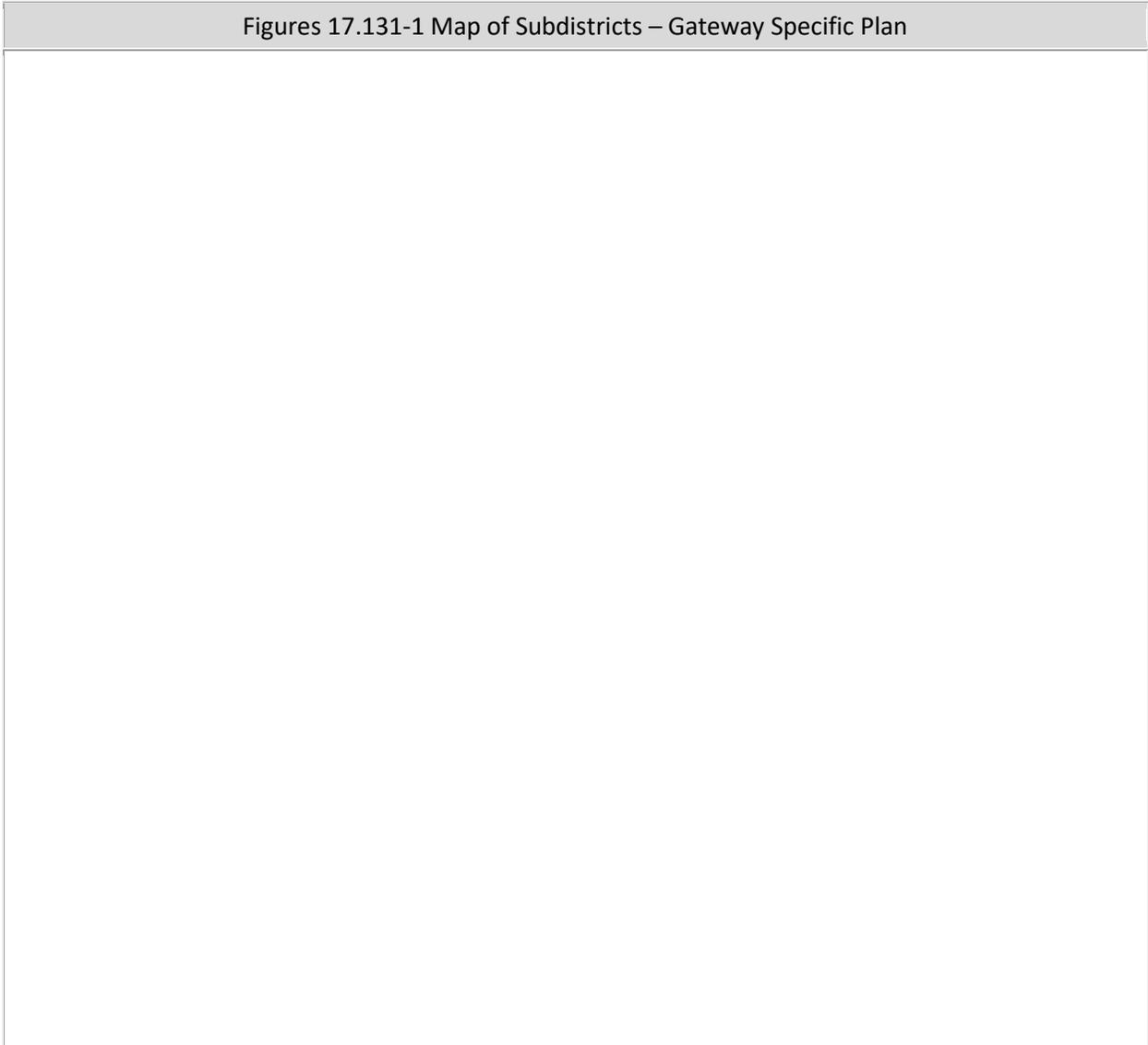
The Land Use Plan for the Gateway Specific Plan provides for the development of a vibrant, pedestrian-oriented, mixed-use community. Organized into four (4) distinct Land Use Subdistricts, the Land Use Plan allows for a variety of housing, employment, entertainment and commercial opportunities, as well as community, open space and transportation uses that will complement and expand the urban fabric of downtown El Monte, as well as strengthen the citywide economy.

At build-out, the Specific Plan will serve as a key community activity center and further enhance the City’s desire to create a vibrant, mixed-use downtown environment with enhanced connectivity to local neighborhoods and the region, through the Rio Hondo River, METRO and the Emerald Necklace. Each Land Use Subdistrict is planned around a variety of creative and functional physical connections that incorporate the unique opportunities of the project site, including the El Monte Bus Station and the Rio Hondo River. The following describes the envisioned land use mix for each of the four (4) Subdistricts, as well as their relationship to each other and the surrounding environment. Refer to Figure 17.131-1 for a map of the Subareas.

- A. **Mixed Use (MU) Subdistrict** – The Mixed Use Subdistrict is intended to provide a complimentary mix of residential, commercial, entertainment and retail uses. Mixed use development is encouraged in vertical and horizontal forms, providing for an interaction between various land use types to encourage pedestrian utilization throughout the Subdistrict. The area northwest of Santa Anita Avenue and Brockway Street is intended to provide the southern gateway into the Specific Plan Area. Design guidance for this sub-district is provided through three distinct “villages”, including the: Rio Paseo; North Promenade and South Promenade Villages.

- B. **Transit (T) Subdistrict** – The Transit Subdistrict is intended to preserve existing and expand facilities and services for public transportation. In addition, it calls to provide ancillary uses and services that improve the transit experience.
- C. **River (R) Subdistrict** – The River Subdistrict is intended to provide additional open space opportunities within the Specific Plan area. The subdistrict is intended to provide necessary facilities for the periodic collection and detention of peak stormwater discharge during storm events. The River Subdistrict may also serve as a holding district for future transit, commercial and industrial uses, provided subsequent entitlement planning and environmental analysis is conducted.
- D. **Park and Open Space (POS) Subdistrict** – The Park and Open Space Subdistrict is intended to provide active and passive open space and recreational facilities for a variety of users. The Subdistrict will provide integrated connections within the Specific Plan area and regional recreational trail system.

Figures 17.131-1 Map of Subdistricts – Gateway Specific Plan



**17.131.040 – Summary of Land Use Buildout. (RENUMBERED)**

Table 134-1 identifies the distribution of land uses among the five land use Subdistricts in the Specific Plan area:

Table 17.131-1 – Specific Plan Buildout – Gateway Specific Plan					
	Dwelling Units (DU)	Square Feet (SF)	Hotel Rooms	Density <sup>2</sup> (DU/AC)	Floor Area Ratio (FAR)
Mixed Use Subdistrict –					
Residential	1,850	2,230,330 <sup>3</sup>	--	60	2.70
Retail	--	591,000	--	--	
Office	--	600,000	--	--	
Entertainment retail	--	70,000	--	--	
Conference	--	42,000	--	--	
Hotel uses	--	75,000 <sup>4</sup>	200	--	
Child development center	--	20,000	--	--	
Transit & River Subdistricts –					
Permitted uses	Not estimated to exceed existing development square footage				
Park and Open Space Subdistrict –					
Permitted uses	Does not include riverside linear park areas or open space owned by Los Angeles County.				
Totals –					
Residential maximum	1,850	2,230,330	--	60	2.70
Nonresidential maximum	--	1,398,000	200	--	
Grand total	1,850	3,628,330	200	60	2.70

**17.131.050 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.134-2 prescribes the land use regulations for the Gateway Specific Plan. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.134-2 is not permitted in the Gateway Specific Plan, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

<sup>2</sup> Based on gross density and gross floor area.

<sup>3</sup> Estimate of total square footage is for 1,850 units.

<sup>4</sup> Estimate of total square footage for 200 hotel rooms.

Table 17.131-2 – Permitted Uses – Gateway Specific Plan					
Residential <sup>5</sup> & Community Care Use	MU	T	R	POS	Notes
Childcare facility	C	--	--	--	
Home occupation	P	--	--	--	17.110.040
Live/work unit <sup>^</sup>	M	--	--	--	17.110.050 & G-6.12(D)
Mixed-use development – vertical <sup>^6</sup>	P	--	--	--	17.110.060 & G-6.12(C)
Senior housing	M	--	--	--	
Urban housing	P	--	--	--	
Public & Quasi-Public Uses					
Electrical distribution substation	--	C	C	--	
Government or government related facility <sup>^</sup>	P	P	P	--	
Recreation facility – public <sup>^</sup>	P	P	P	P	
School & educational facility –					
Preschool, private	C	--	--	--	
K-12, private	C	--	--	--	
Specialized education and training	C	--	C	--	
Tutoring and education center* <sup>^</sup>	P	--	--	--	
Utility facility	C	C	C	--	
Wireless facility	See notes				17.90 & 17.92
Assembly & Entertainment Uses					
Ancillary entertainment* <sup>^</sup>	P	--	--	--	
Assembly or meeting facility <sup>^</sup>	C	--	--	--	
Commercial entertainment <sup>^</sup>	C	--	--	--	
Commercial recreation facility – indoor <sup>^</sup>	C	--	--	--	
Community center <sup>^</sup>	P	--	--	--	
Cultural institution <sup>^</sup>	C	--	--	--	
Family entertainment center	C	--	--	--	
Gaming center or arcade <sup>^</sup>	C	--	--	--	
Nightclub <sup>^</sup>	C	--	--	--	5.32

<sup>5</sup> Residential units shall be limited to 100 in the MU Subdistrict, Property 1.

<sup>6</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

Table 17.131-2 – Permitted Uses – Gateway Specific Plan					
Retail & Office Uses	MU	T	R	POS	Notes
Alcohol sales <sup>7</sup> –					
Assembly and entertainment use, on-site <sup>8</sup>	C	--	--	--	17.112.030
Bar or tavern, on-site <sup>^</sup>	C	--	--	--	17.112.030
Brew pub, on-site and off-site <sup>^</sup>	C	--	--	--	17.112.030
Liquor store, off-site <sup>^</sup>	C	--	--	--	17.112.030
Restaurant, limited hours, on-site* <sup>^</sup>	M	M	--	--	17.112.030
Restaurant, on-site* <sup>^</sup>	M	M	--	--	17.112.030
Retail store, off-site* <sup>^</sup>	C	--	--	--	17.112.030
Convenience store or minimart* <sup>^</sup>	C	C	--	--	
Destination retail or entertainment development * <sup>^</sup>	P	--	--	--	G-6.12(B)
Food or beverage establishment –					
Bakery or pâtisserie, retail* <sup>^</sup>	P	--	--	--	
Coffeehouse or café* <sup>^</sup>	P	P	--	P	
Outdoor seating* <sup>^</sup>	P	P	--	P	17.112.120
Restaurant* <sup>^</sup>	P	P	--	--	
Grocery store <sup>^</sup>	P	--	--	--	
Multiple-tenant commercial center* <sup>^</sup>	M	--	--	--	17.112.110
Offices –					
Ancillary* <sup>^</sup>	P	P	P	P	
Administrative, business professional* <sup>^</sup>	P	--	C	--	
Government* <sup>^</sup>	P	--	P	--	
Medical* <sup>^</sup>	P	--	C	--	
Office supply store* <sup>^</sup>	P	--	--	--	
Pharmacy* <sup>^</sup>	P	--	--	--	
Retail sales (unless listed as a separate use)* <sup>^</sup>	P	P	--	--	
Wholesaler <sup>^</sup>	P	--	--	--	

<sup>7</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>8</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

17.131-2 – Permitted Uses – Gateway Specific Plan					
Service Uses	MU	T	R	POS	Notes
Animal service – animal grooming <sup>^</sup>	P	--	--	--	
Automated Teller Machine (ATM), walk-up <sup>*^</sup>	P	P	--	--	17.112.050
Drive-through business – service or retail	M	--	--	--	
Financial institution <sup>*^</sup>	P	--	--	--	
Hotels and motels <sup>*^</sup>	C	--	--	--	5.48 & 17.112.090
Office concierge service <sup>*^</sup>	P	--	--	--	
Personal service use – general <sup>*^</sup>	P	--	--	--	17.112.140
Philanthropic or charitable institution <sup>^</sup>	P	--	--	--	
Recycling facility – self-service	P	--	--	--	17.112.150
Vehicle rental, automobile	C	C	--	--	
<b>Industrial &amp; Transportation Uses</b>					
Cannabidiol (CBD) products manufacturer	--	--	C	--	
Distribution, fulfillment or warehouse center	--	--	C	--	
Industrial hemp processing	--	--	C	--	
Laboratory, testing	--	--	C	--	
Machine shop	--	--	C	--	
Manufacturing (unless listed as a separate use) –					
Ancillary	--	--	C	--	
Light	--	--	C	--	
Recycling processing facility	--	--	C	--	
Passenger transport or taxi service	C	C	C	--	
Research and development	--	--	C	--	
Transit station	--	P	C	--	
Vehicle parking –					
Attendant or valet parking	C	C	--	--	
Car sharing, residential	M	--	--	--	17.70.070(C)
Car sharing, nonresidential use <sup>9</sup>	M	M	--	--	
Parking structure	M	M	C	--	G-6.12(A)

<sup>9</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

17.131-2 – Permitted Uses – Gateway Specific Plan					
Industrial & Transportation Uses (continued)	MU	T	R	POS	Notes
Vehicle parking (continued) –					
Shared parking	M	M	--	--	17.70.070(D)
Vehicle parking, limited (long-term)	M	M	--	--	

Key:

- \* Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.
- ^ Use is pedestrian oriented and may occupy the ground floor of buildings facing Santa Anita Avenue. Other uses shall not be permitted on the ground floor.
- Not permitted.
- P Use permitted by-right.
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).
- G Gateway Specific Plan.

**17.131.060 – Development Standards. (NEW)**

Refer to Gateway Specific Plan Chapter 6.

**17.131.070 – Design Guidelines. (RENUMBERED)**

**A. Purpose and Intent.** The following guidelines are intended to provide both a vision of the El Monte Gateway overall character, and specific aesthetic and experiential expectations regarding the various components of the El Monte Gateway.

**B. Introduction:**

1. The primacy of pedestrian experience. The Gateway Specific Plan is dedicated first and foremost to the creation of a highly vitalized pedestrian environment, achieved through well-designed density and interaction of mixed uses.
2. Scale. All future development projects should be designed with a human scale that acknowledges pedestrian perception and experience.
3. Themes and variations. While the Gateway will have over-arching themes that include intensive small-scaled density; architectural expression of sustainable design; a contemporary glassy openness; and continuity of selected public materials, amenities, lighting and graphics, the area should also be a place of great experiential diversity. It will achieve this by two means:
  - a. The creation of the separate Villages, each with the character of a special neighborhood; and
  - b. The encouragement of themes with multiple detailed variations within each of the various Villages.
4. The villages. The General Design Guidelines will be complemented by specific Design Guidelines for the following three (3) villages. Each Village is envisioned to contain both

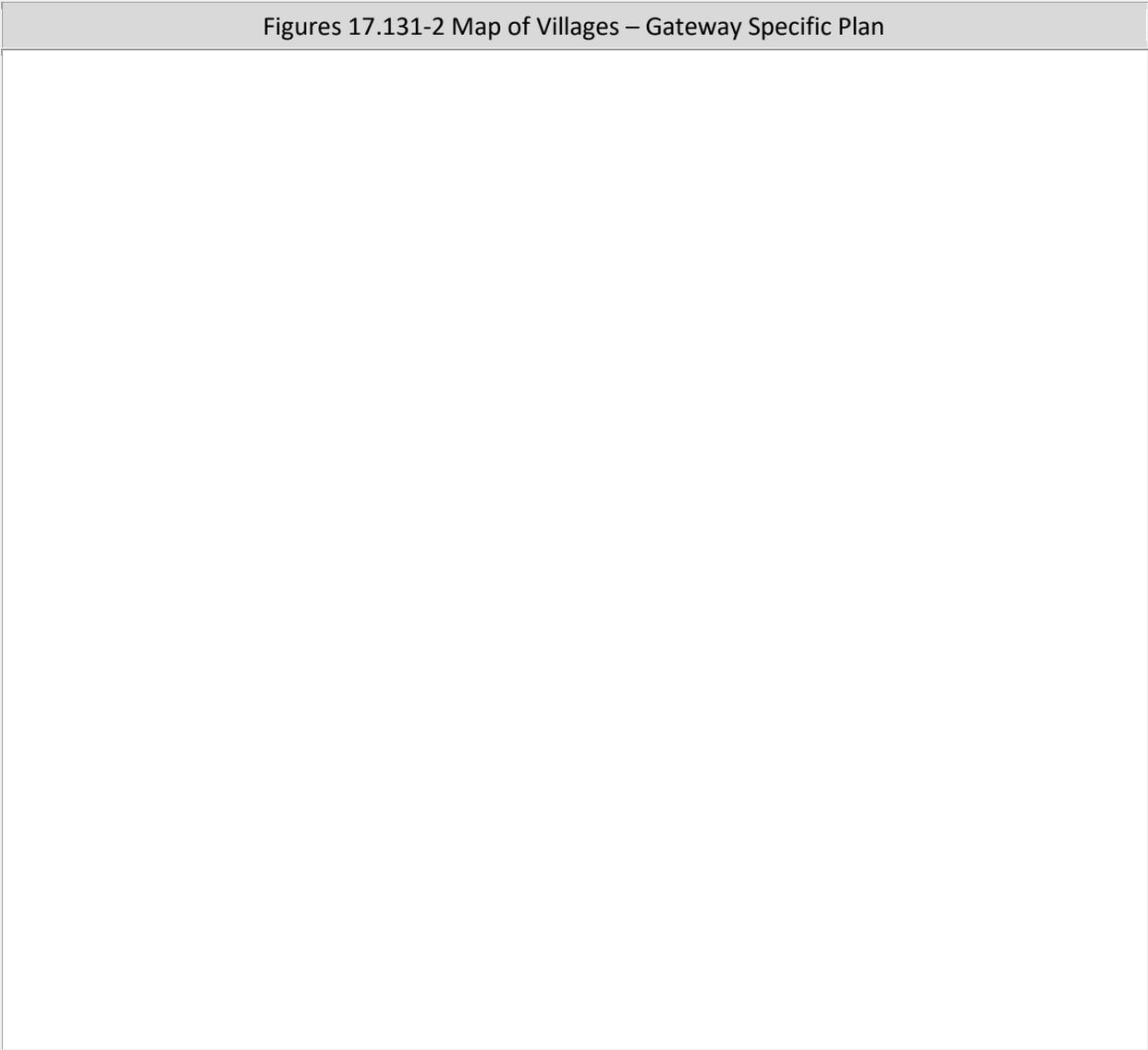
specific types of uses and specific qualities that will make each Village unique and identifiable. Refer to Figure 17.131-2 for a map of the Villages:

- a. Rio Paseo Village;
- b. North Promenade Village; and
- c. South Promenade Village.

**C. General Design Guidelines – Broad Themes / Goals.** Embracing a wide diversity of architectural expression, new development should embrace the following over-arching themes.

- 1. Contemporary architecture. The architecture should be clearly of the 21st Century, looking forward, with dynamic building forms, expressive structure, and a rich use of glass, tying together El Monte’s past, present and the future.

Figures 17.131-2 Map of Villages – Gateway Specific Plan



2. Sustainability. Sustainable architecture should be a major shaping force in defining the visual expression of The Gateway. Building form should respond in design to such issues as energy conservation, daylighting, natural ventilation, and solar energy harvesting.
3. Rich native landscape. Acknowledging both the authentic value and the sustainable value of native landscape, the landscape design should provide a rich backdrop and overhead canopy for human activity. The landscape should extend the existing regional context of the Rio Hondo River and linear park, and should be influential throughout the pedestrian/ground plane of The Gateway. Landscape and water features or waterscape should be thematic throughout all of the Villages.
4. Detail and diversity. All buildings fronting on pedestrian activity should have design rhythms, details, texture, and scale appropriate to the pedestrian. Harmonized visual richness and diversity should support rich human experiences.
5. Formal integrity. Buildings and building masses should have 360-degree integrity. Buildings with multiple frontages should have a continuous harmony of materials and expression around the corner and not be merely façades.

**C. Village Parks and Open Space Design Guidelines:**

1. Open space overview. The parks and open space component of Gateway is dedicated to the creation of quality active and passive parks and open spaces that provide “green” linkages and physical connections to the river, the community and the regional transportation network that has its hub at the Gateway. The Gateway’s approach to parks, open space, trails and walkways will focus on the connectivity and continuity and that open space and parks will be provided throughout the entire gateway site. It is intended that the parks and open space become an integral component of the overall Gateway character, resulting in a popular public destination, which is lively, secure, distinct, and promotes a healthy, community-based, urban lifestyle.

The following design goals will be considered in all aspects of the outdoor environment and will act as touchstones to guide exterior development and enhancements throughout the parks and public open spaces.

- a. Variety of outdoor experiences. Provide a variety of outdoor experiences for people of all ages and user types- residents, commuters, visitors and employees. Promote opportunities for inter-generational activities, physical, social and cultural growth that will promote a healthy lifestyle and a sense of well being.
- b. Pedestrian friendly environments. Create pedestrian friendly environments to encourage walking, interaction and a sense of discovery at each turn. A comprehensive system of trails and walkways will link all areas of the site and tie into the greater regional trail system and “Emerald Necklace” that parallels the major waterways in the area. Fitness stations and mileage markers will be incorporated into trail circuits.

- c. Celebrate nature. Celebrate nature in all its forms-riparian landscape character, natural habitats and enhancement of open space with attractive flora and fauna. Create opportunities to showcase and experience nature in the urban context.
  - d. Celebrate the Rio Hondo. Celebrate the Rio Hondo River and the role of water in our Southern California climate. Provide educational opportunities to inform the public about the water cycle and the greater watershed that replenishes our critical groundwater supply. Provide a gateway feature to direct and encourage public access to the River and greater regional recreation resources associated with the Emerald Necklace.
  - e. Attractive and functional park and open space. Create attractive and functional park space to promote outdoor recreation venues, outdoor dining, performance and art exhibit areas, historical interpretation, and “open air” learning opportunities. Provide open space to promote natural habitat and passive walking and observation of native flora and fauna.
  - f. Civic space. Create attractive public spaces that are flexible and can become destinations for community gatherings and civic events.
  - g. Sustainable design. Demonstrate sustainable design principles through the appropriate use of drought tolerant and native plant materials, utilization of recycled products, composting practices, low energy and low water consumption requirements, and water quality management practices. Reclaimed water will be used wherever it is possible.
2. Pioneer Park. Pioneer Park will be a mix of active and passive recreation uses including two rebuilt and improved sports fields. The raised sportsfield area will provide a central gathering area for lighted softball, baseball and overlay soccer play. The surrounding more passive park and open space offers a variety of recreation experiences from walking and bike trails to children’s play areas, an informal amphitheater, a community recreation building, family picnic tables, and featured historical and interpretive elements.
- a. Sports plaza. The two ball diamonds will be interconnected by a sports plaza. The plaza will feature a concession/restroom building with concession area, restrooms, two storage rooms and shaded patio area. Aluminum bleachers will be positioned behind the backstops. Fabric shade structures, picnic tables, benches and drinking fountains will be located within the plaza area for visitors’ convenience.
  - b. Ballfields:
    - i. The ballfields will be defined by vinyl coated chain link fence backstops with backboards and descending sideline fences to protect spectators. The dugouts will be at grade with shade fabric, team benches, bat racks, and convenient drinking fountains for players. The fields, dugouts, drinking fountains for players. The fields, dugouts, drinking fountains and spectator areas will be

American with Disabilities Act (ADA) compliant. The field may be artificial turf or traditional grass per City approval.

- ii. The ballfield lighting will be state-of-the-art, poles with minimum light spill off the field areas. An electronic scoreboard with remote controls to a scorer's table at the backstop will be located at each field. A public address system will also be provided with a localized speaker system to minimize sound travel beyond the limits of the field.

c. Riverside promenade:

- i. A riverside promenade will parallel the Rio Hondo and provide a linear pedestrian and bicycle linkage between Pioneer Park and Fletcher Park to the south. The Promenade will feature a number of trail and path options including the asphalt paved regional bike trail running directly adjacent to the Rio Hondo, an ADA accessible walkway and a meandering trail traversing the slope that separates the elevated field area from the riverbanks. Benches will be provided along the paths and trails to encourage bird watching and restful enjoyment of the open space and the wildlife it attracts.
- ii. The character of this riverside promenade area will be enhanced to reflect a riparian vegetation type with appropriate planting on the ground. Bioswales incorporating water quality enhancing plant species coupled with water movement through swales may be incorporated where possible along the riverside area. Interpretive signage will be used to guide and inform visitors.
- iii. An informal outdoor amphitheater nestled into the slope overlooking the Rio Hondo will provide a small venue for nature talks, gathering spot for a walking tour or a small presentation or performance. Trees will be planted to interrupt the terraces and anchor the landform.
- iv. Main walks and trails throughout the site will be lighted with security lights to provide directed illumination and visual surveillance. Fixtures will be selected for minimum light spill, durability, and appropriate aesthetic character.
- v. Wayfinding signage with a common style will be provided throughout the park and open space areas to direct visitors to destinations or connections within and outside of the Gateway development.

d. Themed play area:

- i. The park will feature a themed Children's Play Area. The area will be buffered with planting and enclosed by a decorative ornamental steel fence as needed to control the access of children and protect them from street traffic. The play area will feature equipment and site furnishing components that tie into the End of the Santa Fe Trail theme and historical roots of El Monte. Separate play equipment will be provided for two (2) to five (5) year old tots and five (5) to 12 year old children. Equipment will meet ADA access standards and Consumer Product Safety Commission standards.

- ii. Shade trees or fabric shade canopies will be used to shade the play equipment. Benches with backs will be provided adjacent to the play area for convenient and safe adult supervision.
  - iii. Picnic tables may also be located adjacent to the play area for family use. A paved travel way may be incorporated in the play area to accommodate a tricycle course.
  - iv. A small water/sand play feature may be incorporated into the themed play area for seasonal use or manipulative play.
- e. Gateway Entry to The Emerald Necklace. A broad tree-lined entry drive will occur south of the park along Santa Anita Avenue and will act as a major pedestrian entry to Emerald Necklace and the park. This roadway/linear plaza must be wide enough to accommodate a Los Angeles County fire lane. It will terminate at a large riverfront overlook. Pedestrian walkways and decomposed granite trails will link into this key public space.
- f. Community building area. A new community building will be added to the park. It may be a one (1) or two (2) story structure with an assembly room, lobby, restrooms, kitchen, storage and meeting rooms.
- g. Landscape & irrigation improvements:
- i. The Specific Plan area will encourage the use of native or drought tolerant materials, as appropriate, and require a minimum of supplemental fertilization and maintenance. Because of the variety of conditions on the site, the species selected for a given area shall be compatible with the microclimate exposure, soil conditions and user demands. Shrubs and groundcovers should be perennial type, noninvasive and require a minimum of trimming.
  - ii. Irrigation of plant materials shall be efficiently managed through state-of-the-art automated irrigation control systems appropriate to the unique needs of trees, shrubs and turf.
3. Fletcher Park design guidelines. Fletcher Park may remain in its current configuration. However, it may be renovated to meet the quality standards associated with the redeveloped Pioneer Park. The intent is to connect Fletcher Park into the overall high quality park and open space associated with the Gateway Specific Plan development.

**D. Rio Paseo Village Design Guidelines:**

1. Rio Paseo Village features. The Rio Paseo will be a regional feature, where visitors can come to dine along a narrow river channel. This channel will loop through the heart of the project, providing a walkable linkage as well as a romantic place of dining and passive recreation.
- a. In character, the Rio Paseo should have the informality of river and canal districts around the world, with rich landscaping and a relaxed use of natural materials.

- b. The Rio Paseo should be lush and romantic. Well-lit at night, it should also have a special character of light, allowing for a rich play of shadows, highlights, accent and feature lighting of landscape.
- c. The principal commercial uses along Rio Paseo (dining and drinking, coffee houses, bakeries, specialty shops that could potentially sell goods for consumption on property) should be evident to the stroller both from signage and from literal visual contact between goods offered and pedestrian movement.

The typical storefront should be seen as a simple, minimal mediation between the street and the interior. Both the generous use of glass and the use of flexibly open storefronts (folding glass doors or French doors) should be encouraged.

- d. While diversity of storefronts and awnings are encouraged, the terrace along the Rio Paseo should have a feeling of public continuity and not be sub-divided by tenants (e.g. continuity of outdoor paving, street furniture, umbrellas, etc.).

At the same time, individuation at storefront lines should be encouraged via personalized devices such as greeting stands, and artisanal sign boards and handwritten menu boards.

The overall test of successful design, both of the terraces and the storefronts, should be that they provide a consistently romantic and sophisticated ambience, avoiding explicit historic references or 'cuteness'.

- e. The fire lane should be usefully employed to support internal walking, with a richness of surface pattern that belies its use as a fire lane.
- f. Bay widths should be modest and in keeping with the constrained width of the Rio Paseo itself.
- g. The river channel should be of modest width, varying from 15 to 30 feet.
- h. In the spirit of world-class, small-scaled, highly pedestrian environments, services to Rio Paseo restaurants should be structured at dedicated off-hours from the adjacent parking garages.
- i. Restaurant pads and storefronts with frontage along Santa Anita Avenue are critical invitational components of the Gateway. On the one hand, these frontal pads are the most likely to draw strong national and regional tenants. At the same time, it is highly important that the character that is projected along Santa Anita Avenue offers the intimate, natural and special qualities that will characterize the interior of the Gateway.

First, these restaurants should transform the character of the sidewalk. In conjunction with enhanced paving and street landscaping, the basic setting should be one of lush tree canopy and natural materials to the extent that a continuous sidewalk cafe environment draws the public from Santa Anita Avenue into the heart of the project.

Further, in keeping with the character of the more intimate internal restaurants, with the exception of the kitchen/service areas, these larger restaurant pads should maintain either a glassy or wholly open storefront character to the street.

The design character of these storefronts should be simple, but include a rich palette of materials, and a vision that incorporates layers of detail and landscape.

2. Rio Paseo Village guidelines:

- a. Residential development should have a modest public lobby at the public or semi-public deck level containing mail functions and resident access to upper levels. These lobbies should have a slightly more marked presence at the deck level than individual unit entries and yards at the deck level.
- b. For deck level units, there should be a hierarchy from most public space (e.g. the shared, landscape deck area), to semi-private space (e.g. modest front yards or porch areas) to unit entries.
- c. Deck-level unit yards/porches should have a semi-public feeling, with an identifiable edge that also allows visual permeability (e.g. low hedges, partial low walls, etc.). While over parking, the public and semi-public decks should convey a quality of lush landscaping.
- d. Architectural character should be consonant with generous unit daylighting (especially to the north). Through the generous use of glass, the architecture should exude a quality of exterior design that is airy, lightweight, and open to the lush natural environment surrounding it as well as the multiple distant view opportunities.
- e. Development in the Rio Paseo Village should have a sense of generosity, both in terms of distance between units/views, and in terms of common and private outdoor recreational space.

**E. Shared Rio Paseo Village and North Promenade Village Design Guidelines:**

1. The essential character of both Rio Paseo Village and North Promenades at the pedestrian level should be one of considerable intimacy, both of scale and detail. It should have the density and compaction of a narrow pedestrian-oriented shopping street. These shops will, by geometry, be limited in depth and scale and their character should reflect this smallness.
2. Internal bridge crossings between the retail areas should aggressively acknowledge the pedestrian with generosity of scale and specially designed surface articulation.
3. To encourage maximized access between uses, lobbies for vertical access to both residential and commercial floors that are above the ground retail level should be secured. However, they should still have a visible and well designed identity to the streetscape.
4. Storefronts should use great amounts of glass, with significant articulation, detail, eclecticism and diversity of storefront arcades should be encouraged while avoiding the

overuse of historical references. Diversity of storefront overhanging canopy design should be encouraged.

5. There shall be a virtual semi-public zone/porch area at the frontage of each leasing bay which should allow for small, lacy projected specialty signs, non-permanent canopies and banners and individualized amenities that should reflect an artisanal approach to shop-keeping (e.g. potted landscaping, chalkboards and unique standing signage).
6. Residential units above the first two stories should not encroach beyond the retail storefront line (including residential balconies).
7. The architecture of the residential units should be shaped to a large extent by the buildings' east and west exposures, suggesting appropriate facade depth, outdoor/indoor balcony rhythms, etc. East-facing Santa Anita Avenue units should also develop a clear cadence, lending rhythm and distinction to the street. All residential units should allow for a simple, but variegated, contemporary design expression with a generous use of glass.
8. Consistent with the sustainable goals of the Gateway, the major lower roof platforms of the North and South Promenade Villages should be developed as green roofs. The design criteria for these roofs should be designed to:
  - a. Create landscaped view-sheds for residents;
  - b. Create semi-public shared space for residents and conference center users;
  - c. Enhance energy conservation and sustainability; and
  - d. Provide dynamic views for rooftop users.
9. The Promenades should have a dedicated off-street truck service area from which goods can be carted throughout the pedestrian promenade system.
10. Pedestrian activities, and amenities such as seating, kiosks, and dining are gathering places that should be integrated into the overall design.

**F. North Promenade Village – Specific Design Guidelines:**

1. All frontages to the Rio Paseo, whether restaurant or retail, should project a glassy or fully open presentational aspect to pedestrian passersby. Unarticulated, solid walls facing the Rio Paseo or any of the internal pedestrian streets should not be permitted.
2. In hierarchy of character, the North Promenade should 'mediate' between Pioneer Park, at the north of the project, and the increasingly formal urban landscape of the South Promenade Village. The landscape should create a sense of lushness, without being overly formal. It should be appropriate to a narrow-laned urban setting. There should be a combination of in-ground planting and tenant planters in rhythms that anticipate a casual and surprising impact from the overall landscape patterns along the Promenade lanes. The emphasis should be on maintaining an informal but continuous overhead canopy of trees and/or vines.

3. The easterly internal street of the North Promenade, especially at its junction with Ramona Avenue, should be envisioned as the most activated core of the project with a sense of 'town square' openness, with enough excess width in the street to accommodate street performers and moving crowds at considerable density. The Ramona Boulevard/Santa Anita Avenue cafes and outdoor dining should line Ramona and provide excitement to visitors as they enter the Gateway. An area within the North Promenade is envisioned as the most activated core area of the project with a sense of "Town Square", with enough excess width in the street to accommodate street performers and moving crowds. The Town Square should be airy and spacious. It should be a democratic place, for passage, for people watching, and for entrepreneurial street entertainment. The Town Square 'floor' should be of an enriched paving material, lending both detail and color.

**G. South Promenade Village – Specific Design Guidelines:**

1. North /south lanes of the South Promenade Village will share the same character and guidelines as the North Promenade Village. The South Promenade will open up in width and present a more formal and broad entrance to the hotel, office towers and regional retailers.
2. The east-west pedestrian walkway of this Promenade should be designed in a formal way, with visual signage of prominent retailers contiguous along its edge. Additionally, stately and generous landscape should be continuous along its edge. There should be an overall sense of generous scale along this pedestrian way. Vertical elements should be of a scale to provide armatures for banners.
3. A water feature of significant scale should be part of this east/west axis.
4. Outdoor vending concessions should be allowed in the east-west lane of this Village as a way to further enliven its pedestrian life.
5. This village will be an important visual focus for the Gateway to the freeway and to the south. In consistency with the architecture throughout the Gateway, its design should be contemporary, and expressive of sustainable architecture. Along with the office buildings to the west, this building should most fully epitomize the progressive values of the General Design Guidelines at the beginning of this section.
6. Motor court and arrival areas should provide for enhanced surface paving, with articulated detail, under-car and under-foot continuously to the entry lobby.
7. Publicly accessible lobby spaces should present an open, welcoming quality to the street as well as to the Village Promenade area.
8. The architecture of buildings in this Village should epitomize the General Design Guidelines in terms of sustainability, contemporaneousness and a literally green setting. The buildings should maximize glassiness and views. As the tallest buildings in the Gateway, design should capitalize on views of the San Gabriel Mountains and downtown Los Angeles. And with their strong exposure to I-10 Freeway, they will serve as landmarks that exemplify the quality and character of the entire project.

9. Retail lease space, even if shallow in depth, shall be provided continuously along the edge of any parking structure facing the promenade. The parking structure lobbies should be marked in contrast to these retail elements with a vertical identity. Lobbies should discharge in a place along the promenade to be most stimulating for pedestrian activity.
10. The width of the east-west South Village Promenade should be gracious, with rich formal tree canopy and the capacity to contain crowds for major events.
11. Storefronts should be designed to accommodate two different readings:
  - a. During weekdays, the base of the buildings should be read as glassy outlet storefronts consistent with the contemporary decorum of the office buildings above.
  - b. There will be an active marketplace in the north promenade that is open during weekends. It should be designed as a vibrant indoor/outdoor market, with outlet goods rolled onto the pedestrian streets or brought similar to a farmers' market operation.

**17.131.080 – Other Requirements. (NEW)**

When a development standard is not identified in the Specific Plan, this Title shall apply.

## **CHAPTER 17.132 – MOUNTAIN VIEW SPECIFIC PLAN**

***Reserved.***

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## **CHAPTER 17.133 – FLAIR PARK SPECIFIC PLAN**

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## **CHAPTER 17.134 – DOWNTOWN SPECIFIC PLAN**<sup>10</sup>

### **Sections.**

- 17.134.010 – Purpose and Applicability.
- 17.134.020 – Vision and Guiding Principles.
- 17.134.030 – Summary of Subareas.
- 17.134.040 – Permitted Uses.
- 17.134.050 – Development Standards.
- 17.134.060 – Development Opportunity Reserve (DOR).
- 17.134.070 – Design Guidelines.
- 17.134.080 – Other Requirements.

### **17.134.010 – Purpose and Applicability.** (RENUMBERED)

This Chapter sets the regulatory and design framework for developers, designers, city staff, and review bodies to develop and implement projects as they proceed through the entitlement process. The provisions of this Chapter apply to building additions, exterior remodels, relocations, or new construction requiring a building permit within the Specific Plan area.

### **17.134.020 – Vision and Guiding Principles.** (RENUMBERED)

The vision for Downtown El Monte has been one that has been continually evolving over the past 100 years. This Specific Plan builds upon the existing historical context of the City while at the same time incorporating ongoing planning efforts to create a Downtown vision that emphasizes transit-oriented strategies, multi-modal options and public realm enhancements. Through interactive design exercises, stakeholder interviews and community feedback, crucial elements were identified that are necessary to make the Downtown a beautiful, safe, historic and lively regional destination. The following serve as the Specific Plan’s Guiding Principles:

- A. **Mixed-use, Pedestrian and Transit-oriented Urban Village** – Create a mixed-use, pedestrian and transit-oriented urban village focused around a pedestrian-friendly Main Street containing a mix of shops and supportive uses woven together by attractive streetscape improvements and paseos connecting to adjacent neighborhoods and transit centers.
- B. **Central Shopping and Entertainment District** – Transform the Downtown into a central shopping and entertainment district that contains retail stores, neighborhood services, office spaces, and restaurants with outdoor dining; complemented by broad sidewalks, plazas and parks designed with music and performance areas for resident and visitor enjoyment.
- C. **Enticing Place for Investment** – Make Downtown an enticing place for investment by designing an active and vibrant street environment that attracts new businesses

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<sup>10</sup> The Downtown Specific Plan’s was adopted as the Downtown Main Street Transit-Oriented Specific Plan.

Downtown and by providing incentives to developers, downtown merchants, and property owners to locate in this area.

- D. **Variety of Housing Opportunities** – Incorporate a variety of housing opportunities throughout the Downtown that include a mix of densities and product types that use engaging architecture to further define El Monte’s historic Downtown.
- E. **Expanded and Improved Public Transit System** – Create a Downtown supported by an expanded and improved public transit system, including a new trolley route throughout the Downtown core with connections to El Monte Bus Station and Metrolink Station.
- F. **Blend of Old and New** – Provide a blend of old and new, where new development takes its design cues from the existing El Monte culture, character, and history. Define unique public plazas and green-space improvements connected by distinctive streetscapes interconnected with pedestrian paseos.
- G. **Balanced System of Multimodal Streets** – Provide a well-connected and balanced system of multimodal streets (bus, auto, bike) connected to pedestrian linkages designed to accommodate all users regardless of age or ability.
- H. **Entryways at Key Intersections** – Create entryways at key intersections to denote entries into the Specific Plan area through improved streetscapes and signage.

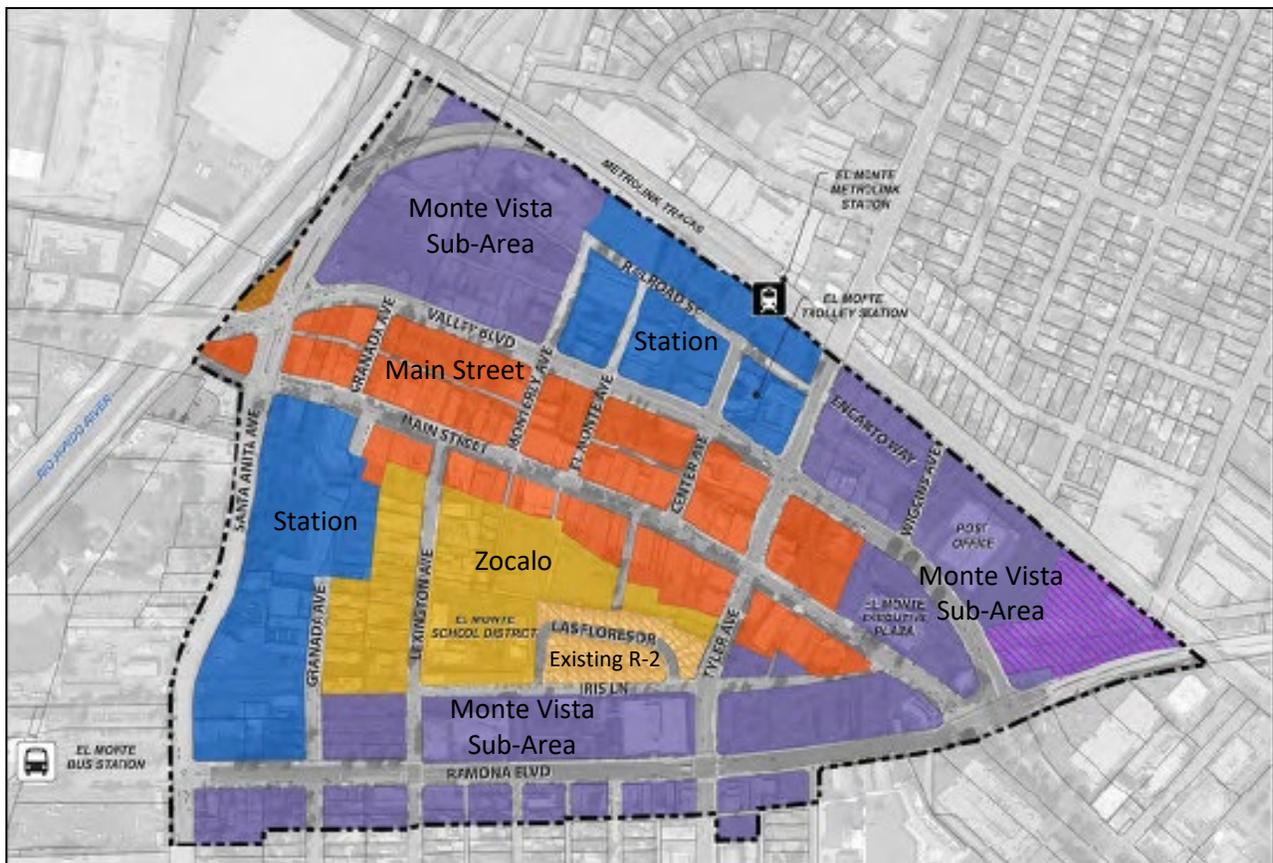
**17.134.030 – Summary of Subareas. (RENUMBERED)**

The Specific Plan area is divided into the following four (4) subareas. Refer to Figure 17.134-1 for a map of the Subareas.

- A. **Main Street (MS) Subarea** – This Subarea is the economic, cultural and historic “heart” of the City. It includes many existing mom-and-pop retail and dining establishments. Much of Main Street has been improved with wide sidewalks, street furnishings and pockets of enhanced landscaping. A network of alleys and paseos allow for access to/from parking areas and adjacent subareas. The Subarea is envisioned to be revitalized with façade improvements and vertical mixed-use development with residential or office above retail and restaurants. Buildings up to three (3) stories in height will line Main Street and buildings up to four (4) stories in height will front along Valley Boulevard.
- B. **Zócalo (Z) Subarea** – Zócalo means “public square” which is a term that characterizes the physical location of this Subarea. Today this Subarea mostly includes residential, retail and office uses that are linked to the Main Street Subarea via paseos, alleys and Lexington Avenue. One large centrally located parking area is utilized for Downtown events and provides parking for the businesses along Main Street. This Subarea is envisioned to transform underutilized parking areas into retail and housing opportunities centered around outdoor open space. This plaza will provide space for community arts and cultural events to occur. Artist live/work units and urban housing developments up to five (5) stories in height will support Main Street retail uses a short walk away. Along Lexington Avenue, retail and professional offices will provide an extension of Main Street uses and support the surrounding residences with various job opportunities.

Within the Zócalo Subarea is a well-established residential neighborhood that is unlikely to change during the life of this Specific Plan. This area is exempt from the regulations and guidelines of the Downtown Specific Plan and shall follow the Low-density Multiple-family Dwelling (R-2) zoning district standards.

- C. **Station (ST) Subarea** – This Subarea embodies the transit-oriented elements of the Specific Plan area. Broken into two (2) areas, the Station Subarea includes the El Monte Metrolink Station and properties across the street from the El Monte Bus Station. Both transit stops are within a comfortable five (5) to ten (10) minute walking distance to Downtown restaurants, shops and services. This Subarea is envisioned to include a complementary mix of retail, urban housing and transit uses. Stand-alone multi-family residential uses such as townhomes, studio flats and apartments up to six (6) stories will provide housing opportunities for transit users in close proximity to Downtown.
- D. **Monte Vista (MV) Subarea** – This Subarea is located along the southern and northern edges of the Specific Plan area and is comprised of office, residential and public uses including the El Monte United States Post Office which occupies a large portion of the Subarea. The area contains Downtown supporting uses and creates a buffer to surrounding residential uses. This Subarea will be enhanced with street corridor beautification, mixed-use development and Downtown entry treatments in key locations. New development is limited to a maximum of four (4) stories to ensure an appropriate transition from the Downtown core to areas outside the Specific Plan boundary.



**17.134.040 – Permitted Uses. (FULLY UPDATED)**

- A. **Permitted Uses.** Table 17.134-1 prescribes the land use regulations for the Downtown Specific Plan. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.134-1 is not permitted in the Downtown Specific Plan, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Table 17.134-1 – Permitted Uses – Downtown Specific Plan				
Residential – Main and Ancillary Uses	MS & Z	ST <sup>11</sup>	MV	Notes
Accessory building	--	--	P	17.110.020
Factory-built housing	--	P/C	P	
Home occupation	P	P	P	17.110.040
Live/work unit	--	M	M	17.110.050
Mixed-use development –				
Horizontal	--	P/C	P	17.110.060
Vertical <sup>12</sup>	P	P	P	17.110.060
Multiple-family, five (5) or more attached dwellings on a lot	-/P <sup>13</sup>	P/C	P	
Senior housing	C	P/C	P	
Urban housing	-/P <sup>13</sup>	P/C	P	17.110.120
<b>Community Care Uses</b>				
Adult daycare facility, general	--	--	C	
Childcare facility	--	C	C	
Elder care or assisted living facility	--	--	C	
Residential care facility, general	--	--	C	
<b>Public &amp; Quasi-Public Uses</b>				
Electrical distribution substation	--	--	C	
Government or government related facility <sup>^</sup>	P	P	P	
Recreation facility – public <sup>^</sup>	P	P	P	

<sup>11</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a CUP.

<sup>12</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

<sup>13</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Is not be permitted in Main Street DOR-1.

Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued)				
Public & Quasi-Public Uses	MS & Z	ST	MV	Notes
School & educational facility –				
College or university, public	--	P	P	
College or university, private	--	C	C	
K-12, public	--	--	P	
K-12, private	--	--	C	
Preschool, public	--	P	P	
Preschool, private	--	C	C	
Specialized education and training	--	C	C	
Tutoring and education center*	P	P	P	
Urgent care medical center*	--	P	P	
Utility facility	--	--	C	
Wireless facility	See notes			17.90 & 17.92
Assembly & Entertainment Uses				
Ancillary entertainment*^	P	P	P	
Assembly or meeting facility	C	C	C	
Commercial entertainment^	C	C	C	
Commercial recreation facility – indoor^	C	C	C	
Community center^	P	P	P	
Cultural institution^	C	C	C	
Family entertainment center	--	C	C	
Gaming center or arcade	--	C	C	
Nightclub^	C	C	C	5.32
Religious institution	--	--	C	
Retail & Office Uses				
Alcohol sales <sup>14</sup> –				
Assembly and entertainment use, on-site <sup>15</sup>	C	C	C	17.112.030
Bar or tavern, on-site^	C	C	C	17.112.030
Brew pub, on-site and off-site	--	--	C	17.112.030

<sup>14</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>15</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued)				
Retail & Office Uses (continued)	MS & Z	ST	MV	Notes
Alcohol sales <sup>16</sup> (continued) –				
Liquor store, off-site	--	--	C	17.112.030
Restaurant, limited hours, on-site*^	M	M	M	17.112.030
Restaurant, on-site*^	M	C	C	17.112.030
Retail store, off-site*^	C	C	C	17.112.030
Cannabis activity, commercial – dispensary*^	P	P	P	5.18
Convenience store or minimart*^	M	M	C	
Food or beverage establishment –				
Bakery or pâtisserie, retail*^	P	P	P	
Coffeehouse or café*^	P	P	P	
Outdoor seating*^	P	P	P	17.112.120
Restaurant*^	P	P	P	
Grocery store*^	P	P	P	
Multiple-tenant commercial center*^	P	M	M	17.112.110
Offices –				
Ancillary*^	P	P	P	
Administrative, business professional*	P	P	P	
Government*	P	P	P	
Medical*	P	P	P	
Office supply store*^	P	P	P	
Pharmacy*^	P	P	P	
Retail sales (unless listed as a separate use)*^	P	P	P	
Secondhand vendor*^	M	M	M	5.68 & 17.112.160
<i>Temporary use (reserved)</i>	--	--	--	<i>17.124</i>
Vehicle retail use –				
Parts and accessory store	--	--	P	
Sales and lease, limited	--	--	P	

<sup>16</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued)				
Service Uses	MS & Z	ST	MV	Notes
Animal service –				
Animal grooming <sup>^</sup>	P	P	P	
Veterinary service or animal hospital/clinic	--	--	P	
Automated Teller Machine (ATM), walk-up* <sup>^</sup>	P	P	P	17.112.050
Drive-through business –				
Food or beverage establishment	--	--	C	
Service or retail	C	C	M	
Financial institution*	P	P	P	
Funeral home or mortuary	--	--	p <sup>17</sup>	
Hotels and motels* <sup>^</sup>	C	C	C	5.48 & 17.112.090
Office concierge service*	P	P	P	
Personal service use –				
General* <sup>^</sup>	P	P	P	17.112.140
Restricted* <sup>^</sup>	M	M	M	17.112.140
Philanthropic or charitable institution*	P	P	P	
Recycling facility –				
Mobile	--	--	P	17.112.150
Self-service	--	--	A	17.112.150
Wedding chapel	M	M	M	
<b>Industrial &amp; Transportation Uses</b>				
Transit station	--	P	P	
Vehicle parking –				
Attendant or valet parking	C	C	C	
Car sharing, residential	M	M	M	17.70.070(C)
Car sharing, nonresidential use <sup>18</sup>	M	M	M	
Parking structure	M	M	M	
Shared parking	M	M	M <sup>19</sup>	17.70.070(D)

<sup>17</sup> Funeral home or mortuary shall not include crematories.

<sup>18</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>19</sup> Parking structure shall be ancillary to a permitted use.

Key:

- \* Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.
- ^ Use is pedestrian oriented and may occupy the ground floor of buildings facing Main Street west of Tyler Avenue. Other uses shall not be permitted on the ground floor.
- Use not permitted.
- P Use permitted by-right.
- A User permitted after review and approval of an Administrative Permit (AP).
- T Use permitted after review and approval of a Temporary Use Permit (TUP).
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).

**17.134.040 – Development Standards. (RENUMBERED)**

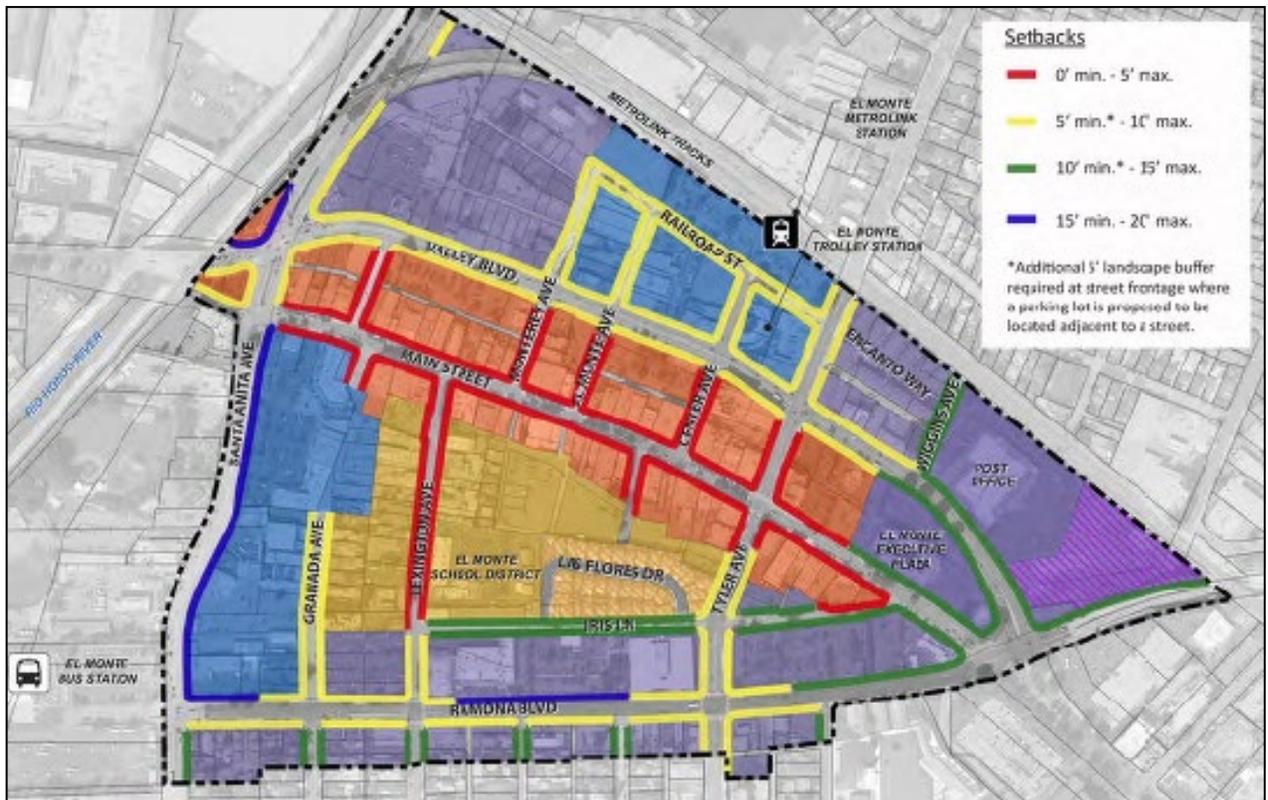
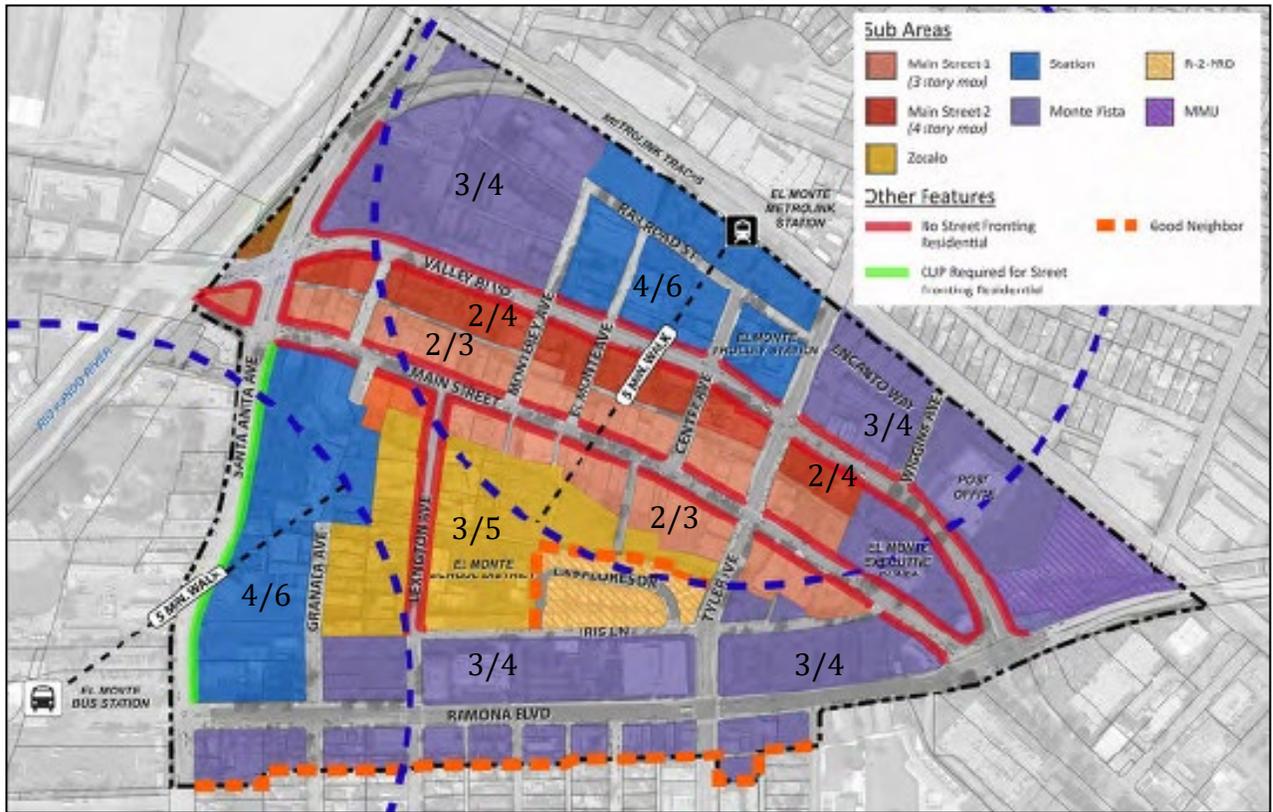
**A. General Development Standards.**

1. Table 17.134-2 prescribes the development standards for the Downtown Specific Plan. This includes maximum height, maximum Floor Area Ratio (FAR), minimum density and maximum density (by right and through the development opportunity reserve (DOR)). Figure 17.134-2 graphically prescribes the information provided in Table 17.134-2, as well as ground floor limitations on residential uses.

Table 17.134-2 – Development Standards – Downtown Specific Plan <sup>20</sup>							
Regulation	By-right	DOR-1	DOR-2		Regulation	By-right	DOR-1
Main Street Subarea					Station Subarea		
Maximum height	30 ft.	45 ft.	50 ft.		Maximum height	40 ft.	75 ft.
Maximum stories	2	3	4		Maximum stories	3	6
Maximum FAR	1.0	1.5	2.0		Maximum FAR	1.5	3.0
Minimum Density	--	25 un/ac	35 un/ac		Minimum Density	30 un/ac	35 un/ac
Maximum Density	25 un/ac	35 un/ac	45 un/ac		Maximum Density	35 un/ac	80 un/ac
Zócalo Subarea					Monte Vista Subarea		
Maximum height	30 ft.	60 ft.	--		Maximum height	40 ft.	50 ft.
Maximum stories	2	5	--		Maximum stories	3	4
Maximum FAR	1.0	2.5	--		Maximum FAR	1.0	2.0
Minimum Density	25 un/ac	30 un/ac	--		Minimum Density	25 un/ac	30 un/ac
Maximum Density	30 un/ac	65 un/ac	--		Maximum Density	30 un/ac	50 un/ac

2. Figure 17.134-3 graphically prescribes minimum and maximum street setbacks.

<sup>20</sup> Minimum density only applies to residential-only projects. Maximum Floor Area Ratio (FAR) only applies to non-residential square footage.



- B. Site Development Standards.** Site planning and design is key to quality development. The following standards promote orienting buildings toward the street, minimizing curb cuts and improving pedestrian connectivity and safety.
1. Building location. Building shall be oriented toward the street. Refer to Figure 17.134-4. The minimum separation between building shall be ten (10) feet.
  2. Ingress and egress:
    - a. All downtown streets. Reciprocal ingress and egress with adjacent properties shall be provided for parcels fronting public streets. The City may waive this depending on location of existing structures, infrastructure or failure to reach an agreement between owners. Refer to Figure 17.134-5.
    - b. Main Street. Only access to parking structures is permitted from Main Street. All other vehicular access shall be provided via an alley.
    - c. Valley Boulevard, Ramona Boulevard and Santa Anita Avenue.
      - i. Access should be taken from alleys where the condition exists.
      - ii. A maximum of one (1) vehicle access point shall be provided from a primary public street for parcels with less than 150 linear feet of street frontage and/or a parcel less than 15,000 square feet.
      - iii. A maximum of two (2) vehicle access points shall be provided from a primary public street for parcels with more than 150 linear feet of street frontage. Refer to Figure 17.134-6.
  3. Vehicle line of sight. The clear zone shall consist of an isosceles right triangle with seven (7) and one-half ( $\frac{1}{2}$ ) sides from the edge of the curb. The clear zone shall not be occupied by a site feature or landscaping that is higher than three (3) feet. Refer to Figure 17.134-7.
  4. Service and delivery:
    - a. Loading docks and service areas shall not be visible from Main Street and Lexington Avenue.
    - b. For all other streets, loading docks and service areas shall be located a minimum of 20 feet from a public street and be screened from view. Refer to Figure 17.134-8.
    - c. Refuse and recycling enclosures shall not be located adjacent to a public street and shall be located as far as possible from the on-site/off-site residential uses.
  5. Lot coverage:
    - a. Main Street and Zócalo Subareas. 100 percent.
    - b. Station Subarea. 90 percent.
    - c. Monte Vista Subarea. 80 percent.

Figures 17.134-4 through 17.134-9



6. Building setbacks:
  - a. Street setbacks. Refer to Figure 17.134-9.
  - b. Interior side setbacks. Zero (0) feet.
  - c. Rear setbacks.

**C. Frontage Regulations:**

1. Street fronting façades in all subareas:
  - a. Buildings shall have a primary entrance door facing public streets. Entrances at building corners may be used to satisfy this requirement. Figure 17.134-10.
  - b. A combination of architectural design elements shall be used on the building façade, along with streetscape elements at the street level, to animate and enliven the streetscape. These design elements may include but are not limited to: ornamentation; molding; changes in material or color; architectural lighting; works of art; fountains; display areas; awnings; balconies; porches; towers; landscaped planter boxes; trellises; columns; cornices; arches; decorative tiles; decorative grillwork and outdoor furniture along street frontages.
2. Non-street fronting façades in all subareas. Shall not exceed 50 feet without a change in wall plane, roof-line and/or change in material. Refer to Figure 17.134-11.
3. Main Street and Lexington Avenue façades. The following requirements are intended to create building forms that are pedestrian friendly and are representative of El Monte's historical character. Refer to Figures 17.134-12 and 17.134-13.
  - a. Buildings shall provide a primary entrance and façade on Main Street and Lexington Avenue.
  - b. A minimum 50 percent of the ground floor façade for retail uses facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.
  - c. A minimum 30 percent of the ground floor façade for other uses facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.
  - d. Buildings with more than 40 feet of linear street frontage shall be designed to replicate a traditional 20 feet to 40 feet storefront façade with a minimum six (6) inch variation in wall plane.
  - e. Building roof-lines shall provide variations in height for a maximum distance of 40 feet in wall plane length.
  - f. Parcels backing or siding onto paseos, parks or plazas shall be designed with building articulation requirements consistent with Main Street and Lexington Avenue façade requirements.
- g. Station Subarea and Monte Vista Subarea façades. Refer to Figure 17.134-14.
  - a. A minimum 30 percent of the ground floor façade facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.

Figures 17.134-10 through 17.134-15



- b. No building façade shall extend more than 100 feet in length without a five (5) feet minimum variation in the wall plane.
  - c. Building roof-lines shall provide variations in height a maximum distance of 100 feet in wall plane length.
4. Ground floor plate height. Refer to Figure 17.134-15.
- a. Commercial storefronts. The minimum height shall be 12 feet floor-to-floor.
  - b. Residential fronts. The minimum height shall be nine (9) feet floor-to-floor.
  - c. Director’s adjustments. The Community Development Director may reduce the minimum ground floor plate height by ten (10) percent if lower heights are necessary to meet Los Angeles County Fire Department requirements. However, the elevation should still be designed to give the appearance that the standard is being met.
- D. **Residential Open Space Requirements.** Table 17.134-3 prescribes the open space requirements for mixed-use or residential only projects for properties located within the Downtown Specific Plan.

Table 17.134-3 – Residential Open Space Requirements – Downtown Specific Plan <sup>21</sup>			
Open Space Standard	≤35 units/acre	36 to 50 units/acre	>50 units/acre
Total minimum sq. ft. of open space per unit	175 sq. ft./ unit	150 sq. ft./ unit	125 sq. ft./unit
Private open space –			
Minimum sq. ft./ unit	60 sq. ft./ unit	No minimum	No minimum
Minimum dimensions	6 ft. (4 ft. for balconies)	6 ft. (4 ft. for balconies)	6 ft. (4 ft. for balconies)
Unobstructed vertical height	7 ft.	7 ft.	7 ft.
Common open space –			
Minimum sq. ft./ unit	40 sq. ft./ unit	50 sq. ft./ unit	60 sq. ft./ unit
Minimum dimensions	15 ft.	15 ft.	15 ft.
Minimum size of any common open space area	500 sq. ft.	400 sq. ft.	300 sq. ft.
Indoor space	30% or 600 sf., whichever is greater	35% or 800 sq ft., whichever is greater	
Unobstructed vertical height	7 ft.	7 ft.	7 ft.

<sup>21</sup> Open space requirements shall be prior to any Density Bonus.

1. Private open space:
    - a. When private open space is provided, it shall be directly accessed from the unit it serves.
    - b. Up to 100 percent of a unit's private open space may be provided in the form of balcony.
  2. Common open space. Common open space areas shall be convenient located to all units.
- E. **Public Open Space Requirements.** Proposed projects with more than 3,500 square feet of nonresidential space shall include a public open space amenity, or some form of physical interface for the pedestrian. The minimum size of the space shall be ten (10) percent of the combined nonresidential footprint. The space may be divided into subareas, provided each subarea is a minimum 350 square feet. Such space may include, but not be limited to:
1. Formal plazas. A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
  2. Urban gardens. An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens may include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Sculptures or other forms of public art would typically be included within the urban garden. The urban garden shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
  3. Covered colonnades. Colonnades are linear in design and generous in depth. The intent is to provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade.
  4. Sidewalk dining. Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.
  5. Pedestrian alleys and walkways. A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to a public space or some other feature within the interior of a development. It must be designed in such a manner as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations to a well-designed pedestrian alley or walkway. Public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways.

F. **Good Neighbor Buffer Development Standard.** Such standards are provided to ensure future development within the Specific Plan area is compatible with adjacent developments on residentially zoned properties.

1. Building setbacks from residentially zoned properties:
  - a. Buildings shall be setback a minimum ten (10) feet from the property line.
  - b. Portions of a building between 30 feet and 40 feet in height shall be setback a minimum 20 feet from the property line.
  - c. Portions of a building 40 feet high or greater shall be setback a minimum 30 feet from the property line.
  - d. Refer to Figures 17.134-16 and 17.134-17.
  - e. Subsection 17.60.030(B) (Height Exceptions and Restrictions – Variable Height Requirements) of this Title shall not apply.
2. Loading docks, service areas and other noise generating operations from residentially zoned properties:
  - a. Such operations shall be set back a minimum 20 feet from the property line. See Figure 17.134-18.
  - b. The Planning Commission may reduce this setback if the operations are buffered with an eight (8) foot high masonry wall and a five (5) feet wide landscape planter. See Figure 17.134-19.
3. Mechanical equipment from residentially zoned properties. HVAC systems, refrigeration units and other mechanical equipment shall be selected based on their noise rating or designed with features to reduce such noise. This may include parapet walls, equipment enclosures and/or placement of equipment.

Figures 17.134-16 and 17.134-17

G. **Other Development Standards.** Table 17.20-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to One-family Dwelling zoning districts:

Table 17.134-4 – Other Development Standards	
Development Standard	Chapter or Section
Height exceptions and restrictions	17.60.030(A)
Landscaping	17.72 & 17.74
Outdoor display and storage	17.60.040
Outdoor lighting	17.60.050
Parking	17.70
Refuse storage facilities	17.60.080
Screening	17.60.100
Security bars	17.60.110
Walls, fences and hedges	17.60.120

**17.134.060 – Development Opportunity Reserve (DOR). (FULLY UPDATED)**

**A. Purpose and Overview:**

1. The intent of the Development Opportunity Reserve (DOR) is to encourage increased development intensity concurrent with the delivery of public improvements or other community benefits to satisfy the increased demand for public amenities that come with the increased development intensity.

2. Each subarea within the Specific Plan has development standards on permitted maximum height, number of stories, nonresidential Floor Area Ratio (FAR) and residential density by-right. A “development bonus” or DOR is also provided for in each sub-area. Through the DOR process, the applicant may increase the height, number of stories, nonresidential FAR and residential density, subject to the delivery of additional amenities by the applicant or payment of an in-lieu fee.
  3. The DOR supports an inventory of public improvements and amenities determined to be necessary to support development intensity within the Specific Plan. The applicant may deliver the improvements and amenities or pay an in-lieu fee.
- B. Types of DOR Credits.** Increased levels of development intensity are permitted as consideration for the delivery of public improvements as measured by “Residential DOR Credit(s)” and “Commercial DOR Credit(s)”, collectively “DOR Credits”, as described below:
1. One (1) Residential DOR Credit permits the development of one (1) residential dwelling unit greater than the number permitted by-right, up to the maximum permitted under the Specific Plan DOR.
  2. One (1) Commercial DOR Credit permits the development of 2,000 gross square feet of nonresidential space greater than the number permitted by-right, up to the maximum permitted under the Specific Plan DOR.
  3. The DOR Credit in-lieu fee shall be as adopted by the most recent City Council Fee Resolution.
- C. General Procedures.** The rules and procedures for applications, records, investigations applicable to applications for a DOR permit shall be as follows:
1. Application. Applications for a DOR permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the City can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is necessary for the project.
  3. Records. Applications filed pursuant to this Section shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
  4. Public Notice. Applications for a DOR permit do not require public notice.
  5. Meetings and Decisions. Applications for a DOR permit do not require a public meeting. The Community Development Director shall issue a decision within 30 days of determining that the application is complete.
  6. Time period. Approvals of a DOR permit shall be valid for one (1) year. If the applicant has proceeded in good faith towards the implementation of the project, as determined

by the Community Development Director, the applicant may request a 12-month extension. The extension shall be considered within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**D. DOR Credits – Private Improvements.** The applicant may propose the following improvements, amenities and incentives on private property to receive DOR Credits:

1. Affordable housing:
  - a. One (1) very low income unit shall be equal to one (1) and one-half ( $\frac{1}{2}$ ) DOR Credit.
  - b. One (1) lower income unit shall be equal to one (1) DOR Credit.
  - c. One (1) moderate income unit shall be equal to one-half ( $\frac{1}{2}$ ) DOR Credit.
2. Arts or cultural space. One (1) DOR Credit for each 2,000 square feet of arts or cultural space.
3. Parcel consolidation. One (1) DOR Credit for each parcel consolidated into one (1) parcel with a minimum total area of 20,000 square feet. Therefore, if four (4) parcels were consolidated to create one (1) parcel with an area of 20,000 square feet, the project will be eligible for four (4) DOR Credits.
4. Parking spaces:
  - a. Privately accessible parking spaces. One (1) DOR Credit for every six (6) parking spaces in excess of the minimum required per Chapter 17.70 (Parking Regulations) of this Title.
  - b. Publicly accessible parking spaces. One (1) DOR Credit for every four (4) publicly accessible parking spaces in excess of the minimum required per Chapter 17.70 (Parking Regulations) of this Title.
5. Public art:
  - a. One (1) DOR Credit when public art is installed on-site and the art has a minimum value of one-half ( $\frac{1}{2}$ ) percent of the total project cost; or
  - b. Two (2) DOR Credits when public art is installed on-site and the art has a minimum value of one (1) and one-quarter ( $\frac{1}{4}$ ) percent of the total project or exceeds the public art cap by more than ten (10) percent as adopted by the most recent City Council Fee Resolution.
6. Publicly accessible open space:
  - a. Residential only projects. One (1) Residential DOR Credit for each 500 square feet of publicly accessible open space, for a maximum of five (5) Residential DOR Credits.

- b. Nonresidential projects or mixed-use projects with residential:
    - i. Projects with 3,500 square feet or less of nonresidential space. One (1) DOR Credit for each 500 square feet of publicly accessible open space, for a maximum of eight (8) DOR Credits.
    - ii. Projects with more than 3,500 square feet of nonresidential space. One (1) DOR Credit for each 500 square feet of publicly accessible open space in excess of what is required in Section 17.134.040(E) of this Chapter, for a maximum of ten (10) DOR Credits.
  - c. Examples of open space. Examples include, but are not limited to, formal plazas, urban gardens, park/green space, open space and courtyard space.
7. Other publicly accessible improvements, amenities or other incentives. Other proposals to secure DOR Credits may be considered by the Community Development Director on a case-by-case basis. The Community Development Director may also refer the request to the Planning Commission for consideration.
- E. **DOR Credits – Public Improvements.** The applicant may propose improvements within the public right-of-way and on other City property to receive DOR Credits:
1. Calculations. The number of DOR Credits shall be based on the value of the public improvement(s) in comparison to the DOR Credit in-lieu fee. Therefore, if the value of the public improvement(s) is four (4) times the DOR Credit in-lieu fee, the project will be eligible for four (4) DOR Credits.
  2. Process. The contract for the delivery of public improvements shall be awarded through a public bid process managed by the City.
  3. Underpayment. To the extent that the actual contact amount is less than the equivalent amount of DOR Credits required for the project, the applicant may deliver additional public improvements or pay the DOR Credit in-lieu fee.
  4. Overpayment. To the extent that the actual contact amount is greater than the equivalent amount of DOR Credits required for the project, the applicant may request a credit from the City for the difference. At the City’s discretion, the City may reimburse the applicant with funds from the DOR Public Improvement Fund, or the City may wait for receipt of additional in-lieu payments from which it will reimburse the applicant. The applicant may not utilize the credits on another project without the expressed permission of the Community Development Director.
  5. Quality and design of improvements. The Community Development Director and Public Works Director must approve the design, plans and specifications for all public improvements delivered. All public improvements must meet or exceed City standards.
  6. Timing to deliver the public improvements:
    - a. The work shall be completed prior to the issuance of building permits; or

- b. A contract to complete the award shall be signed prior to the issuance of building permits. The applicant shall be responsible for maintaining a completion bond sufficient to cover the scope of the public improvements until the City has issued a certificate of completion for the public improvements. The cost of the competition bond may be included in the calculation of the contract amount and equivalent DOR Credits in-lieu fee.
- F. **DOR Credits – In-lieu Fee.** The applicant may propose to pay an in-lieu fee to receive DOR Credits. Payments shall be due at time of building permit issuance. Payments shall go into a DOR Public Improvement Fund. Such funds shall only be used to support the delivery of public improvements on the DOR Public Improvements list within the Specific Plan.

**17.134.070 – Design Guidelines. (RENUMBERED)**

- A. **Historic Compatibility.** When a new development or rehabilitation of an existing is adjacent to or in the immediate area of an historic property, the development or rehabilitation shall comply with Secretary of Interior’s Standards and Guidelines for the Treatment of Historic Properties. In addition, it shall be consistent with the following design guidelines for historic compatibility:
- 1. Maintain historic features and elements of existing buildings.
  - 2. New construction should respect and complement the original period and style of adjacent buildings without mimicking them exactly.
  - 3. New construction should avoid a false “historical” look.
- B. **Sustainability.** Sustainability includes the protection and conservation of irreplaceable non-renewable resources. The transit-oriented nature of this Specific Plan is inherently sustainable as the intent is to connect nearby residential neighborhoods to transit facilities, services, shopping and dining establishments through a series of walkable streets and paseos. This will lead to a reduction in auto dependency, encourage an active lifestyle and add a sense of vibrancy to Main Street.
- 1. General sustainable design guidelines:
    - a. Residences should be within one-quarter (¼) mile or less from services, transit and other daily needs, and should be linked with strong pedestrian connections.
    - b. Auto-dependency should be reduced by providing pedestrian linkages through walkways or bike paths.
    - c. Public parks and plazas should provide well-linked active and passive open space for an opportunity for exercise and recreation.
    - d. Buildings should be oriented to maximize active and/or passive solar gain; this allows the facades to let light in, reduce glare, and reduce overheating to the building interior.
    - e. Architectural elements such as skylights and high-performance glazing should be used to conserve energy, where possible.

- f. Climatic factors such as prevailing winds shade trees, window and door orientation, and the positioning of buildings should be coordinated to maximize energy conservation.
2. Stormwater management design guidelines:
    - a. The project site should be designed to maintain natural stormwater flows by promoting infiltration.
    - b. Impervious surfaces should be minimized.
    - c. Site drainage should be designed to integrate a decentralized system that distributes stormwater across a project site.
    - d. Various devices should be considered that filter water and infiltrate water into the ground.
    - e. For areas with poor drainage conditions, the provision of drainage chimneys/wells, subsurface water storage or the provision of bioswales to clean the water and transfer off-site should be provided.
    - f. Practices to control pollution should be incorporated. Examples include phased construction, seeding, non-invasive grading, mulching, filter socks, stabilized site entrances, sediment controls, fiber rolls and stabilized channels and outlets.
  3. Existing building reuse design guidelines:
    - a. The reuse of existing structures should be considered. The energy required to reuse a structure is potentially less than the energy required to develop a new structure.
    - b. Reused buildings should incorporate new architectural elements in juxtaposition with old ones where appropriate.
  4. Cool roof and green roof design guidelines. Both cool roofs and/or green roofs should be considered for buildings.
  5. Solar system design guidelines:
    - a. Buildings should be designed to take advantage of solar orientation to ensure that windows, walls and floors are built to collect, store and distribute solar heat efficiently.
    - b. New residential and non-residential buildings should have solar-ready roofs.
    - c. Solar panels should be incorporated in parking lots.
- C. **Site Design.** The following guidelines are designed to enhance the overall site layout to achieve the pedestrian-oriented vision for the Specific Plan area.
1. Buildings. Should be oriented toward the street and/or a publicly accessible space such as a plaza.
  2. Focal points. Should be developed at intersections, corners and the end of streets and pedestrian walkways to create a sense of identification. Plazas, landscape, fountains,

artwork, textured pavement and vertical building features may be combined to create focal points.

3. Landscaping:

- a. Landscaping should be installed between the street and the sidewalk and/or trees planted in tree wells to buffer the sidewalk from traffic and to provide enhanced pedestrian areas.
- b. Landscaping within parking areas should be protected from encroaching vehicles by concrete curbing or raised planting areas.

4. Outdoor spaces:

- a. Outdoor spaces should have a clear purpose that reflects careful planning and not simply “left over” areas between structures. Such spaces should be landscaped and/or provide pedestrian amenities, including benches, bicycle racks, fountains and/or public art and should be coordinate with the City as part of a development proposal.
- b. Communal open spaces (e.g. plazas, common green spaces) should be integrated within commercial areas and residential developments to provide places for residents and visitors to relax, play and interact.

5. Parking areas:

- a. Parking lots should be provided behind buildings, subterranean or within parking structures, where possible.
- b. Parking areas should be landscaped to minimize glare and heat buildup and reduce negative visual impacts associated with large paving areas.
- c. Dead-end drive aisles should be avoided.
- d. The primary entry drive to parking lots, as well as pedestrian paths of travel within a parking lot, should be accented with enhanced paving and landscaping. Permeable or semi-permeable surfaces such as pavers are preferred for accent paving.

6. Loading and delivery areas. Should be located at the rear or side of buildings and should be screened with decorative walls, trellises/vines, berms with landscaping and/or trees.

D. **Pedestrian and Vehicular Connections.** The circulation pattern throughout the Specific Plan area will play a pivotal role in the success of attracting visitors and potential tenants to the Downtown. It is important to establish a well-connected system of streets and paths, both internally and to surrounding uses, to allow users to choose from a variety of transportation modes including public transit, walking and biking.

1. Plazas and outdoor use areas should be enhanced with shade trees or shade structures and pedestrian amenities such as benches, fountains, landscaping and public art.

2. Pedestrian paths and paseos should be designed as integral circulation routes to foster a vibrant environment that encourages walking and enhances the pedestrian experience.
  3. Access between transit stops and Main Street should be clearly defined.
  4. Surfaces made from permeable materials such as pavers should be provided, where possible.
  5. Outdoor furniture and fixtures should be compatible with the project's architecture and should be carefully considered as integral elements of the project.
- E. **Building Form and Mass.** Design building forms to create interesting architecture that relates to pedestrian scale, creates a Downtown character, and minimizes the appearance of large box-like buildings.
1. Variation in wall and roof planes should be used on large monolithic structures to break up the boxlike appearance. Surface detailing, such as score lines, should not serve as a substitute for distinctive massing.
  2. Building designs should incorporate 360-degree architecture. Such architecture is full of articulation on every building elevation. This includes variation in massing, roof forms, and wall planes, as well as surface articulation.
  3. Architectural elements that add visual interest, scale and character such as projecting balconies, trellises, recessed windows, window detailing and door detailing should be incorporated to create shadow patterns and help articulate façades and blank walls.
  4. Building surfaces that face walkways should be effectively articulated to enhance the pedestrian experience.
  5. Contrasting base materials and/or molding elements should be used to anchor the building to the ground plane.
  6. Entries, display windows, awnings, arcades and outdoor eating areas should be provided to create inviting public spaces.
  7. The visual impact of large monolithic structures should be minimized by creating a cluster of smaller buildings or the appearance of a series of smaller buildings.
  8. Stairways should be designed as an integral part of the overall architecture of the building and not appear as tacked on.
- F. **Building Form and Mass.** Roof forms should be used to distinguish various building forms, create an interesting roof-line, and help to break up the building massing.
1. Buildings with flat or low-pitched roofs should incorporate parapets or architectural elements to break up long horizontal rooflines.
  2. Deep roof overhangs are encouraged to create shadow and add depth to façades. Exposed structural elements (beams, rafter tails) are encouraged as roof overhang details.

3. Full roofs are desirable. Hipped or gable roofs covering the entire building are preferred to mansard roofs and segments of pitched roofs applied at the building edge.
4. Roof parapets should be well-detailed, be three dimensional and of substantial size to complement the building. They should include one or more of the following detail treatments: pre-cast elements; continuous banding or projecting cornices; dentils; caps; corner details or variety in pitch (sculpted).
5. Parapets should be designed to avoid visibility of the interior. If the interior side of a parapet is visible from pedestrian view, it should be finished with the same materials and a similar level of detail as the front façade.
6. Parapets should not appear “tacked on” and should convey a sense of permanence.

**G. Windows, Doors and Entries:**

1. Window, doors and entry design and materials should complement the desired architectural style of the building.
2. Entry design should incorporate two or more of the following methods:
  - a. Change in wall/window plane;
  - b. A projecting element above the entrance;
  - c. A change in material or detailing;
  - d. Architectural elements and decorative fixtures;
  - e. A portico or formal porch projecting from or set into the surface;
  - f. Changes in the roofline or a tower;
  - g. Front porch; and
  - h. Decorative detailing or placement of art.
3. Where recessed entries occur, a decorative paving material, such as tile, marble or slate, is encouraged on the ground plane.
4. Windows should be articulated with accent trim, sills, shutters, window flower boxes, balconies, awnings or trellises authentic to the architectural style of the building.
5. Windows should be inset from building walls to create shade and shadow detail.
6. Faux shutters should be proportionate to the windows to create the appearance of a real and functional shutter.
7. Long, monotonous balconies and exterior corridors that provide access to multiple units should be avoided. Instead, access points should be clustered.

**H. Awnings:**

1. All lots with more than one (1) commercial occupant sharing contiguous frontage should maintain a common location and design for building awnings.
2. The bottom edge of awnings should be a minimum of eight (8) feet off the ground.

3. All awnings should be constructed with noncombustible materials such as a fireproof canvas or vinyl.
4. Awnings should be centered over doorways and windows.
5. Awnings should be in proportion to door and window openings.
6. Awnings should be of a color which is appropriate to the overall colors of the facade.
7. The shape, size, and number of awnings should be appropriate to the overall facade design and building size.
8. Awning structure should be sufficient to support safely the awning and withstand the pressures of wind and weather.
9. Awnings which become ripped, tattered, or damaged must be repaired or replaced within three (3) months of the occurrence/appearance of the damage.
10. Barrel awnings should not be permitted.

I. **Materials and Colors:**

1. To convey a sense of high-quality design and permanence, building colors and materials should be selected to simulate authentic and timeless materials.
2. Contrasting colors are encouraged to accentuate details such as trim, windows, doors and key architectural elements, as long as selected colors reinforce the desired architecture style.
3. Fluorescent paints and bright colors are strongly discouraged.
4. Building base materials should be selected that are durable and highly resistant to pedestrian traffic such as pre-cast concrete, stone, masonry, brick, and commercial grade ceramic tile.
5. Recommended façade materials:
  - a. Exterior plaster (smooth troweled preferred);
  - b. Cut stone, rusticated block (cast stone), stone tile, and pre-cast concrete;
  - c. Brick veneer, new or re-used; and
  - d. Ceramic tiles.
6. Façade materials that are discouraged:
  - a. Imitation and crushed rock;
  - b. Mirrored or reflective glass and heavily tinted glass;
  - c. Windows with “tape on” divisions/mullions;
  - d. Corrugated fiberglass;
  - e. Vinyl and aluminum siding;
  - f. Painted or baked enamel metal awnings;

- g. Rough “Spanish lace” stucco finish;
  - h. Exposed concrete masonry units and split faced concrete masonry;
  - i. Imitation brick; and
  - j. Plywood siding.
7. Recommended roof materials:
- a. Roof tiles made of clay, slate, or integrally colored concrete;
  - b. Roof tiles with “Mission” or “Barrel” shaped roof profiles;
  - c. Metal roof panels with standing seam texture; and
  - d. Ridge and hip caps and/or flashing should coordinate with field colors.
8. Roof materials that are discouraged:
- a. Brightly colored material;
  - b. Low-profile composition roof tile, wood and/or hard board, or synthetic shingles and shakes;
  - c. Simulated clay tile roofs in metal;
  - d. Corrugated metal roof panels; and
  - e. Roof tiles with S-profile.

**J. Walls and Fencing/Screening:**

- 1. Walls and fences should be designed with materials and finishes that complement the project’s architecture and should be planted with vines, shrubs and/or trees.
- 2. All fences and walls required for screening purposes should be of solid material. Chain link or similar metal wire fencing with slats is prohibited for screening purposes.
- 3. A combination of low walls and landscaping should be used to screen unsightly elements of the project and define private and semi-private areas.
- 4. Fences and walls should be constructed as low as possible while still performing screening, noise attenuation and security functions.
- 5. Service areas are to be separate and screened from public areas by the use of walls and landscaping as much as possible.

**K. Lighting:**

- 1. Light fixtures should be designed to relate in color, material, size, location and illumination with the building architecture.
- 2. All building entrances should be well-lit.
- 3. Exterior building lighting designated to illuminate signs should be mounted above the sign on the facade and should be appropriate to the size and scale of the signage.

4. Alley lighting, marking building entries, should be surface mounted and may be either flush with, recessed, or extended from the wall. No fluorescent lighting is allowed for this purpose.
  5. Fluorescent lighting tubes shall be concealed by a shade or lens.
  6. Parking lots, pedestrian walkways and paseos should be illuminated to ensure safe nighttime conditions.
  7. Light fixtures should be sited, directed and/or shielded to prevent spot lighting, glare or light spillage beyond property lines.
  8. The lighting of building elements and trees is an effective and attractive lighting technique that is encouraged; however, light sources for wall washing and tree lighting should be hidden and located so as to not shine in the eyes of pedestrians.
  9. Low-voltage/high efficiency lighting should be used in the landscape.
  10. Security lighting fixtures should not project above the fascia or roofline of the building and should not be substituted for parking lot or walkway lighting fixtures.
  11. Timers and sensors should be incorporated to avoid unnecessary lighting in low volume pedestrian traffic areas.
- L. **Parking Structures.** Parking structures that seamlessly integrate with surrounding buildings are appropriate for Downtown El Monte. This can be accomplished by wrapping portions of the first floor with commercial uses and by articulating upper floors with elements that reflect an occupied building.
1. Decorative and interesting architectural elements, such as towers and rotundas, should be utilized at street intersections. These elements could be used for stairwells and/or elevator towers.
  2. Parapets should be added to key areas on the structure to change the roof-line and reduce its horizontal appearance.
  3. Horizontal openings should be broken up with vertical columns to create a rhythm of openings.
  4. Framing should be added to openings to mimic windows. The framing should have vertical members to deemphasize the horizontal lines of the structure.
  5. Landscaping should be used to screen and enhance the structure. Landscaping and vines planted on structure façades can help reduce the visual impact of the structure while berms and trees planted at the perimeter of the garage can screen lower levels.
  6. Where commercial uses are not provided on the ground floor, the structure should be surrounded by landscaping so that the structure does not directly abut paved areas. A minimum five (5) feet wide landscaping strip should be provided between paved areas and the structure.

### **17.134.080 – Other Requirements.**

The Specific Plan includes six (6) parts. Refer to the following for additional requirements:

- A. **Introduction and Background.** This includes an overview of the Specific Plan, its boundaries and setting, its relationship to other planning documents and its vision and guiding principles. The vision and guiding principles are also incorporated in this Chapter.
- B. **Land Use.** This includes areawide development standards, the Main Street Subarea, the Zócalo Subarea, the Station Subarea, the Monte Vista Subarea and areawide design guidelines. The parking requirements are incorporate in Chapter 17.70 (Parking Regulations) of this Title. The signage regulations are incorporate in Chapter 17.80 (Signage Regulations) of this Title. The remaining information is incorporated in this Chapter.
- C. **Mobility and Beautification.** This includes the transit network, pedestrian network, bicycle network, roadway network, streetscape beautification, public signage and wayfinding signs.
- D. **Infrastructure and Public Facilities.** This includes water systems, wastewater systems, storm drainage system, solid waste disposal, energy system, police protection services, parks and recreation, schools and libraries.
- E. **Implementation.** This includes attracting private investment and public funding benefits, key development opportunity sites, potential funding mechanisms and implementation action plan.
- F. **Administration.** This includes Specific Plan authority and adoption, Specific Plan administration and permitted land uses, nonconforming uses and structures, exceptions, Specific Plan building intensity, Specific Plan Amendments, Specific Plan Amendment process and Development Opportunity Reserve (DOR).

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## **CHAPTER 17.135 – MACLAREN HALL SPECIFIC PLAN**

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# DIVISION 14 – COMPREHENSIVE DESIGN GUIDELINES

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## **CHAPTER 17.140 – DESIGN GUIDELINES**

### **Sections.**

- 17.140.010 – Purpose.
- 17.140.020 – Applicability.
- 17.130.030 – General Procedures.
- 17.130.040 – Comprehensive Design Guidelines.

### **17.140.010 – Purpose. (RENUMBERED)**

The provisions of this Chapter are established to:

- A. Encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City in general;
- B. Foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the City and which avoid monotony and mediocrity of development;
- C. Promote and maintain the public health, safety, and general throughout the City; and
- D. Implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the City.

### **17.140.020 – Applicability. (NEW)**

The City's comprehensive design guidelines shall be applied whenever City approval is required for the following:

- A. Any new residential, commercial, office, industrial building or any other building or structure that requires issuance of a building permit and/or requires Planning Division review;
- B. The expansion of an existing structure;
- C. Conversion of a building from one use to any other use;
- D. Any change in building occupancy; and
- E. Any facade renovation or exterior improvement that is visible from the street.

### **17.140.030 – General Procedures.**

Applications for comprehensive design review shall be made on the appropriate form to the Planning Division. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the City can review an application based on the comprehensive design guidelines. The filing procedures and

applications shall be published and made available to the public. No petition shall be received unless it complies with all City filing requirements. The City Planning Commission or City Council, on appeal, may at its discretion request additional information before rendering a decision.

**17.140.040 – Comprehensive Design Guidelines.**

The City's Comprehensive Design Guidelines of 2012 as referenced herein shall be adopted, and from time to time modified and amended by resolution of the City Council. The approved guidelines shall be a public record of the City and the most current iteration of the City's Compliance Design Guidelines shall be available for inspection by members of the public on the City's website and in the Planning Division.

## DIVISION 15 – DEFINITIONS

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### **CHAPTER 17.150 – USE DEFINITIONS**

- 17.150.010 – Purpose.
- 17.150.020 – Land Uses.
- 17.150.030 – Residential – Main Uses.
- 17.150.040 – Residential – Ancillary and Other Uses.
- 17.150.050 – Community Care Uses.
- 17.150.060 – Public and Quasi-Public Uses.
- 17.150.070 – Assembly and Entertainment Uses.
- 17.150.080 – Retail and Office Uses.
- 17.150.090 – Service Uses.
- 17.150.100 – Industrial and Transportation Uses.

#### **17.150.010 – Purpose. (NEW)**

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Community Development Director shall determine whether a specific use shall be deemed to be within one or more use classifications, or not within any classification in this article. The Community Development Director may also determine that a specific use shall not be deemed to be within a classification, whether or not generally named within the classification, if its unique characteristics are substantially incompatible with those typical of uses named within the classification.

#### **17.150.020 – Land Uses. (FULLY UPDATED)**

**“Accessory use”** means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of a lot or a building located on the same lot, and that is not independent of the principal use.

**“Assembly and entertainment use”** means the occupancy or use of a building or indoor or outdoor facility or venue by a gathering of persons for athletic, cultural, gaming, leisure, recreational, religious, social, travel or similar purposes, or a combination thereof.

**“Commercial use”** means any business activity serving the general public that is a retail, office or service use.

**“Industrial use”** means lands, buildings or structures or any portion thereof used for the purpose of manufacturing, assembling, processing, preparing, dismantling, finishing, treating, repairing, warehousing or recovering of articles or substances or materials or components into products or goods. It may also include the storage of building materials, construction equipment, trucks and other vehicles. For purposes of this Title, industrial uses may also include transportation facilities and public utilities. The industrial use may include ancillary office space.

**“Mixed-use”** means a complementary mix of residential, commercial and/or office uses in a single district. Mixed-use is primarily categorized as one of the following:

**“Horizontal”** means the nonresidential and residential portions are in different buildings but on the same property. Typically, the nonresidential is in the portion facing the street where visibility is higher.

**“Vertical”** means the combination of uses are in the same building. Typically, the nonresidential occupies the bottom portion of the building, with the residential on the upper portions.

**“Nonresidential use”** means any use that is not a residential use. This includes nonresidential uses that are part of a mixed-use project.

**“Office use”** means lands, buildings or structures primarily used for, or designed or intended for, conducting the affairs of businesses, professions, services, industries, governments, or like activities and where the chief product of labor within that use is the processing and/or storage of information and provision of services rather than the production and distribution of goods.

**“Public and quasi-public use”** means lands, buildings or structures primarily used for a variety of public and quasi-public (i.e. a private use that provides a public benefit) purposes, including government related services, recreation facilities, primary and secondary schools, college and university campuses, hospitals, utility companies and other related facilities and services.

**“Community care use”** means a facility, place, or building that is maintained and operated to provide care for a specific sector or group of people. The care may be for children, adults, an seniors and/or other persons receiving care or services from a community care facility as defined by Section 1502(a) of the California Health and Safety Code. The length of assistance may be for less than 24-hour basis or on a 24-hour basis. While most facilities provide nonmedical services, some may provide limited medical care. Examples include adult daycare facilities, emergency shelters, family daycare homes and group homes.

**“Residential use”** means a use in a building or portion of a building which is a person’s permanent principal residence. Excludes recreational vehicles, emergency shelters, hotels, motels or assisted living facilities.

**“Retail use”** means lands, buildings or structures used for the sale or rental of goods for consumption or use. Examples include drug and discount stores, food and beverage establishments, furniture stores, pet stores and vehicle sales. The retail use may include ancillary office space.

**“Service uses”** means a use that provides a professional or personal service to clients or customers that does not involve manufacturing goods. Examples include ambulance companies, drive-thru businesses, financial institutions, recycling facilities, vehicle repair and vehicle rental. Service uses may have an office component, but the office component is typically ancillary to the service being provided.

**17.150.030 – Residential – Main Uses. (FULLY UPDATED)**

**“Factory-built housing”** means housing that falls under four (4) general types: manufactured, modular, panelized and precut. Manufactured housing, as defined by Section 18007 of the California Health and Safety Code, is a type of housing that is completely constructed in a factory and built on a permanent chassis. They are generally constructed after June 15, 1976 and are designed to be used as a single-family dwelling when connected to the required utilities. Construction must comply with building codes set up by the Department of Housing and Urban Development (HUD). Modular housing is a house that is partially constructed in a factory and shipped to a property, where it is pieced together, put on a foundation and then completed. The construction must comply with local building codes. The housing may be for a single-family or multiple-family development. Other categories of factory-built housing include panelized construction, in which factory-built wall panels are shipped to a site for assembly, and precut housing, in which materials are cut to size before being shipped to a site for assembly.

**“Live/work”** or **“work/live”** means a single integrated dwelling unit consisting of both a commercial/office space reserved for and regularly used by one or more occupants of the unit and a residential component that is occupied by a single household. For live/work, the living portion of the space is dominant, with the working portion typically having a maximum size. For work/live, the working portion of the space is dominant, with the living portion typically have a maximum size.

**“Mixed-use with housing”** means the combination of commercial and residential uses on the same property in an integrated development project with functional interrelationships and a coherent physical design. The project design may be horizontal (commercial and residential in separate structures), vertical (commercial and residential in the same structure) or walkable (mixture of horizontal and vertical structures in close proximity of each other).

**“Mobile home”** means a mobile home as defined by Section 18008 of the California Health and Safety Code, generally defined as a structure constructed prior to June 15, 1976, transportable in one or more sections, built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities. Mobile home does not include a “recreational vehicle,” as defined in Section 799.29 of the Civil Code and Section 18010 of the California Health and Safety Code and does not include a “commercial coach” or “commercial modular” as defined in Section 18001.8 of the California Health and Safety Code.

**“Mobile home park”** or **“trailer park”** means any lot designated, used, or intended to be used for the parking of two (2) or more mobile homes.

**“Planned residential development”** or **“PRD”** means a type of residential project where regulations are intended to facilitate greater flexibility, and, consequently, more creative and imaginative designs than generally is possible under conventional zoning or subdivision regulations. Projects are typically larger and place a greater emphasis on open space, amenities, walkability and access to bicycling and transit and recreation facilities.

**“Primary dwelling”** means the legally established main residential dwelling on a property or a single urban dwelling unit on a property that is zoned R-1. The property may also be developed

with an Accessory Dwelling Unit (ADU) and/or a Junior ADU or the property may be developed with a second urban dwelling unit.

**“Religious institutions housing”** means the construction of affordable and market rate multiple-family housing on a property developed with an existing or proposed religious institutions. They often include development standards that allow for the sharing of parking, open space and other amenities between the housing and religious use.

**“Residential dwellings”** or **“dwelling unit”** means a building or portion thereof designed for residential purposes and approved by the City and improved with full utility services including connection to a public sewer or local septic tank. A dwelling unit means one or more rooms in a building or portion thereof which is designed for and occupied by, or available for occupancy by, a single household, but not including guest rooms in hotels, motels or boarding and lodging houses. A dwelling unit is further defined as having only one kitchen. Main examples include the following:

**“Family, one-”** or **“single-”** means a building containing one dwelling unit located on a single lot or property. This use includes primary dwellings, factory-built housing, mobile homes and urban dwelling units. More than one or single family dwelling units may be permitted on a single lot or property zoned R-1B, depending on the property’s lot width and square footage, under limited conditions.

**“Family, two-”** means two (2) dwelling units on a lot or property that is not zoned R-1. Units can be attached or detached. Excludes Accessory Dwelling Units (ADUs), Junior ADUs and urban dwelling units.

**“Family, multi-”** or **“multiple-”** means three (3) or more dwelling units on a lot that is not zoned R-1 or MMU. Units can be attached or detached.

**“Senior housing”** means a congregation of aged-restricted dwelling units with kitchen facilities in each unit and there is at least one occupant who is aged 55 years or older. Typically, such housing developments include facilities for the preparation and serving of food and beverages to its residents and guests, activity areas, fitness and exercise areas and/or other common amenities and services.

**“Single Room Occupancy”** or **“SRO”** or **“efficiency unit”** means housing consisting of single-room dwellings units typically with no more than 400 square feet of habitable space that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both). Excludes accessory structures (e.g. a garage) or an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (ADU)).

**“Urban dwelling unit”** means a single-family dwelling of a qualifying residential development with up to two (2) units located on a property zoned R-1, as outlined per Senate Bill No. 9 (January 1, 2022, Atkins) and Section 65852.21 of the California Government Code. One (1) new urban dwelling may be permitted on a lot or property with an existing or proposed primary single-family dwelling. A maximum of two (2) new urban dwellings may be permitted on a lot or property that is vacant or proposed to be vacant. The dwellings may be attached or detached.

**“Urban lot split”** means taking one (1) legally established lot or parcel on land zoned R-1 into two (2) lots or parcels of relatively equal size as outlined per Senate Bill No. 9 (January 1, 2022, Atkins) and Section 66411.7 of the California Government Code. Ministerial approval of a tentative parcel map is required. Dedications or off-site improvements shall not be required.

**“Urban housing”** means a high-density, multi-story, multiple-family project with a minimum density of 35 dwelling units per acre, on a site in a commercial district as part of a transit-oriented development near a major transit intersection or along a major transit corridor. The use shall be classified as mixed-use with housing if it includes a commercial component.

**17.150.040 – Residential – Ancillary and Other Uses. (FULLY UPDATED)**

**“Accessory building”** means a detached subordinate building or structure, 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 with the main building or use. Accessory buildings are not to be used for habitation.

**“Accessory dwelling unit”** or **“ADU”** means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the proposed or existing primary single-family or multifamily dwelling is or will be situated. The definition also includes the following: (i) an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and (ii) a manufactured home, as defined in Section 18007 of the California Health and Safety Code.

**“Accessory dwelling unit, Junior”** or **“Junior ADU”** means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**“Animals, breeding and raising”** means the keeping and raising of small animals such as poultry, fowl, nutria, birds, rabbits, chinchilla, earthworms, fish, frogs and bees for domestic or commercial use.

**“Animals, horses”** means the keeping of horses on a residentially zoned and used property.

**“Animals, husbandry products”** means a branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs or other products. Any program of animal husbandry shall be formally sponsored, conducted or approved by the Future Farmers of America, Boys Scouts of America, Four-H-Club or any similar non-profit group.

**“Community gardens”** means a single piece of land gardened individually by one person or collectively by a group of people. Community gardens utilize either individual or shared plots on private or public land for the cultivation of fruits, vegetables, herbs, flowers and/or plants grown for their attractive appearance, personal consumption and/or donation.

**“Garage sales”** means the sale of personal property in, at or upon any residentially zoned property, or upon any commercially zoned property independent of any business licensed under Chapter 5.08 (Business License Tax) of this Title to conduct retail sales upon such property.

Garage sales can also be known as yard sales, front yard sales, back yard sales, home sales, patio sales and rummage sales.

**“Greenhouse, private”** or **“conservatory”** means a building or room with a maximum area of 500 square feet with glass roofing and walls to maximize sun exposure for the growing of flowers, plants, vegetables and fruit trees. In most instances, it is a stand-alone structure. If it is attached to the dwelling, it would only be attached on one side.

**“Home occupation”** means an activity for compensation carried on in a residential zone by the occupant of a dwelling as a secondary use in connection with which there is no display, no stock in trade, no commodity sold upon the premises, no person employed upon the premises, and no mechanical equipment used except such as is necessary or customary for housekeeping purposes. Furthermore, these activities are restricted to receipt of mail and use of telephone and facsimile only. Activities excluded are as follows: hairdressing, manicuring, barbering, laundering of clothes or other articles, massaging, physiotherapy, carpentry, automobile repairing, manufacturing and parts assembly. These activities are not home occupations if to any extent engaged in or carried on for profit or for anything of value, or if any of the products thereof are sold or exchanged for anything of value.

**“Outdoor sporting field or court, private”** means an outdoor area on private R zoned property and used for playing outdoor sports such as tennis, basketball, volleyball, baseball/softball and soccer. The field shall be to the rear of, and ancillary to, the main dwelling unit. The field shall be for use for those who live on the property and their guests. The field may or may not be illuminated. It may also require over-height fencing. Excludes public or private recreation facilities.

**“Trailer, temporary”** means one (1) trailer that may be used as a temporary residence during the construction of a permanent residence for a maximum of 90 days. The trailer must be located on the same site where the permanent residence will be located and must be occupied by the same people that will ultimately live in the permanent residence.

**“Transitional parking”** means a parking lot on a residentially zoned property that abuts a property that is zoned C-1, C-2, C-3 or MMU and developed with a permitted use.

**“Transitional use”** means a legal nonconforming use that is less legal nonconforming than the most previous use. This typically applies to properties that had commercial or manufacturing uses on properties that are now zoned for residential uses.

#### **17.150.050 – Community Care Uses. (FULLY UPDATED)**

**“Adult daycare home”** or **“adult daycare facility”** means a community-based facility or program that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision or assistance essential for sustaining the activities of daily living for the protection of these individuals on a less than 24-hour basis, as defined by Section 1502(a)(2) of the California Health and Safety Code. The use is further defined as one of the following:

**“Adult daycare home, small”** means a residential use for less than seven (7) adults, in a residential zone;

**“Adult daycare home, large”** means a residential use for seven (7) to 12 adults, in a residential zone; and

**“Adult daycare facility, general”** means a facility for adults, typically greater than 12 adults, in a nonresidential zone.

**“Alcoholism abuse treatment facility”** or **“Drug abuse treatment facility”** means a premise, place or building approved and licensed by the State Department of Drug and Alcohol Programs that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse. The use provides alcohol, drug or alcohol and drug recovery treatment or detoxification services, as defined by Section 11834.02 of the California Health and Safety Code.

**“Child daycare center”** means a child daycare facility other than a family daycare that provides nonmedical care on a less than 24-hour basis. This classification also includes infant centers and may be combined with preschools or nursery schools. A day-care center is considered a commercial business and not a residential use.

**“Community care facility”** as defined in Section 1250(a) of the California Health and Safety Code means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

**“Elder care facility”** or **“assisted living facility”** means a living arrangement licensed by the California Department of Social Services chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care or health-related services are provided, based upon residents' varying needs as defined in Section 1569 et seq. of the California Health and Safety Code. An elder care facility may house residents less than 60 years of age with compatible needs pursuant to Section 1569.316 of the California Health and Safety Code and provide levels of care pursuant to Section 1569.70 of the California Health and Safety Code. Excludes adult daycare and residential care facilities.

**“Emergency shelter”** means housing with minimal supportive services in a facility that is the first step in a homeless continuum of care program and is designed to allow homeless people on a temporary basis, with a six (6) month limit of stay. Shelters may offer different levels of supplemental services including food, counseling and access to other social programs. No individual or household may be denied emergency shelter because of an inability to pay. Refer to Section 50800 et seq. of the California Health and Safety Code for additional information.

**“Emergency shelter, small”** means providing overnight shelter for less than 25 occupants at one time; and

**“Emergency shelter, large”** means providing overnight shelter for 25 or more occupants at one time.

**“Family daycare home”** means a facility that regularly provides care, protection, and supervision for children in the provider's own home, whether rented, leased or owned, on a less

than 24-hour basis, as licensed by the California Department of Social Services. The use is further defined as either of the following:

**“Family daycare home, small”** means a residential use for less than nine (9) children, inclusive, including children under ten (10) years of age who reside at the home, as set forth in Section 1597.44 of the California Health and Safety Code and as defined in regulations; and

**“Family daycare home, large”** means a residential use for nine (9) to 14 children, inclusive, including children under ten (10) years of age who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in regulations.

**“Group home”** means a residential use with shared living quarters without separate kitchen or bathroom facilities for each room or unit. It is typically offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes boarding houses (in accordance with California Attorney General Opinion No. 01-402), clean and sober facilities, other types of organizational housing, private residential clubs, housing for disabled individuals and farmworker housing. Excludes alcoholism or drug abuse treatment facilities, hotels and motels, short-term rentals and residential care facilities. The use is further defined as the following:

**“Group home, small”** means providing housing for less than seven (7) adults; and

**“Group home, large”** means providing housing for seven (7) or more adults.

**“Low barrier navigation center”** as defined by Section 65660 of the California Government Code means a housing first, low-barrier, service-enriched shelter that provides temporary living facilities while case managers connect individuals experiencing homelessness or at risk of homelessness to income, public benefits, health services, shelter and permanent housing. The term low barrier means best practices to reduce barriers to entry. This may include, but is not limited to, the presence of partners (unless it is a population specific site, e.g. for survivors of domestic violence or sexual assault), pets, storage of possessions and some level of privacy (e.g. partitions around beds in a dormitory setting).

**“Low barrier navigation center, small”** means providing shelter for less than 25 occupants; and

**“Low barrier navigation center, large”** means providing shelter for 25 or more occupants.

**“Residential care home”** or **“residential care facility”** means a State licensed facility that is maintained and operated to provide 24-hour nonmedical residential care for children and/or adults in need of personal services, supervision and/or assistance essential for sustaining the activities of daily living or the protection of the individual. The use includes the administration of limited medical assistance and is further defined as one of the following:

**“Residential care home, small”** means a residential use providing housing for less than seven (7) children and/or adults. The use is required by State law to be treated as a single housekeeping unit for zoning purposes;

**“Residential care home, large”** means a residential use providing housing for seven (7) or more children and/or adults in a residential zone; and

**“Residential care facility, general”** means providing housing for adults, usually greater than seven (7), in a nonresidential zone.

**“Social rehabilitation facility”** means a facility for individuals with social rehabilitation services with an 18-month limit of stay. The facility provides a group setting for adults recovering from mental illness who temporarily need assistance, guidance or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code. Excludes other types of community care facilities.

**“Supportive housing”** means a residential use with no limit on length of stay, that is occupied by a targeted population and that is linked to on-site or off-site services that assist the supportive housing resident. Such supportive services may include retaining the housing, improving health status, maximizing the resident’s ability to live, and when possible, find employment in the community.

**“Transitional housing”** means a residential use with supportive services with a 24-month limit of stay, that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible. It typically limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Refer to Section 50800 et seq. of the California Health and Safety Code for additional information.

**17.150.060 – Public and Quasi-Public Uses. (FULLY UPDATED)**

**“Electrical distribution substation”** means a part of an electrical generation, transmission and distribution system. A substation transforms voltage from high to low, or the reverse, or performs any of several other important functions. Substations may be owned and operated by an electrical utility or may be owned by a large industrial or commercial customer. Generally, they are unattended and rely on remote supervision and control.

**“Government”** or **“Government related facility”** means a publicly-accessible facility, building, and/or structure and/or piece of land owned, operated or occupied by a government or related agency to provide a governmental service to the public. The use shall be classified as a government office if it is not publicly-accessible. Includes post offices, civic centers and libraries. Excludes public recreation facilities and cultural institutions.

**“Hospital”** means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to: (i) in-patient care, short-term care in acute medical, surgical, obstetrical services; and (ii) the treatment of drug addiction, alcoholism and other psychiatric and psychological care.

**“Recreation facility”** means one of the following:

**“Recreation facility, private”** means a privately owned recreational facility which generally require some form of membership or residence. This may include tennis, basketball or swimming clubs. Excludes membership health clubs. In addition, it does not include recreation amenities on private property for the exclusive use of the residents of that property.

**“Recreation facility, public”** means public parks, play lots, picnic areas, playgrounds, sports courts, equestrian establishments and athletic fields for non-commercial neighborhood or community use. This may include indoor public facilities such as aquatic centers. The definition does not include the same facilities that are privately owned or commercial facilities.

**“Schools and educational institutions”** means a building or group of buildings, primarily intended for educational purposes, including establishments furnishing onsite and/or online courses or offerings, and customary ancillary uses such as a cafeteria or kitchen facilities, playground, offices and gathering spaces. Schools and educational facilities include the following:

**“College or university – public or private”** means an institution of higher education providing curricula and instruction, in many areas of advanced learning. The university or college may be public or private and for-profit or non-profit. Degrees or certificates are granted at the associate’s, bachelor’s and/or master’s level. Excludes specialized educational and training facilities.

**“K-12 – public or private”** means public or private elementary, middle, junior high and high schools serving kindergarten through 12<sup>th</sup> grade students, including denominational and sectarian, boarding schools and military academies. May also include after-school programs. Excludes preschools or family daycare homes.

**“Preschool – public or private”** means an early childhood setting where two (2) to five (5) year old children receive education and care. Children can experience preschool in a variety of settings, including child daycare centers, government funded prekindergarten programs such as Transitional kindergarten (TK) and Head Start, and private preschool programs.

**“Specialized education and training”** means a wide range of business, secretarial and vocational schools offering specialized trade and commercial courses. This includes specialized non-degree-granting schools offering subjects such as airplane flying, art, computers, cooking, dance, drama, driver education, language, music and religion. Also includes seminaries and other facilities exclusively engaged in training for religious ministries. Facilities, institutions, and conference centers are included that offer specialized programs in personal growth and development (e.g., arts, communications, environmental awareness, and management).

**“Tutoring and educational center”** means a business where supplemental educational instruction in specific subjects and skills is provided to school-age children.

**“Utility facility”** means a lot, building or structure used in conjunction with the supply of a public utility including a municipal water supply well, a water or sewage pumping station, a water treatment facility, a water storage reservoir, a gas regulator building, a hydro substation, a telephone building for exchange, long distance or repeater uses.

**“Wireless facility”** or **“wireless communications facility”** means any device or system for transmitting and/or receiving electromagnetic signals, including, but not limited to, radio waves and microwaves for cellular technology, personal communication services, mobile services, paging systems and related technologies. Facilities include towers, freestanding facilities, ground-mounted facilities, rooftop facilities, utility poles, transmitters, microwave dishes, antennas and parabolic antennas, small cells, macro- and microcells, DAS, DCU, all other types of equipment used in transmitting or receiving signals, antenna structures, associated buildings, base stations, emergency power systems or cabinets which house support equipment, and other accessory development.

#### **17.150.070 – Assembly and Entertainment Uses. (FULLY UPDATED)**

**“Adult entertainment establishment”** means a business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or operators of such business, and which is characterized by an emphasis on “specified sexual activities” and/or “specified anatomical areas.” Such an area may include (i) less than completely and opaquely covering human genitals or pubic region, buttocks and/or female breast below a point immediately above the top of the areola; (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (iii) any device, costume or covering that simulates and of the body parts identified in (i) or (ii) above. An adult business can mean any of the business types listed below, as well as any other business that, on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe or relate to “specified sexual activities” and/or “specified anatomical areas.” Refer to Section 17.152.030 (Use Definitions – Assembly and Entertainment Uses) of this Title for general definitions related to adult entertainment establishments.

**“Adult bookstore,” “adult video store”** or **“adult novelty store”** means any establishment where more than ten (10) percent or 200 square feet of the gross floor area (whichever is greater) sells or rents, or offers for sale or rental, any one (1) or more of the following: (i) books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on material depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas;” and (ii) instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities,” including goods which are replicas of, or which simulate “specified anatomical areas” or “specified sexual activities,” and goods which are designed to be placed on or in “specified anatomical areas.”

**“Adult cabaret”** means a nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which, on a regular and substantial basis, features: (i) persons or entertainers who appear on stage; (ii) live performances which are characterized by the exposure of “specified sexual activities”

or “specified anatomical areas;” or (iii) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**“Adult dance studio”** means any business or commercial establishment which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by an emphasis on matter involving, depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

**“Adult motel or hotel”** means a motel, hotel or similar commercial establishment offering public accommodations for any form of consideration which, on a regular and substantial basis": (i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities;" and/or (ii) offers, rents, leases, or lets any room for less than a ten (10) hour period; or (iii) offers or allows a tenant or occupant to rent or subrent a sleeping room for a period of less than ten (10) hours.

**“Adult motion picture theater”** means any establishment where, for any form of consideration, one or more motion picture projectors, video cassette players, slide projectors or similar machines, for viewing by five or fewer persons each, are used on a regular and substantial basis to show films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

**“Adult tanning salon”** means a business establishment where patrons receive tanning services in groups of two (2) or more and where patrons or employees of the establishment expose specified anatomical areas. “Adult tanning salon” shall also include a business establishment where the employees thereof are nude or expose “specified anatomical areas” for any form of consideration.

**“Adult theater”** means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, and on a regular and substantial basis, features live performances which are characterized by an emphasis on “specified anatomical areas” and/or “specified sexual activities.”

**“Sex supermarket”** or **“sex mini-mall”** means the establishment or operation of more than one-type of sexually-oriented business or use as defined in this Title within the same building.

**“Sexual encounter establishment”** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" and/or the exposure of "specified anatomical areas." Excludes an establishment where a medical practitioner,

psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

**“Assembly or meeting facility”** means a facility for private assembly and meetings. Examples include banquet rooms, conference facilities and meeting halls for clubs, including civic, social and fraternal organizations, and other membership organizations. Excludes religious institutions, community centers or uses listed under commercial entertainment.

**“Commercial entertainment”** means a spectator entertainment establishment within buildings specifically intended for live theater, comedy or music venues, karaoke and movie theaters.

**“Commercial recreation facility”** means one of the following:

**“Commercial recreation facility, indoors”** means a building or place that provides participant or spectator recreation that is open to the public for a fee. This definition includes uses such as billiards parlors, bowling alleys, health clubs, ice- or roller-skating rinks, laser tag, table tennis and indoor swimming pools. Health clubs less than 3,500 square feet in gross floor area may be classified as a general personal care facility.

**“Commercial recreation facility, outdoors”** means a primarily outdoor use that provides participant or spectator recreation that is operated as a business and open to the public for a fee. This definition includes uses such as amusement parks, golf courses, miniature golf course, equestrian establishments, tennis courts and outdoor swimming pools.

**“Community center”** means a public hall or public multi-purpose meeting facility where members of the public may gather for group activities, social support, public information and other purposes. It may operate for the entire community, for a specific segment of the community (e.g. senior centers) or may be reserved for private functions. Excludes religious institutions, assembly or meeting facilities or uses listed under commercial entertainment.

**“Cultural institution”** means a facility such as a museum, art gallery and garden that displays or preserves objects of community or cultural interest relating to one or more of the arts or sciences. Excludes philanthropic or charitable institutions.

**“Family entertainment center”** means a facility that is marketed toward families with children from toddlers to teenagers, with activities usually occurring indoors. It typically attracts customers from the local or sub-regional market. Activities can include arcade games (often redemption based), ball pits, batting cages, bumper cars, kiddie rides, laser tag, miniature golf, playgrounds and climbing structures. Supportive uses include restaurants and snack bars as well as specialty shops selling toys, gifts and novelties.

**“Gaming center”** or **“arcade”** means an establishment that provides five (5) or more amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices may include electronic or mechanical equipment, games, or machines that are played or used for amusement. Such activities often

require different levels of skill. This use may also include internet/cyber cafes, where people access the internet to play video games or other use software programs.

**“Karaoke”** means a commercial entertainment establishment where patrons sing along to musical and/or video tracks. The patrons may be in an open main room such as a bar or lobby or within smaller private rooms. Karaoke includes, but is not limited to, karaoke and K-TV.

**“Nightclub”** means a bar, tavern or similar establishment that provides live entertainment that may serve alcoholic beverage for sale, where the performance area exceeds 75 square feet and/or customer dancing is permitted. Typically operates late at night.

**“Pool hall” or “billiard parlor”** means a type of indoor commercial recreation facility where a building, or portion thereof, is designed, intended and equipped with five (5) or more pool tables, billiard tables, snooker tables or combination thereof.

**“Religious institutions”** means a building or structure and/or group of buildings or structures, which by design and construction are primarily intended for religious assembly, or the conducting of organized religious service, ceremonies or worship and accessory uses associated therewithin. Religious institutions shall include, but are not limited to chapels, churches, mosques, synagogues, shrines, and temples. They may also include ancillary uses such as kitchens, offices, meeting rooms and gathering halls and ancillary buildings such as rectories, monasteries and convents.

#### **17.150.080 – Retail and Office Uses. (FULLY UPDATED)**

**“Alcohol sales establishment”** means one of the following, subject to obtaining an alcohol license from the California Department of Alcoholic Beverage Control (ABC):

**“Bar or tavern, on-site”** means an establishment that serves beer, wine and/or distilled spirits (per ABC License Types 40, 48 and/or 61) for on-site consumption for a business that does not meet the definition of a bona fide restaurant. The consumption of alcohol is typically the primary use; however, the business may serve meals or other food items. Ancillary entertainment may occur, provided the performance area does not exceed 75 square feet and customer dancing or karaoke is not permitted (the use shall be classified as commercial entertainment or nightclub if either dancing or karaoke is permitted). This definition also includes cocktail lounges, pubs and saloons.

**“Brew pub, on-site and off-site”** means a bona fide restaurant which sells beer that is brewed on-site (Type 75 ABC license) for on-site consumption or sold for off-site consumption, only if the beer produced by the brew pub is also sold to California licensed wholesalers.

**“Liquor store, off-site”** means a retail establishment where 30 percent or more of the sales area is devoted to the selling of beer, wine and/or other alcoholic beverages for consumption off the premises.

**“Restaurant, on-site”** means an establishment that is a bona fide restaurant and serves beer, wine and/or distilled spirits (per ABC License Types 41 or 47) for on-site consumption as an ancillary use.

**“Restaurant, on-site, limited hours”** means an establishment that is a bona fide restaurant and serves beer, wine and/or distilled spirits (per ABC License Types 41 or 47) for on-site consumption as an ancillary use, with no meal or alcohol service between the hours of 10:00 p.m. and 6:00 a.m.

**“Retail store, off-site”** means a retail establishment where less than 30 percent of the sales area is devoted to the selling of beer, wine and/or other alcoholic beverages for consumption off the premises.

**“Other uses, on-site”** means an establishment, other than a restaurant, bar, tavern or brew pub, that serves beer, wine and/or distilled spirits for on-site consumption. Examples include, but are not limited to, government facilities, recreation facilities, assembly and entertainment uses. The serving of alcohol may be a primary or incidental use. The establishment may or may not serve meals.

**“Ancillary entertainment”** means an establishment that provides entertainment where the combined activity area does not exceed 75 square feet and does not permit dancing or karaoke. Examples of ancillary entertainment include live music performances, poetry reading, four (4) or less pool tables and/or four (4) or less amusement devices such as electronic or mechanical equipment, games or machines. If the activity area exceeds 75 square feet and/or customer dancing occurs, the use shall be defined as a nightclub. If karaoke occurs, the use shall be defined as commercial entertainment. If there are more than four (4) pool tables, the use shall be defined as a pool hall or billiard parlor. If there are more than four (4) amusement devices, the use shall be defined as a gaming center or family entertainment center.

**“Cannabis activity, commercial”** means the term as defined under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as regulated under Chapter 5.18 (Commercial Cannabis Activities) of the EMMC. The following is the City’s retail example:

**“Dispensary”** or **“retailer”** means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products.

**“Convenience store”** or **“minimart”** means a neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise for daily convenience shopping needs. A convenience store may be part of a service station or may be an independent land use. This use shall be classified as a grocery store if it is more than 3,500 square feet.

**“Department store”** means a type of retail use with a minimum 25,000 square feet operated by a single tenant. Excludes warehouse retailer or retail warehouse.

**“Destination retail”** or **“entertainment development”** means a development project in the Gateway Specific Plan, greater than 20,000 square feet, that provides products and services that are unique and marketed to a consumer base that extends beyond the El Monte area. Destination

retail may include “big box” and warehouse-type retail, such as electronics, furniture, appliances, movie theaters, and other similar retail and entertainment uses.

**“Food or beverage establishment”** means one of the following:

**“Bakery”** or **“pâtisserie, retail”** means an establishment open to the public that produces and sells flour-based food baked in an oven such as bread, cookies, cakes and pies for on-site sales. Confectionery items may also be made in bakery shops. Some retail bakeries may also be categorized as cafés, serving beverages to customers who wish to consume the baked goods on the premises.

**“Bakery, commercial”** means a bakery employing more than ten (10) people that produce breads, pastries and other baked products using high-volume mixing machines, ovens and other equipment. In some cases, the machines are automated to mass-produce standardized baked goods. While customers can consume the baked goods on the premises, products are primarily distributed to off-site retailers for sales.

**“Coffeehouse”** or **“café”** means an establishment that sells specialty coffee, espresso drinks, teas, assorted pastries and other food items. A maximum 30 percent of the gross floor area may be devoted to incidental uses including ancillary entertainment as defined in this Chapter, restrooms and offices. Excludes the sale of alcohol for on-site consumption.

**“Outdoor seating”** means an area adjacent to a restaurant or other food or beverage establishment, where customers can consume products purchased at the associated business. The dining area may include a solid covering (e.g. patio), partial covering (e.g. trellis), umbrellas or open to the sky. The dining area may also be on private property or may encroach into the public right-of-way, subject to receiving an encroachment permit.

**“Restaurant”** means an establishment engaged in the sale of food and beverages for consumption on or off the premises. All of the following must be met for the use to be considered a bona fide restaurant:

- i. A minimum 20 percent of the gross floor area shall be designed, equipped and used exclusively for the storage and preparation of food and beverages;
- ii. A minimum 50 percent of the gross floor area of the building is designed, equipped and used exclusively for seating of patrons for the purpose of serving meals;
- iii. A maximum of 30 percent of the gross floor area may be devoted to incidental uses including the sale of alcoholic beverages for on-site consumption, ancillary entertainment as defined in this Chapter, restrooms and offices;
- iv. Meals shall be served at all times the restaurant is open; and

v. The sale of alcoholic beverages shall be incidental to the sale of food.

**“Grocery store”** means retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, dry cleaners, food take-outs, pharmacies, etc.) under one roof. This use shall be classified as a minimart if it is 3,500 square feet or less.

**“Multiple-tenant commercial development”** means any nonresidential development which is improved with three (3) or more retail sales, retail services, restaurants or a combination thereof. Excludes commercial projects which are designed and devoted to office uses and/or industrial uses exclusively.

**“Office”** means a room, set of rooms or building used as a place for commercial, professional or bureaucratic work. Main examples include the following:

**“Ancillary”** means an office facility that is incidental and accessory to another business or sales, service or manufacturing activity that is the primary use of the structure or property.

**“Administrative business professional”** means an establishment providing direct services to consumers in office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property, excluding financial institutions, which are defined separately. Examples include:

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- |   |   |
|---|---|
| • Accounting, auditing and bookkeeping                        | • Employment, stenographic and word processing services |
| • Advertising agencies  | • Insurance claim processing                            |
| • Architectural, engineering, planning and surveying services | • Literary and talent agencies                          |
| • Attorneys, legal services                                   | • Mail order and e-commerce transaction processing      |
| • Commercial art and design services                          | • Management and public relations services              |
| • Counseling services   | • Media postproduction services                         |
| • Court reporting services                                    | • Photography and commercial art studios                |
| • Data processing services                                    | • Psychologist  |
| • Detective agencies and similar services                     | • Real estate brokerage or sales                        |
| • Educational, scientific and research organizations          | • Telecommunications facility design management         |
| • Elective official satellite offices                         | • Telemarketing   |
| • Employment centers  | • Writers and artists office                            |
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**“Government”** means an administrative, clerical or office of a government agency. The use may include the incidental storage and maintenance of vehicles. The use shall be classified as a government or government related facility if it is publicly-accessible and provides a public service.

**“Medical or dental”** means an office or outpatient health facility providing direct health services to patients including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services. Medical or dental laboratories may be ancillary to a medical use or may function as its own use. Excludes inpatient services and overnight accommodations.

**“Office supply store”** means an establishment which primarily tailors to the needs of an office environment. The items sold typically include paper products, ink cartridges, computers, communications equipment, printers, scanners, copiers, data storage, and other such devices. May include office concierge services as an ancillary use.

**“Pet store”** means a retail establishment that sells animal-related products (e.g. food and toys) and/or services (e.g. grooming) for animals on a commercial basis and/or where household animals are offered for adoption and/or sale. A pet store is not used for the breeding or commercial boarding of animals. This definition may include veterinary services as an ancillary use for pet stores greater than 5,000 square feet in gross floor area.

**“Pawnbroker”** or **“pawnshop”** means an individual or business that offers secured loans to persons, with items of personal property used as collateral. While many items can be pawned, pawnshops typically accept jewelry, musical instruments, home electronics, computers, coins, gold, silver or other relatively valuable items as collateral. If the loan is not paid within a specified time period, the pawned item will be offered for sale to other customers by the pawnbrokers.

**“Pharmacy”** means a retail store where prescription medicinal drugs and/or other medical supplies are dispensed and sold. Pharmacies may have ancillary sales of other household items. Pharmacies greater than 3,500 square feet in gross floor area shall be classified as a retail use.

**“Retail sales”** means the sale of retail merchandise in stores, showrooms and shops not specifically listed under another defined use (e.g. office supply stores, adult bookstores and convenience stores). Main examples include the following:

- 
- Appliance stores
  - Art galleries
  - Artists’ supply stores
  - Antique stores
  - Bicycle stores
  - Bookstores
  - Camera and photographic supply stores
  - Clothing and apparel shops
  - Collectibles stores (e.g. cards, coins, comics, stamps)
  - Confectionery stores
  - Consumer electronics stores
  - Department store
  - Garden center or nursery
  - Gift and souvenir stores
  - Hardware stores
  - Hobby stores
  - Jewelry stores
  - Luggage and leather goods stores
  - Mattress sales
  - Meat markets
  - Musical instruments stores
  - Orthopedic supply stores
  - Paint supply stores
  - Pet stores
  - Religious goods stores

- Discount stores
  - Drug stores
  - Dry goods
  - Eyeware stores
  - Fabric and sewing supplies
  - Florists and houseplant stores
  - Flooring and tile
  - Fruit and vegetable stores (less than 5,000 square feet in area)
  - Furniture store
  - Shoe stores
  - Small ware stores
  - Specialty shops
  - Sporting goods and equipment stores
  - Stationery stores
  - Toy and game stores
  - Upholstery stores
  - Variety stores
  - Vitamin and nutrition stores
  - Window stores
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**“Secondhand store”** means an establishment in the retail sale of used goods and merchandise such as a thrift store, whereby the sale of such used goods and merchandise comprises 25 percent or more of the total monthly sales volume. This definition does not apply to pawnshops.

**“Showroom sales”** means an establishment that displays merchandise, but has minimal or no onsite customer retail sales. The items on display can include preowned items (e.g. an Auction House) or items devoted to a particular subject or industry (e.g. bathroom fixtures).

**“Significant tobacco retailer”** means any establishment, where 25 percent or more of the gross floor area is devoted to the sale of tobacco products, substances intended for smoking, or smoking accessories, including but not limited to pipes, vaporizing devices, or other smoking paraphernalia. Public or private smokers’ lounges shall not be permitted as an ancillary use. Does not include commercial cannabis activity uses.

**“Temporary use”** means a use that is designed, operated, and occupies a site for a limited period of time, typically less than 12 months. Examples include Christmas tree lots, parking lot sales and special events.

**“Vehicle retail use”** means one of the following:

**“Vehicle parts and accessory store”** means a retail place of business selling or furnishing automobile supplies and parts. No repair work of any kind may be conducted in conjunction with such use.

**“Vehicle sale and lease, limited”** means the sales and leasing of automobiles, motorcycles or trucks within an enclosed structure without any incidental maintenance or repair work allowed. Vehicles shall not be displayed or stored outdoors. Accessory part installation as part of the vehicle sale is permitted.

**“Vehicle sale and lease, general”** means the sale, or leasing of automobiles, motorcycles or trucks. Merchandise may be new, a combination of new and used, or exclusively used. Indoor and/or outdoor is permissible. Ancillary uses such as maintenance or repair work and vehicle washing shall be allowed.

**“Vehicle sale and lease, major”** means the sale, or leasing of trailers, campers, travel trailers, utility trailers, tractors, construction equipment, mobile homes and

similar equipment. Ancillary uses such as maintenance or repair work and vehicle washing shall be allowed.

**“Warehouse retailer”** or **“retail warehouse”** means a retail establishment that provides goods and services related to construction, home repair, building materials supplies and other similar items. Showrooms are also permitted.

**“Wholesaler”** means a business that buys products or goods in bulk from one (1) or more manufacturers and sells them to other businesses or to the public at prices that are typically lower than those available in retail stores. The use may include ancillary distribution of goods, provided the merchandise being distributed is limited to products that can be sold in the zoning district the business is located within.

**17.150.090 – Service Uses. (FULLY UPDATED)**

**“Alternative financial establishment”** means an establishment that offers financial services outside traditional federally insured financial institutions, including, but not limited to check cashing outlets, payday lenders and vehicle title lenders.

**“Ambulance service”** or **“emergency medical service”** means a service that provides urgent pre-hospital treatment and stabilization for serious illness and injuries and transport to definitive care. Ambulance service can be summoned by members of the public via an emergency telephone number (911). As a first resort, the service provides treatment on the scene. If deemed necessary, the transports the patient to the next point of care.

**“Animal service”** means one of the following:

**“Animal boarding/kennel”** means the commercial provision of shelter and care for dogs, cats, other household animals, including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

**“Animal grooming”** means a general personal service use providing for the bathing and trimming services for dogs, cats, and other household animals. Overnight boarding is not allowed.

**“Veterinary service”** or **“animal hospital/clinic”** means an establishment where household animals receive medical and surgical treatment and may be temporarily boarded (more than one-night stay) in association with such medical or surgical treatment. Short-term animal boarding may be provided as an accessory use.

**“Appliance or electronics repair”** means an establishment that provides repair services for a wide variety or specific type of appliance or electronics equipment. Such items include computers, laptops, televisions, kitchen appliances and video recording systems.

**“Automated Teller Machine (ATM)”** means an electronic banking self-service machine that allows customers to complete basic financial transactions without the aid of a financial institution representative or personnel. The machine may be located at or within banks or credit unions, or in other locations, including independent machines in grocery or convenience stores. The use shall be classified as a drive-thru business – service or retail if it is a drive-up or drive-thru service.

**“Bail bond”** means a business regulated by the California Department of Insurance (CDI) operated by and through a person holding a bail license that provides, as a service, an agreement for a method of release of a criminal defendant whereby the appearance in court and obedience to orders of a court or payment of a sum of money set by the court is guaranteed. The bail bond is cosigned by a bail bondsman, who charges the defendant a fee in return for guaranteeing the payment. A bail bond is a type of surety bond.

**“Collection containers”** means one of the following:

**“Collection containers, small”** means an unattended center, bin, receptacle or other container used for the acceptance by donation from the public of salvageable personal property, including, but not limited to, clothing, shoes, books and household items, for periodic off-site processing or redistribution. Excludes recyclable materials not intended for re-use including newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials and solid waste. The use shall not exceed an area of 400 square feet, shall not occupy more than two (2) parking spaces and shall be located on the same site as the host use.

**“Collection containers, large”** means an unattended center, bin, receptacle or other container used for the acceptance by donation from the public of salvageable personal property, including but not limited to, clothing, shoes, books and household items, for periodic off-site processing or redistribution. Excludes recyclable materials not intended for re-use including newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials and solid waste. The use may occupy an area of 400 square feet or more and may occupy more than two (2) parking spaces.

**“Correctional facility”** means a facility, whether owned and/or operated by an individual, a for-profit or not-for-profit entity used for the housing or provision of services for persons who either: (i) are serving a sentence from a federal, state or county court and are under restraint, supervision or security; or (ii) have served a sentence or have been released from a federal, state or county prison or jail but are living under government supervision by a government funded program.

**“Drive-thru business”** means an establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-thru services. Main examples include the following:

**“Drive-thru business – car washing”** means a business that cleans the exterior and, in some cases, the interior of vehicles. Car washes can be self-service (e.g. coin operated), full-service (e.g. attendants wash the vehicle) or fully automated (e.g. at a service station). This definition may include ancillary uses such as gift shops or shoe shining.

**“Drive-thru business – food or beverage establishment”** means a business that operates a drive-up or a drive-thru service to serve food and/or beverages in conjunction with a restaurant, fast food restaurant, coffeehouse or other similar business.

**“Drive-thru business – service or retail”** means a business that operates a drive-up or a drive-thru service such as a bank, pharmacy, dry cleaners or other use that generates minimal traffic. Excludes car washing facilities or business that serve food or beverages.

**“Financial institution”** means a bank, credit union, savings and loan, investment company or other federal or state regulated financial institution which offers predominantly banking type or investment services to its customers. Excludes alternative financial establishment uses, such as check cashing outlets and payday lenders.

**“Funeral home”** or **“mortuary”** means an establishment engaged in the provision of service involving the care and preparation of the deceased for burial or cremation and/or where funeral services are conducted. It may or may not include crematories and/or mortuaries. No internment shall be provided on site. The use may include areas for assembly services, chapels and similar rooms for viewing, religious services, wakes and similar activities, together with accessory office facilities and living quarters for the funeral home/mortuary director.

**“Hotels”** or **“motels”** means a building with access provided through a common entrance, lobby or hallway to one or more guest rooms or suites, with or without kitchen facilities, designated to be rented out for transient lodging for a period of between one (1) and 30 days, and which may include other ancillary uses and/or guest facilities such as restaurants, banquet facilities, meeting rooms, business centers, swimming pools and fitness centers. Includes bed and breakfast establishments and inns.

**“Metaphysical store”** means a type of general personal service use selling an array of crystals and minerals from around the world, fine jewelry, unique gifts, incense, apothecary, clothing, and books. Charactered by a focus on personal service to help people find minerals that will assist them in bettering their lives.

**“Office concierge service”** means a business that provides any combination of printing, packaging, designing, binding, scanning and computer access for businesses and the general public. May also provide shipping services. Businesses that include the on-site storage of delivery vehicles shall be classified as a courier or messenger service business.

**“Personal service use”** means any business that provides non-medical individual care to persons involving their personal health, fitness, grooming or appearance. Main examples include the following:

**“Personal service, general”** means an establishment that provides recurrently services of a personal nature. Examples include: barber shops, hair salons, beauty services such as facials and non-surgical facial enhancements, clothing rental shops, cryotherapy, dry cleaning services with limited on-site cleaning equipment, locksmiths, modeling agencies, metaphysical stores, nail salons, personal fitness and training facilities. Excludes fitness and training facilities greater than 3,500 square feet in gross floor area, which shall be classified as an indoor commercial recreational facility.

**“Personal service, restricted”** means an establishment that provides needed services of a personal nature which has the potential to adversely impact surrounding areas and which may need to be disbursed to minimize impacts. Examples include: fortune-telling and psychic services, laundromats, palm and card reading, tanning salons and tattoo and body piercing services.

**“Personal service, massage”** means an 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 Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC.

**“Philanthropic”** or **“charitable institution”** means any nonprofit nongovernmental entity that utilizes donated assets and income to provide social useful services. Community foundations, endowments and charitable trusts are types of philanthropic organizations.

**“Recycling facility”** means a center for the collection and/or processing of reusable and/or recyclable materials. Reusable material includes, but is not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable materials may include electronic waste and universal waste, provided that it is collected, handled, transported and recycled in accordance with the California Universal Waste Regulations. The use shall be classified as a collection container if it includes clothing, small goods and household items. A certified recycling facility or certified processor means a recycling facility certified by California's Department of Resources Recycling and Recovery (CalRecycle). Main examples include the following:

**“Recycling facility, self-service”** or **“reverse vending machine”** means an unattended recycling facility that accepts reusable materials (aluminum cans, glass bottles and plastic containers) through an automated device. May be redeemed for monetary value. The machines shall not occupy any required parking spaces. In addition, they shall not exceed a combined area of 100 square feet. Self-service recycling facilities must be ancillary to a primary use, which is typically a grocery store.

**“Recycling facility, small”** means a recycling facility or center that is overseen by at least one (1) attendant where the public may donate, redeem or sell reusable and/or recyclable materials. It may also include reverse vending machines. The total area of the facility shall not exceed 500 square feet. Small recycling facilities must be ancillary to a primary use, which is typically a grocery store.

**“Recycling facility, large”** means a recycling facility or center that is overseen by at least one (1) attendant where the public may donate, redeem or sell reusable and/or recyclable materials. A large recycling facility may occupy an area of 500 square feet or more and may include permanent structures. Most often, it is the primary or only use on the site.

**“Recycling facility, mobile”** means an automobile, truck trailer or van licensed by the Department of Motor Vehicles which is used for the collection of reusable materials. A mobile recycling facility also means the bins, boxes or containers,

transported by trucks, vans or trailers, and used for the collection of recyclable materials.

**“Self-storage”** means an establishment that rents secured, compartmentalized storage space such as rooms, lockers and containers to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals. Facilities may offer ancillary uses for sale such as boxes, locks and packing supplies to assist tenants in packing and safekeeping their goods. Characterized by low parking demand.

**“Short-term rental”** means the use of a dwelling unit, or portion thereof, that is offered or provided to a guest for lodging purposes by a short-term rental owner or operator for a fee for 30 or fewer consecutive nights. It is commonly referred to as a vacation rental. Excludes community care uses, hotels and motels.

**“Urgent care medical center”** means a category of walk-in clinic that is focused on the delivery of ambulatory care in a medical facility outside of a traditional Hospital Emergency Room (ER). Urgent care medical centers primarily treat injuries or illnesses requiring immediate care but are not serious enough to require a visit to the ER (e.g. a broken foot or the seasonal flu).

**“Vehicle service use”** means one of the following:

**“Vehicle service stations”** means an establishment primarily engaged in the retail sale of vehicle fuel. Ancillary uses may include convenience stores, self-service auto washes and facilities and service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light. Excludes the maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles.

**“Full service station”** means a service station that has one or more service bays for vehicle service and repair.

**“Minimum service station”** means a service station that has no service bays.

**“Vehicle repair, minor”** means the repair of automobiles, trucks, motorcycles and recreational vehicles. Specific repairs include the sale, installation, and servicing of related equipment and parts. These uses include auto repair shops, wheel and brake shops, oil change shops and the sale and installation of auto glass, stereo and alarms, upholstery and tires. Excludes the specific list of items associated with major automobile repair.

**“Vehicle repair, major”** means the repair of automobiles, trucks, motorcycles, recreational vehicles, or boats. Specific repairs include all those listed under minor automobile repair. It may also include body and fender repair and spray booths, as well as tire retreading or recapping. Excludes vehicle dismantling or salvage.

**“Vehicle rental, automobile”** means a place of business used for the storage and display of complete and operative automobiles and vans for the purpose of renting or leasing said vehicles on a short- or long-term basis.

**“Vehicle rental, truck and other large vehicle”** means a place of business used for the storage and display of complete and operative cargo vans, cargo trailers, utility trailers and trucks (with cargo space up to 26 feet long) typically used for moving purposes. In addition, this definition may include buses and recreation vehicles (RV) used for touring and leisure. Excludes semi-trailers or semi-trucks.

**“Wedding chapel”** means a business with a building or room, other than a legal court or religious institution, where marriages are regularly performed and that is licensed for that purpose by the State.

**17.150.100 – Industrial and Transportation. (FULLY UPDATED)**

**“Aircraft servicing facilities”** means a use that provides supporting services for an airplane at an airport such as aircraft washing racks, aircraft repairing stations and fuel storage and dispensing facilities.

**“Airport”** means an area of land used or intended for landing or takeoff of aircraft including appurtenant areas used or intended for taxiways, aircraft storage, hangars, other airport buildings and facilities, as well as rights of way, and including supportive buildings such as passenger terminals with waiting areas, restrooms, eateries and offices.

**“Cannabidiol (CBD) products manufacturer”** means a business that manufactures different items which are infused with finished and tested CBD (isolate and/or distillate). Examples of items include, but are not limited to, oils and tinctures, edibles, vaporizers, creams and lotions. There shall be no extracting of “Industrial hemp” as defined by Section 11018.5 of the of the California Health and Safety Code. In addition, the finished and tested CBD (isolate and/or distillate) shall not exceed a maximum of 0.3 percent tetrahydrocannabinol (THC).

**“Cannabis activity, commercial”** means the term as defined under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as regulated under Chapter 5.18 (Commercial Cannabis Activities) of the EMMC. The following are the City’s industrial example:

**“Cultivation”** means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities may occur.

**“Distributor”** means a person engaged in the distribution of cannabis and cannabis products. Distribution means the procurement, sale, and transport of cannabis and cannabis products between persons lawfully conducting commercial cannabis activity.

**“Manufacturing”** means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

**“Microbusiness”** means a cannabis business engaged in at least three (3) of the following commercial cannabis activities: cultivation (on areas less than ten thousand (10,000) square feet), manufacturing (without the use of volatile solvents), distribution, or retail sale.

**“Testing laboratory”** means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following:

- i. Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
- ii. Licensed by the Bureau of Cannabis Control and is owned and operated by a person issued a valid commercial cannabis business license for laboratory testing from the City.

**“Courier service”** or **“messengers”** means a business that focuses on express and door-to-door delivery of parcels and documents without operating under a universal service obligation. Deliveries may be intercity, local, national and/or international. Sorting and transportation activities, where necessary, are generally mechanized. Businesses may include the on-site storage of delivery vehicles.

**“Distribution, fulfillment or warehouse centers”** means a business involved in the movement of goods from a place of origin to an end receiver. The vehicles or trucks used to transport the products and goods may be stored on-site. While the names terms are often used interchangeably, they have specific differences, as noted below:

**“Distribution center”** means a center that provides temporary short-term storage and distribution of goods according to orders as they are received. The flow of goods is typically business to business (B2B) or business to retailer (B2R). Value added services such as product mixing and packaging may be provided.

**“Fulfillment center”** or **“logistics center”** means a third-party center that receives, processes and delivers customer orders in a very short period of time (i.e. it fulfills orders). The flow of goods is mostly business to consumer (B2C), with orders received through e-commerce. Centers closely manage the flow or merchandise between the point of origin and the point of consumption to meet the requirements of customers. Value added services such as product mixing and packaging are often provided.

**“Warehouse center”** means a center that provides for the long-term storage of commercial goods of any natures. Traditionally, the flow of goods is business to business (B2B). However, with the rise of e-commerce, facilities may also transport goods directly to consumers (B2C). Excludes self-storage.

**“Impound yard,”** or **“tow yard”** means a lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles. Vehicles shall be limited to those removed from public rights-of-way by public agencies, insurance companies, financial institutions, or other persons who may claim a property or security interest in the vehicle. No vehicle shall stay at the yard longer than 90 days. The vehicles may or may not be operable.

**“Industrial hemp processor”** means a business that refines, treats, or converts “Industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code, where a physical, chemical or similar change of industrial hemp occurs. Examples of hemp processing include the freezing, dehydrating, extracting oil, and the sorting, cleaning, packing, and storing of products preparatory to sale or shipment.

**“Laboratory, testing”** means a wide range of testing facilities that may or may not have associated risks. They include, but are not limited to, analytical and quality (for quality control), biosafety (for containing potentially harmful biological agents), incubator (for microbiological and cell or tissue culture work) and research and development (for a spectrum of laboratories with various risk qualifications). Excludes medical clinics and laboratories (which are classified under medical office) and cannabis testing laboratories.

**“Laundry plant”** or **“dry cleaning plant”** means a building in which the business of laundering, dry cleaning, dry dyeing, stain removal or pressing of articles or goods of fabric is carried on in which non-combustible and non-flammable solvents are, or can be, used when in compliance with the Environmental Protection Act (EPA).

**“Machine shop”** means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts made of metal or other relatively hard materials.

**“Manufacturing”** means one of the following, unless specifically listed under another use:

**“Ancillary manufacturing”** means manufacturing that is clearly incidental to the retail or wholesale store or business conducted on the premises. In addition, the ancillary manufacturing shall not employ more than five (5) persons at any time and the area it occupies shall not exceed 30 percent of the gross floor area of the business. Such operation or production shall not generate objectionable noise, odor, dust, smoke, vibration or similar negative impact.

**“Light manufacturing”** means a use involving the basic processing and manufacturing of materials or products into finished goods predominantly from previously prepared materials. It includes the fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products or parts, but excludes the processing of raw materials, except for food products. It may include ancillary uses such as offices, retail and showroom space. Examples include the following:

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Hard goods (durable goods with long lifespans):	Fast consumer moving goods (with extremely short lifespans):
<ul style="list-style-type: none"><li>• Appliances and small parts</li><li>• Consumer electronics</li><li>• Doors, windows and awnings</li><li>• Flooring</li><li>• Furniture and cabinets</li><li>• Housewares</li><li>• Jewelry</li></ul>	<ul style="list-style-type: none"><li>• Baked goods</li><li>• Batteries</li><li>• Beverages including brewery</li><li>• Candy</li><li>• Cleaning products</li><li>• Cosmetics</li><li>• Dry goods</li></ul>

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- Musical instruments
- Printing and publishing
- Signs and billboards
- Small machinery
- Sporting goods
- Tools
- Food processing (except for sauerkraut, fish, pickles and hot sauce)
- Fresh foods
- Frozen foods
- Office supplies
- Prepared meals

Soft goods (usually textile-based goods with shorter lifespans):

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- Bags and backpacks
  - Bedding
  - Carpets
  - Ceramics
  - Clothing and apparel
  - Footwear
  - Optical goods
  - Pillows
  - Textiles
  - Towels
- 

**“General manufacturing”** means the manufacture and/or processing of materials and goods utilizing large quantities of raw materials and requiring significant health, safety, and environmental precautions. Generally includes the sale of output to other business users (B2B) rather than consumers. Characteristics include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of hazardous materials as defined the U.S. Environmental Protection Agency and requirement for specialized permits from the Federal or State government. May include ancillary offices, but typically do not have clients visiting the facility. Examples include:

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- Boats, pools and spas and related products
  - Building materials
  - Concrete, tile and brick
  - Die casting (electrically operated only)
  - Dye-stuffs
  - Flour mill
  - Food processing (including sauerkraut, fish and pickles)
  - Foundry
  - Glass
  - Grain milling or processing
  - Large machinery
  - Metal processing and refining
  - Motor vehicles and related products (including truck, automobiles, small trucks or vans, motorcycles and scooters)
  - Paint (by blending ingredients)
  - Paper, wood or lumber processing
  - Pharmaceutical products and chemicals
  - Plastics
  - Shoe polish
  - Starch
- 

**“Passenger transport service”** or **“taxi service”** means a place of business that has vehicles which provide private transportation to customers for compensation. Types of vehicles include taxis, shuttle vans, busses and limousines. Passenger transport services may have vehicle storage for operable vehicles when not in use and may have associated minor vehicle repair (conducted within a fully enclosed building) and washing of vehicles.

**“Recycling processing facility”** or **“Materials Recovery Facility (MRF)”** means a specialized center or facility that receives, sorts and processes reusable and/or recyclable materials on-site for market to end-user manufacturers. MRFs may be a separate, stand-alone facility, or incorporated into a new or existing transfer station. There are two (2) main categories of MRFs. The first is a clean MRF, which accepts recyclable materials that have already been separated at the source from waste generated by either residential or commercial sources. The second is a mixed-waste MRF, which accepts a mixed solid waste stream and then proceeds to separate out designated recyclable materials. The sorted recyclable materials undergo processing required to meet technical specifications before going to end-markets. The balance of the mixed waste stream not otherwise prepared for end-markets is sent to a disposal facility, such as a landfill. For the purpose of this definition, processing shall mean the process of changing the physical characteristics of a recyclable material, including the shredding, smelting, grinding and crushing of cans, bottles, and other materials, for other than temporary storage purposes. Includes scrap metal processing and transfer station.

**“Research and development”** means an establishment engaged in industrial or scientific research, including product design, development and testing. This includes electronic research firms and pharmaceutical, chemical and biotechnology research laboratories. Excludes manufacturing, except of prototypes, or medical testing and analysis.

**“Rock, sand and gravel storage and distribution”** means an establishment that stores and distributes rock, sand, gravel and other similar earth products. The materials are typically sent directly to construction sites or to other businesses that will sell it to end users.

**“Towing facility”** means an automotive service use in which three (3) or more tow trucks are employed in the hauling of motorized vehicles. The vehicles are typically delivered to vehicle repair businesses, service stations or impound yards. If vehicles are proposed to be stored on-site, the business shall be classified as an impound yard.

**“Transit station”** means a public facility that is primarily used, as part of the transit system, for the purpose of loading, unloading or transferring passengers or accommodating the movement from one mode of transportation to another.

**“Truck terminal”** means land and buildings used as a relay station for the transfer of products from a cargo truck to another usually smaller vehicle such as an ice cream truck. The terminal cannot be used for permanent or long-term storage. Truck terminals may have associated minor vehicle repair (conducted within a fully enclosed building) and washing of vehicles. Excludes distribution and fulfillment centers.

**“Vehicle parking”** means one of the following:

**“Attendant parking”** or **“valet parking”** means a parking facility where a lot attendant parks vehicles for drivers for a specific use or event, usually charging a fee.

**“Car sharing”** or **“vehicle sharing”** means a membership-based service provided by a business or entity with a distributed fleet of car sharing vehicles within a defined geographic area that charges guests a use-based fee related to a specific vehicle.

**“Car sharing, residential”** means a residential use that is in a contract with a car sharing facility, which provides vehicles for the residents to use. The use may be involuntary (where car sharing is required as a condition of approval) or voluntary (where the property owner or management company provides it as a residential amenity).

**“Car sharing, nonresidential”** means the facility that provides the vehicles for car sharing use. The nonresidential use may have vehicles that are off-site (the vehicles are placed at a specific residential use) and/or on-site (the vehicles can be used by nearby residents or businesses). If the car sharing organization has no on-site storage of vehicles, it shall be an office use.

**“Parking lot”** means the exclusive or primary use of a lot for off-street parking spaces in an open paved area.

**“Parking structure”** means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (as an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**“Shared parking”** means a type of parking management, where parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. Shared parking can occur between uses on the same site or between uses on adjacent or nearby sites, provided the nearby site is a maximum 300 feet away.

**“Vehicle parking, limited”** means the storage of operative vehicles including, but not limited to, passenger cars, minivans, cargo vans, full-size pickups, heavy-duty pickups and box trucks up to 16,000 pounds (up to Class 4). Short term facilities shall be limited to less than one (1) year. Long term facilities may operate for a period longer than one (1) year. Vehicles may park overnight.

**“Vehicle parking, general”** means the storage of operative vehicles including, but not limited to, buses, recreational vehicles and trucks over 16,000 pounds (Class 5 and above). Vehicles may park overnight.

## **CHAPTER 17.152 – GENERAL DEFINITIONS**

### **Sections.**

- 17.152.010 – Purpose.
- 17.152.020 – General Definitions.
- 17.152.030 – Adult Entertainment Establishment Definitions.
- 17.152.040 – Landscaping and Water Efficiency Definitions.
- 17.152.050 – Public Utilities Definitions.
- 17.152.060 – Signage Definitions.
- 17.152.070 – Wireless Definitions.

### **17.152.010 – Purpose.**

For the purpose of carrying out the intent of this Title, certain terms and words are herein defined and they shall have the meaning ascribed to them as follows. Headings contained in this chapter shall not be construed to govern, modify, limit or in any manner affect the scope, meaning and/or intent of any definition thereof. Definitions can be classified into three (3) main categories: intensional (which try to give the sense of a term); extensional (which try to list the objects that a term describes); and ostensive (which convey the meaning of a term by pointing out examples). In the event that any definition, term or word in this Chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition shall control.

### **17.152.020 – General Definitions.**

**“Abatement”** means the process by which the City requires removal of signs that do not conform to the provisions of this Chapter and/or the process by which the City requires conformance to the provisions of this Chapter.

**“Advertise”** means public notice or announcement of items or services through the use of newspaper, handbills, radio, television, or other means of public communication.

**“Alley”** means a public way permanently reserved as a secondary means of access to an abutting property.

**“Animal keeping”** means providing food, water, or shelter to horses or large animals and includes the possessing, housing, controlling, exercising, maintaining, grazing, riding, leading, tying, tethering, hitching, stabling, harboring of such horses or large animals and the allowance of such horses or large animals to run at-large.

**“Applicant”** or **“project applicant”** means the individual or entity submitting an application for a Planning Division related permit. A project applicant may be the property owner or his or her designee.

**“Approval authority”** means the commission or official responsible for review of permit applications and vested with the authority to approve or deny such applications. Refer to Section 17.10.050 (General Regulations – Planning Authorities) of this Title for a list of authorities and the permits they are authorized to review.

**“Basement”** means a story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (½) of its height is above the average level of the adjoining ground.

**“Billboard Overlay Zone (BOZ)”** shall mean a zone that overlays the areas adjacent to the I-10 Freeway and California State Route 164 (more commonly known as Route 19) as shown on the official Billboard Overlay Zone map adopted by the El Monte City Council and, which allows for the placement of new and relocated billboards that conform to Chapter 17.82 (Billboard Overlay Zone) and the California Outdoor Advertising Act.

**“Building”** means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind.

**“Building frontage”** means that face of the building that is parallel to or is at a near parallel angle to the street.

**“Building height”** means a vertical distance measured from the average finished ground level of the site to the highest point of the structure.

**“Business establishment”** means any person, as defined herein, engaged in for-profit or non-profit enterprise, undertaking or activity for which a City of El Monte business license and/or business permit is required, including, but not limited to, any for-profit commercial retail business or enterprise.

**“Carport”** means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

**“City Council”** means the City Council of the City of El Monte.

**“City property”** means any real property parcel owned or leased by the City of El Monte and all buildings, structures and improvements constructed thereupon, including, but not limited to, El Monte City Hall, the El Monte Aquatic Center, Grace Black Auditorium, the El Monte Public Works and Transportation Yard, any "park or recreational facility" within the meaning of Section 12.48.020 (Streets Sidewalks and Public Places – Parks and Recreation Activities) of the EMMC or any City-owned parking lot or parking structure.

**“City Manager”** means the City Manager of the City of El Monte, or the City Manager's designee.

**“Corral”** means an area or yard that is enclosed to adequately confine animals.

**“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

**“Developer”** means a person who has a legal or equitable interest in the real property which is the subject of a development agreement.

**“Development agreement”** or **“agreement”** means a development agreement, by and between the applicant and the City, in accordance with the Development Agreement Law (Gov. Code, § 65864 et seq.) and Chapter 17.129 (Development Agreements) of this Title. Such development agreement, as necessary, may also constitute a "relocation agreement," pursuant

to Section 5412 of the California Business and Professions Code, and may include compensation to be paid to the City or the provision of other public benefits to be provided as a result of the installation and operation of any billboard or modification of an existing billboard within the freeway overlay zone.

**“Development standard”** means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

**“Disabled person”** means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in Section 12926 of the California Government Code.

**“Disability”** means a physical or mental impairment that substantially limits one or more of the major life activities of individuals, and there is a record of such impairment or the individual is regarded as having such impairment, but the term does not include current illegal use of, or addiction to, a controlled substance. The foregoing and related terms shall be interpreted in a manner consistent with the same or similar terms set forth in Title 28, Section 35.104 of the Code of Federal Regulations (CFR).

**“Driveway”** means that area of the lot or parcel covered by pavement extending from the abutting public right-of-way to a required garage or parking space.

**“Dwelling”** means a building or portion thereof designed for residential purposes and approved by the City and improved with full utility services including connection to a public sewer or local septic tank.

**“Dwelling unit”** means one or more rooms in a dwelling which are designed for and occupied by, or available for occupancy by, a single household, but not including guest rooms in hotels, motels or boarding and lodging houses. A dwelling unit is further defined as having only one kitchen.

**“Community and Development Director”** or **“Director”** means the Community and Economic Development Director of the City of El Monte, or his or her designee.

**“Election”** means any general municipal election or special municipal election called by the El Monte City Council or any other election administered by the Registrar/Recorder-County Clerk of the County of Los Angeles or a public agency for a public office whose jurisdiction includes all or part of the City of El Monte and/or a ballot or bond measure for which voters of all or part of the City of El Monte are entitled to vote.

**“Façade area”** means the area of the façade used to calculate the maximum allowable sign area. The calculation includes the width of the façade or lease line, whichever is less, multiplied by the height of the façade or lease line, whichever is less. The width and height measurement shall not include the height of a sloped or pitched roof or any architectural projection.

**“Primary façade”** means a façade or elevation that faces a street, on-site driveway or on-site parking area. The property owner shall determine which building elevation may be the primary façade.

**“Secondary façade”** means a façade or elevation that faces a street, alleyway, on-site driveway or on-site parking area that is not a primary façade.

**“Third façade”** means a façade or elevation that faces a street or alleyway that is not a primary or secondary façade.

**“Fair housing laws”** means the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

**“Family”** means one or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

**“FCC”** means the Federal Communications Commission or its duly appointed successor agency.

**“Floor area,”** which includes **“gross floor area”** and **“net floor area,”** means the definitions outlined in Subsection 17.12.060(B) (Measurements and Calculations – Floor Area) of this Title.

**“Floor area ratio (FAR)”** means the definition outlined in Subsection 17.12.060(C) (Measurements and Calculations – Floor Area Ratio) of this Title.

**“Garage”** means a building or portion of a building which is enclosed on three (3) sides and which has an openable garage door, in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

**“Ground level”** means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within the five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

**“Guest house”** means a detached accessory building located on the same lot as the main building with no utilities metered separately from those furnished to the main building, having no kitchen facilities, not used as a separate dwelling unit, and used only by the household occupying the main building, or by temporary guests of such main building occupant without charge or valuable consideration for such use.

**“Highway”** means any **“highway,” “freeway,” “state highway”** or **“county highway”** within the meaning of Sections 23, 23.5, 24 and 25, respectively, of the California Streets and Highways Code.

**“Host use”** means an existing commercial use or community service facility in compliance with zoning, building and fire codes on which a recycling facility or large collection facilities is located.

**“Housing development,”** as used in Chapter 17.100 (Density Bonus Provisions) of this Title, means a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by the City and consists of five (5) or more residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one (1)

development application, but do not have to be based upon individual subdivision maps or parcels. The five (5) or more units shall be before any units are incorporated through the density bonus process. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

**“Integrated household”** means one or more persons living together who function as a united group.

**“Junior accessory dwelling unit”** or **“Junior ADU”** means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**“Laundry cart”** means any basket or other like container of any size, dimension or material construction which is mounted on wheels and used in a cash operated laundry or dry-cleaning business establishment by the customer, agents, employees typically, but not necessarily exclusively, for the purpose of transporting clothing, fabrics and/or the supplies necessary to process them.

**“Lease space”** means the floor area of a building or development which is occupied by a specific tenant.

**“Lot”** means a parcel of real property shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the county, or as otherwise deemed under the Subdivision Map Act.

**“Corner lot”** means a lot situated at the intersection of two (2) or more streets, or upon two (2) parts of the same street forming an interior angle of more than 135 degrees.

**“Flag lot”** means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

**“Interior lot”** means a lot other than a corner lot.

**“Key lot”** means the first interior lot to the rear of a reversed corner lot whether or not separated by an alley.

**“Lot area,”** which includes **“gross lot area”** and **“net lot area,”** means the definitions outlined in Subsection 17.12.060(F) (Measurements and Calculations – Lot Area) of this Title.

**“Lot coverage”** means the definition outlined in Subsection 17.12.060(G) (Measurements and Calculations – Lot Coverage) of this Title.

**“Lot line, front”** means the property line dividing a lot from a street, where the property is bounded by more than one street, the front shall be the narrowest portion of the lot.

**“Lot line, rear”** means the property line opposite the front lot line.

**“Lot line, side”** means any lot line other than a front or rear lot line.

**“Reversed corner lot”** means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

**“Through lot”** means a lot having frontage on two (2) parallel or approximately parallel streets.

**“Mural”** means a picture on an exterior surface of a structure that does not pertain to the business, product, or services on the premises.

**“National Pollutant Discharge Elimination System (NPDES)”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Section 307, 402, 318, and 405.

**“National Pollutant Discharge Elimination System (NPDES) Permit Program”** is an enforcement mechanism legislated by the Clean Water Act of 1977.

**“NPDES permits”** are issued to municipal and industrial dischargers to ensure that pollutant discharges do not result in violation of water quality standards, per Section 13.20.010 (Stormwater and Urban Runoff Pollution Control – Definitions) of the EMMC.

**“Nonconforming building or structure”** means a building or structure which was lawful when brought into existence, but because of subsequent amendment to this Title, or annexation into the City, could not be built because of restrictions on area, lot coverage, height, yards, setbacks, parking, design requirements, location on a lot, type or construction, or other similar requirements concerning the structure.

**“Nonconforming land”** means a use which was lawful when brought into existence, but by reason of subsequent amendment to this Title, or annexation into the City, no longer conforms to the requirements for the district in which it is located.

**“Nonconforming lot”** means a lot the area, dimension or location of which was lawful when brought into existence, but by reason of subsequent amendment to this Title, or annexation into the City, no longer conforms to the minimum lot size requirements.

**“Nonconforming use”** means the use of a property that was allowed under the zoning regulations at the time the use was established but which, because of a subsequent change in the zoning regulations, is no longer a permitted use or now requires a conditional use permit.

**“Notice”** means written notice given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of personal service, upon placing the same in the custody of the United States Postal Service.

**“Occupancy, change of”** means a discontinuance of an existing use and the substitution thereof of a different kind of use.

**“Occupied”** means arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**“Off-premise”** means any business where the primary service or entertainment IS provided at a location or locations other than the premises of the subject business.

**“Open space”** means land which is free of buildings, surface parking for vehicles or other improvements except for walkways less than four (4) feet wide or recreation facilities.

**“Owner”** means a person, firm, partnership, corporation, association, or other entity who or which owns, or otherwise exercises possession and control over the recycling facility or the mobile recycling unit, including any officer, employee, or agent of such person, firm, partnership, corporation, association, or entity.

**“Parking area”** means any area within the perimeter of a premises as defined herein that is designated or otherwise used for the parking, stopping, loading or unloading of vehicles, including but not limited to any and all motor vehicles used by customers of the business establishment located on the premises.

**“Parkway”** means that area between the sidewalk and the curb of any roadway and, where there is not a sidewalk, that area between the edge of the roadway and the property line adjacent thereto. It may be planted or unplanted, and with or without pedestrian egress.

**“Permit”** means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

**“Permit Committee”** means the El Monte Permit Committee organized under Chapter 5.12 (Business Permits Generally) of the EMMC.

**“Person”** means any natural person, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, business enterprise, living trust, joint venture, campaign committee, volunteer, non-profit corporation, non-profit organization, fraternal organization, publicly regulated utility or any other legal entity.

**“Planning Commission”** means the Planning Commission of the City of El Monte.

**“Planning Division”** means the Planning Division of the Community and Economic Development Department of the City of El Monte or its duly appointed successor agency.

**“Premises”** means the lot area or portion thereof owned, leased, managed, maintained, occupied or otherwise used by a business establishment, including all buildings, structures parking areas, public areas, common areas owned, leased, managed, maintained, occupied or otherwise used by the business establishment or the customers, agents or employees of a business establishment in connection with, or in the furtherance of, its operations.

**“Public area”** means any real property within the territorial boundaries of the City of El Monte that is open to, or otherwise accessible by, members of the general public, including, but not limited to, any public right-of-way, any public street and those areas of privately owned real property that are customarily open to, or otherwise accessible by, members of the general public such as the parking areas or common areas within a premises as defined herein.

**“Public thoroughfare”** means all that area dedicated to public use for public travel purposes, inclusive of vehicular highways, boulevards, avenues, drives, streets, roads, ways, lanes, places,

circles, courts, cul-de-sacs, parkways, street medians and sidewalks and also inclusive of **“major arterials,” “secondary arterials,” “collectors”** and **“local streets”** as the same are defined and described under the 2011 General Plan for the City of El Monte. It shall also mean vehicular, railroad, pedestrian and bicyclist bridges, overpasses and underpasses.

**“Public Works Department”** means the Public Works Department of the City of El Monte or its duly appointed successor agency.

**“Public Works Director”** or **“Director”** means the Public Works and Utilities Director of the City of El Monte, or the Public Works Director's designee. When used in the context of applications related to wireless facilities in the public right-of-way, the Director refers to the Public Works Director.

**“Reasonable accommodation”** means a change in rules, policies, practices or services that such a disabled person will have an equal opportunity to use and enjoy a residential use.

**“Recyclable material”** means reusable material including but not limited to metals, glass, cardboard and plastic which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(B)(4) of the California Health and Safety Code.

**“Roadway”** means that portion of the public thoroughfare generally used for public use for public vehicular traffic.

**“Satellite dish antenna”** means any parabolic (bowl-shaped) antenna which: (i) has a diameter greater than two (2) feet; (ii) is designed to receive satellite transmissions; (iii) is incapable of transmitting electromagnetic waves, including but not limited to radio frequency signals; and (iv) is external to or attached to the exterior of any building.

**“Shopping cart”** means a bag, basket or buggy mounted on wheels or similar device and is typically used by the customers, agents or employees of a retail business establishment for the purpose of transporting goods of any kind.

**“Sidewalk”** means that portion of the public thoroughfare provided for the exclusive use of pedestrians, but which may be inclusive of driveway aprons used to provide vehicular ingress and egress to and from a public or private real property parcel and the roadway.

**“Stable”** means a building, portion of a building, or corrals designed or used to shelter and feed horses, ponies, or other large animals which are of the property of which the stable is situated. Private stables are stables that are not rented, used, or boarded on a commercial basis for compensation.

**“Street median”** or **“median”** means the raised or unraised area located within the roadway, of varying width and length which is not used for vehicular traffic but which may contain trees, shrubs, plants and other landscaping, public street lighting poles, traffic signals, public utilities and equipment, pedestrian areas, public street name signs, public directional signage and public traffic control signage.

**“Story”** means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

**“Street”** means a public thoroughfare which affords the principal means of access to abutting property.

**“Structurally altered”** means to have had an alteration of any structural element, floor, frame, wall, or roof or any other stress bearing portion of a building and excludes alterations to or additions of interior nonbearing partitions and interior remodeling which does not affect the structural system.

**“Structure”** means anything constructed or erected, which requires location on the ground or attached to something having location on the ground, but not including fences, or walls used as fences, less than eight (8) feet in height.

**“Target population”** means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people (per Section 50675.14(b)(3) of the California Health and Safety Code).

**“Top plate height”** means the horizontal framing member that caps an exterior wall and supports rafters or roof framing.

**“Use”** means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

**“Yard,”** which includes **“front yard,” “rear yard,” “side yard”** and **“street side yard,”** means the definitions outlined in Subsection 17.12.060(K) (Measurements and Calculations – Setbacks and Yards) of this Title.

**“Zoning Clearance”** means a ministerial certificate issued by the Planning Division prior to issuance of any building permit to ensure that the proposed improvement complies with all of the provisions of the zone in which it is located, as well as all other applicable provisions of this Chapter.

**“Zoning map”** means the officially adopted map of the City of El Monte showing zoning designations for all parcels of land.

**“Zoning Review Committee”** means the Zoning Review Committee of the City of El Monte.

**17.152.030 – Adult Entertainment Establishment Definitions. (RENUMBERED)**

**“Adult entertainment establishment”** means a business as defined in Section 17.150.070 (Use Definitions – Assembly and Entertainment Uses) of this Title.

**“Employee of an adult business”** means a person who works or performs, as an employee or as an independent contractor, in and/or for an adult business, regardless of whether said person is paid a salary, wage, or other compensation by the business.

**“Entertainer”** or **“live entertainer”** means any person who is an employee or independent contractor of an Adult Business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

**“Escort”** means any person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a "striptease" for another person. Escort shall not include any person hired by a state licensed school for purposes of modeling in any art education class while such person acts in that capacity or any federal, state and/or City-licensed limousine or taxi service.

**“Establishment of an adult business”** means and includes any of the following:

- i. The opening or commencement of any sexually-oriented business as a new business;
- ii. The conversion of an existing business, whether or not it is a sexually-oriented business, to any sexually-oriented business;
- iii. The addition of any sexually-oriented business to any other existing sexually-oriented business; or to another existing nonsexually-oriented business, with or without expansion of floor area;
- iv. The relocation of any sexually-oriented business; or
- v. The substantial enlargement of the premises of an adult business.

**“Figure model”** means any person who, for pecuniary compensation, consideration, hire, or reward, poses in a nude modeling studio to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

**“Nudity”** or **“state of nudity”** means the showing or display of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered genitals in a discernable turgid state.

**“Operate an adult business”** means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult business or activities within an adult business.

**“Operator of an adult business”** means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed business.

**“Private viewing area”** means an area or areas in a sexually-oriented business designed to accommodate no more than five (5) or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation.

**“Public nudity”** means **“nudity”** or a **“state of nudity”** that occurs in a business open to the public, whether or not a fee is charged for admission to such business.

**“Regular and substantial basis”** means an activity or performance that constitutes more than 25 percent of the total performance time, stock-in-trade, revenue, floor space, advertisement or similar element of the business. For purposes of this definition, revenue shall include gross revenue generated by the business, including revenue received by entertainers and others who work as independent contractors. For purposes of this definition, the floor space devoted to a regulated activity shall include all the area devoted to the activity, including, but not limited to, display area, sales area, performance areas, viewing areas, dressing rooms, and all aisles and pathways between and within such areas.

**“Semi-nude”** means a state of dress in which clothing, including supporting straps or devices, covers no more than the genitals, pubic region, and areolas of the female breast.

**“Specified anatomical areas”** means and includes any of the following:

- i. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola;
- ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered; or
- iii. Any device, costume or covering that simulates any of the body parts included in Subsections 1 or 2 of this definition.

**“Specified sexual activities”** means and includes any of the following:

- i. The fondling or other intentional touching of human genitals for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, female breasts;
- ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral/anal copulation, bestiality, flagellation or torture in the context of a sexual relationship;
- iii. Masturbation, sodomy, oral copulation, coitus or ejaculation of human or animal, actual or simulated;
- iv. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- v. Excretory functions, urination, vaginal or anal irrigation as part of or in connection with any of the activities described in subdivisions 1 through 4 of this definition.

**“Substantial enlargement of an adult business”** means an increase or expansion, over the lifetime of an adult business, of more than ten (10) percent or 100 square feet, whichever is less in the portion of the floor area of the business which is devoted to products, services or entertainment with an emphasis on material depicting, describing or relating to “specified anatomical areas” and/or “specified sexual activities.”

**“Transfer of ownership or control of an adult business”** means and includes any of the following:

- i. The sale, lease, or sublease of the business;

- ii. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- iii. The establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership of control.

**17.152.040 – Landscaping and Water Efficiency Definitions. (RENUMBERED)**

**“Applied water”** means the portion of water supplied by the irrigation system to the landscape.

**“Backflow prevention device”** means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

**“Check valve”** or **“anti-drain valve”** means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

**“Common interest developments”** means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

**“Compost”** means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

**“Conversion factor (0.62)”** means the number that converts acre-inches per acre per year to gallons per square foot per year.

**“Distribution uniformity”** means the measure of the uniformity of irrigation water over a defined area.

**“Ecological restoration project”** means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

**“Effective precipitation”** or **“usable rainfall”** or **“Eppt”** means the portion of total precipitation which becomes available for plant growth.

**“Emitter”** means a drip irrigation emission device that delivers water slowly from the system to the soil.

**“Establishment period of the plants”** means the first year after installing the plant in the landscape or the first two (2) years if irrigation will be terminated after establishment. Typically, most plants are established after one or two (2) years of growth. Native habitat mitigation areas and trees may need three (3) to five (5) years for establishment.

**“Estimated Total Water Use (ETWU)”** means the total water used for the landscape as described in Section 17.74.060 (Water Efficiency – Elements of the Landscape Document Package) of this Title.

**“ET adjustment factor (ETAF)”** means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be

applied to the landscape. The ETAF for a new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

**“Evapotranspiration rate”** means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

**“Flow rate”** means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

**“Flow sensor”** means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

**“Friable”** means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

**“Fuel Modification Plan Guideline”** means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

**“Graywater”** means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Refer to Section 17922.12 of the California Health and Safety Code.

**“Hardscapes”** means any durable material (pervious and non-pervious).

**“Hydrozone”** means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

**“Infiltration rate”** means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

**“Invasive plant species”** means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

**“Irrigation”** shall mean...

**“Automatic irrigation controller”** means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

**“Certified irrigation designer”** means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's Watersense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

**“Certified landscape irrigation auditor”** means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's Watersense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

**“Drip irrigation”** means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**“Irrigation audit”** means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

**“Irrigation efficiency (IE)”** means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of Chapter 17.74 (Water Efficiency) of this Title are 0.75 for overhead spray devices and 0.81 for drip systems.

**“Irrigation survey”** means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

**“Irrigation water use analysis”** means an analysis of water use data based on meter readings and billing data.

**“Low volume irrigation”** means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**“Landscape”** shall mean...

**“Established landscape”** means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two (2) years of growth.

**“Landscape architect”** means a person who holds a license to practice landscape architecture in Section 5615 of the California Business and Professions Code.

**“Landscape area”** means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

**“Landscape contractor”** means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

**“Landscape documentation package”** means the documents required under Section 17.74.040 (Water Efficiency – Compliance with Landscape Documentation Package) of this Title.

**“Landscape project”** means total area of landscape in a project as defined in "landscape area" for the purposes of meeting requirements under Section 17.74.020 (Water Efficiency – Applicability) of this Title.

**“Landscape water meter”** means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

**“Non-residential landscape”** means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

**“Rehabilitated landscape”** means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.74.030 (Water Efficiency – Provisions for New Construction or Rehabilitated Landscapes) of this Title, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet.

**“Residential landscape”** means landscapes surrounding single or multifamily homes.

**“Special Landscape Area” (SLA)** means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

**“Lateral line”** means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

**“Local water purveyor”** means any entity, including a public agency, city, county, or private water company that provides retail water service.

**“Main line”** means the pressurized pipeline that delivers water from the water source to the valve or outlet.

**“Master shut-off valve”** is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

**“Maximum Applied Water Allowance”** (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Chapter 17.74 (Water Efficiency) of this Title. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.  $MAWA = (ET_o) (0.62) [(ETAF \times LA) + (1-ETAF) \times SLA]$

**“Microclimate”** means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

**“Mined-land reclamation projects”** means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

**“Mulch”** means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**“Operating pressure”** means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

**“Overhead sprinkler irrigation systems”** or **“overhead spray irrigation systems”** means systems that deliver water through the air (e.g., spray heads and rotors).

**“Overspray”** means the irrigation water which is delivered beyond the target area.

**“Pervious”** means any surface or material that allows the passage of water through the material and into the underlying soil.

**“Plant factor”** or **“plant water use factor”** is a factor, when multiplied by  $ET_o$ , estimates the amount of water needed by plants. For purposes of Chapter 17.74 (Water Efficiency) of this Title, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in Chapter 17.74 (Water Efficiency) of this Title are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from

academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

**“Rain sensor”** or **“rain sensing shutoff device”** means a component which automatically suspends an irrigation event when it rains.

**“Record drawing”** or **“as-built”** means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

**“Recreational area”** means areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheatres or golf course tees, fairways, roughs, surrounds and greens.

**“Recycled water,” “reclaimed water,”** or **“treated sewage effluent water”** means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

**“Reference evapotranspiration”** or **“ET<sub>o</sub>”** means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated.

**“Regional Water Efficient Landscape Ordinance”** means a local ordinance adopted by two (2) or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

**“Run off”** means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

**“Soil moisture sensing device”** or **“soil moisture sensor”** means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event,

**“Soil texture”** means the classification of soil based on its percentage of sand, silt, and clay.

**“Sprinkler head”** or **“spray head”** means a device which delivers water through a nozzle.

**“Static water pressure”** means the pipeline or municipal water supply pressure when water is not flowing.

**“Station”** means an area served by one valve or by a set of valves that operate simultaneously.

**“Swing joint”** means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

**“Submeter”** means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

**“Turf”** means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses, Bermudagrass, Kikuyugrass, Seashore Paspalum; St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

**“Valve”** means a device used to control the flow of water in the irrigation system.

**“Water conserving plant species”** means a plant species identified as having a very low or low plant factor.

**“Water feature”** means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

**“Watering window”** means the time of day irrigation is allowed.

**“WUCOLS”** means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

**17.152.050 – Public Utilities Definitions. (RENUMBERED)**

**“Public utilities, equipment and improvements”** means any utilities, equipment or improvements owned, operated and/or maintained by (i) the City of El Monte; or (ii) any person whose operation, use and/or maintenance of such utilities, equipment or improvements is regulated by the California Public Utilities Commission and/or the Federal Communications Commission; and/or (iii) any public mass transit authority or joint exercise of powers authority. Subject to the criteria set forth in the preceding sentence and for purposes of illustration, the defined term "public utilities, equipment and improvements" includes, but is not limited to, the following examples:

- i. Street lighting poles;
- ii. Telephone poles and any guy wires and above-ground utility cabinets or structures containing meters, devices and other equipment used in connection with the operation of the telephone lines that are carried by telephone poles;
- iii. Poles, lattice structures and other similar support structures used to carry electrical transmission lines and any guy wires and above-ground utility cabinets or structures containing meters, devices and other equipment used in connection with the operation of the electrical lines that are carried by such poles, lattice structures and other similar support structures;

- iv. Radio transmission towers and lattice structures and any guy wires and above-ground utility cabinets or structures containing equipment used in connection with the operation of such radio transmission towers and lattice structures;
- v. “Wireless facilities,” “wireless telecommunications facilities,” “wireless telecommunications collocation facilities,” “support structures,” “guyed structures,” “lattice towers,” “monopoles,” “antenna,” and “accessory equipment” as all of these terms are defined under this Chapter;
- vi. Poles and other support structures for traffic signals, traffic control devices and other like equipment as well as above-ground cabinets containing meters, devices and other equipment used in connection with the operation of such traffic signals traffic control devices and other like equipment;
- vii. Traffic control and/or directional signage, including, but not limited to, stop signs, no parking or restricted parking signs, pedestrian crossing signs, speed limit signs, yield signs, road closed signs, detour signs, school zone signs and the like, and any poles used to display such traffic control or directional signage;
- viii. Name signs and support poles for highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles and courts and also inclusive of “major arterials,” “secondary arterials,” “collectors,” and “local streets” as the same are defined and described under the 2011 General Plan for the City of El Monte;
- ix. Bus stop signs and poles used to support such signage, bus stop shelters and bus stop benches and chairs;
- x. Above-ground irrigation equipment, groundwater treatment and reinjection facilities and equipment, pumps, backflow prevention devices and other similar equipment.

For purposes of further clarification, privately owned light standards and lamp posts located on privately owned real property (e.g., to illuminate parking lot areas on private property) which are not owned, operated and/or maintained by the City of El Monte or any of the other varieties of entities identified above, do not constitute “public utilities, equipment and improvements.”

**17.152.060 – Signage Definitions. (RENUMBERED)**

**“Abandoned sign”** means any sign remaining in place or not maintained for a period of 90 days which no longer identifies an ongoing business, product, or service available on the property where the display is located.

**“Awning or canopy sign”** means a sign which is painted, sewn, stained, etc., onto the exterior surface of an awning or canopy and which does not extend beyond the edge(s) of said awning or canopy.

**“Balloon sign”** means a lighter than air or gas-filled balloon or similarly inflated device tethered to a fixed location which may or may not include text or graphics.

**“Banner sign”** means a cloth, paper or fabric sign suspended from a building, structure, light standard, or utility pole.

**“Billboard”** means a sign, signboard, or outdoor advertising display, as defined in the California Outdoor Advertising Act, including electronic or digital billboards, which is used for advertising purposes or display purposes, except advertising displays used exclusively: (i) to advertise the sale or lease of the property upon which such advertising displays are to be placed; (ii) to designate the name of the owner or the occupant of the premises upon which such advertising display is placed or to identify such premises; or (iii) to advertise good manufactured, produced, or for sale or services rendered on the property upon which such advertising is placed.

**“Cabinet Sign”** or **“Can Sign”** or **“Box Sign,”** means a sign structure comprised of a frame and face or faces and mounted on a wall. The signs are usually, but not always, internally illuminated.

**“Changeable copy sign”** means a sign in which a percentage of the sign area is designed to be used with removable graphics to allow the changing of copy, including but not limited to electronic message centers.

**“Channel letters”** means individual three (3) dimensional letters or figures, with an open back or front, which may or may not be illuminated.

**“Construction sign”** means a temporary sign erected on the site where the construction is taking place, during the period of such construction, indicating the name of individuals or firms having a role or interest in such project.

**“Development project sign”** means a temporary sign identifying a proposed development project or one under construction, and which is located on the site of the project.

**“Directional sign”** means an on-site sign limited to directional messages of a non-advertising nature: such as, address, “one way,” “exit,” and “entrance.”

**“Directory sign”** means a freestanding or wall sign which vertically lists the names of all business tenants in a multitenant building or shopping center.

**“Eave sign”** or **“overhang sign”** means a sign applied to the face of a building facade eave or overhang, parallel to the subject facade and not extending above the building roof line.

**“Election sign”** means a sign that advertises a candidate for public office, a proposition or other issue to be voted on by the electorate.

**“Electronic”** or **“digital billboard”** shall mean a billboard utilizing digital message technology, capable of changing the static message or copy on the sign electronically or wirelessly via computer. This includes, without limitation, billboards also known as electronic billboards or LED billboards.

**“Fence sign”** means a sign which is mounted on a fence or wall other than a building wall.

**“Fin sign”** means a sign applied to or constructed as part of a vertical architectural element integral to the design and construction of a building facade.

**“Flag”** means any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

**“Flashing sign”** means an illuminated sign which exhibits changing light or color effects by any means so as to provide a nonconstant level of illumination. Flashing signs include but are not limited to animated, blinking, and scintillating signs. However, changeable copy signs are excluded.

**“Freestanding sign”** means a sign permanently affixed to the ground by poles, pylons, braces or similar supporting structures and which is not a part of or attached to any building. Freestanding signs include monument signs, pole signs, and other similar signs.

**“Garage sale sign”** and **“yard sale sign”** means any temporary sign advertising a garage sale within the meaning of Chapter 5.44 (Business Licenses and Regulations – Garage Sales) of the EMMC.

**“Government sign”** means a sign erected, installed, owned and maintained by a governmental agency, including but not limited to, a municipality, a county, the State of California, a joint exercise of powers authority or a school district and which is installed in the discharge of a governmental function and/or regulation. Examples of government signs that may be erected, installed, owned and maintained by a municipality and/or a county in the discharge of a governmental function and/or regulation, include, but are not limited to:

- i. Traffic control and/or directional signage such as stop signs, no parking or restricted parking signs, pedestrian crossing signs, speed limit signs, yield signs, road closed signs, detour signs, school zone signs or signs warning motorists of the presence of children and the like;
- ii. Name signs for highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles and courts and also inclusive of “major arterials,” “secondary arterials,” “collectors” and “local streets” as the same are defined and described under the 2011 General Plan for the City of El Monte; and
- iii. Signs advertising governmental agency sponsored events or activities or which identify governmental buildings or facilities, including parking facilities. Examples of government signs that may be erected, installed and maintained by a joint exercise of powers authority, include, but are not limited to bus stop signs.

Other examples of government signs include, but are not limited to, any informational signage, cautionary signage or emergency signage affixed to any public utilities, equipment and improvements by regulatory mandate of any governmental agency having approval authority over the construction and installation of the public utilities, equipment and improvements or any government agency having regulatory oversight over the ongoing use, operation and maintenance of such public utilities, equipment and improvements.

**“Illuminated sign”** means a sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs and reflectorized, glowing, radiating or solar powered signs.

**“Inanimate sign”** means any sign that is not displayed by being continuously held by or otherwise attached to a natural person.

**“Legal nonconforming sign”** means a sign which was legally installed in conformance with ordinances in effect at the time the sign was installed, but which is in conflict with a subsequently adopted ordinance.

**“Logo”** means a trademark identifying the business or service provided and which may be all or part of a sign.

**“Marquee”** means a permanent, projecting structure attached to and supported by a building wall, which may project over a public right-of-way.

**“Master sign plan”** means a coordinated program of signage for new or existing commercial, office or industrial centers, complexes, or parks which contain more than two (2) business establishment or tenant, or specifically identified as requiring a master sign plan per Section 17.80.050 (Signage Regulations – General Procedures) of this Title.

**“Moving sign”** means any sign or device which has any visible moving or revolving part or visible mechanical or non-mechanical movement.

**“Nameplate”** means a nonelectric on-premises identification sign which contains only the name and/or address of an occupant or group of occupants of a property.

**“Off-site sign”** means a sign identifying and/or advertising a business, service, use, product, trade show, dance event, social function, entertainment event, entertainment venue, sporting event, sporting venue, real property rental or real property sale that is not offered or held on the property or site where the sign is displayed.

**“On-site sign”** means a sign identifying and/or advertising a business, service, use, product, trade show, dance event, social function, entertainment event, entertainment venue, sporting event, sporting venue, real property rental or real property sale that is offered or held on the property or site where the sign is displayed.

**“Outdoor advertising structure”** means a structure of any kind or character, including a billboard or digital billboard, erected or maintained by a state-licensed outdoor advertising company for outdoor advertising purposes, upon which any poster, bill, printing, painting, picture, statuary, symbol, or other advertisement of any kind whatsoever may be placed and, which:

- i. Solicits public support or directs public attention to the sale, lease, hiring, or use of any objects, products, or services not produced, sold or otherwise available on the premises where such advertising sign is erected and maintained; or
- ii. Contains a visual message to the general public concerning candidates for public office, matters relating to elections, public service announcements or is placed by a public service agency for the purpose of fulfilling its public service mission.

**“Painted sign”** means a sign which is painted directly onto a building facade.

**“Pennant”** means devices generally made of flexible materials, such as cloth, paper, plastic, or vinyl which may or may not contain copy and which are primarily intended to draw attention.

**“Political sign”** means a sign advocating any political idea or message that is not voted on by the electorate.

**“Portable sign”** means a sign not permanently affixed to a building, structure or the ground.

**“Primary street”** is the greater of two (2) streets as defined in the 2011 El Monte General Plan, master plan of roadways. Where two (2) streets of the same classification intersect, the primary street shall be the street with the greatest property frontage.

**“Projecting sign”** means a sign which is attached to and projects from, a structure or building facade, with the display surface of the sign possessing a plane not parallel to the building facade or structure to which it is attached.

**“Real-estate sign”** means a sign pertaining to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.

**“Roof sign”** means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and any portion of which projects above the highest point of the roof line or main parapet of a flat roofed building.

**“Sign”** means any object, device, display or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business, project, service, event, or location by any means including but not limited to words, letters, graphics, figures, design symbols, fixtures, colors, illumination, or projected images.

**“Sign area”** means the entire area of a sign if enclosed by a frame, trim or outline or the area within a single, continuous perimeter enclosing the extreme limits of the sign copy.

**“Sign copy”** means any words, letters, graphics, numbers, text, figures, logos or other symbolic representation incorporated into a sign.

**“Sign face”** means the area of display used for a sign.

**“Sign structure”** means any edifice or framework which supports or is capable of supporting a sign.

**“Temporary sign”** means a sign structure or device used for the public display of visual messages or images, which is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long term or permanent display due to the lightweight or flimsy construction materials. The lightweight and/or flimsy construction materials typically used for temporary signs include, but are not necessarily limited to, vinyl, paper, cloth or fabric, polyboard, coroplast, corrugated plastic, poster board, plastic core, cardboard, wood and plywood. For purposes of illustration, "temporary signs" include, but are not limited to, the following types of signs: placards, lawn signs, yard signs, bandit signs, snipe signs, roadside signs, banner signs, paper flyers and handbills and posters.

**“Total sign area”** means the combined area of each permanent sign located on the premises.

**“Wall sign”** means a sign which is mounted flush and affixed securely to a building wall, projecting no more than 18 inches from said wall and not extending sideways beyond the building face or above the highest line of the building wall to which it is attached.

**“Window sign”** means any sign which is painted, posted, or displayed on an exterior translucent or transparent surface including windows and doors, either permanently or temporarily, or which is placed within five (5) feet of the face of any window or door and is intended to be viewed from the outside or is oriented to the exterior of the building.

**17.152.070 – Wireless Definitions. (RENUMBERED)**

Phrases, terms and words used in Chapters 17.90 (Wireless – New and Substantially Changed) and 17.92 (Wireless – Eligible Facilities Request (6409)) of this Title that are not defined in this Section shall have the meanings assigned to them in 47 U.S.C. § 153.

**“Base station”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the state or local government, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

**“Collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC's definition effectively means "to add" and does not necessarily refer to more than one wireless facility installed at a single site.

**“Concealed”** or **“concealment”** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (i) facade or rooftop mounted pop-out screen boxes; (ii) antennas mounted within a radome above a streetlight; (iii) equipment cabinets in the public

rights-of-way painted or wrapped to match the background; and (iv) an isolated or standalone faux-tree.

**“CPCN”** means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 et seq., as may be amended.

**“CPUC”** means the “California Public Utilities Commission” established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

**“Eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

**“Eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as any tower or base station as defined in 47 C.F.R. § 1.40001(b), provided that it is existing at the time the relevant application is filed with the State or local government under 47 C.F.R. § 1.40001.

**“Existing”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

**“FCC”** means the Federal Communications Commission or its duly appointed successor agency.

**“FCC Shot Clock”** means the reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.

**“OTARD”** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 et seq., as may be amended, and which includes satellite television dishes not greater than one meter in diameter.

**“Personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

**“Personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.

**“RF”** means radio frequency or electromagnetic waves generally between thirty (30) kHz and 300 GHz in the electromagnetic spectrum range.

**“Routine maintenance and repair”** means work performed solely to maintain or repair the existing transmission equipment approved in accordance with the regulatory approvals or permits required at the time the subject wireless facility was constructed or modified. As an

illustration, routine maintenance and repair includes fixing the internal components of damaged, inoperable or malfunctioning transmission equipment or replacing such equipment with new equipment of the same make, model and size of the equipment being replaced. Maintenance or repair that involves adding any new transmission equipment, increasing the size or dimensions of any existing transmission equipment, or implementing technology upgrades shall not be considered routine.

**“Section 6409”** means Section 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.

**“Site”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

**“Stealth”** means concealment techniques that completely screen all transmission equipment from public view and integrate the transmission equipment with the surrounding natural and/or built environment such that, given the particular context, the average, untrained observer does not recognize the existence of the wireless facility or concealment technique. These facilities are so integrated and well-hidden that the average, untrained observer would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (i) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (ii) new architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials. Architectural features commonly used as stealth concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs, water tanks and flagpoles. Further, whether a wireless facility qualifies as a stealth facility depends on the context that exists at a given location and is evaluated on a case-by-case basis.

**“Substantial change”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC's criteria and thresholds for a substantial change according to the wireless facility type and location.

- i. For towers outside the public rights-of-way, a substantial change occurs when:
  - a. The proposed collocation or modification increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet (whichever is greater);
  - b. The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower

- by more than 20 feet or more than the width of the tower structure at the level of the appurtenance (whichever is greater);
- c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four (4); or
  - d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
- ii. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
- a. The proposed collocation or modification increases the height of the structure by more than ten (10) percent or more than ten (10) feet (whichever is greater); or
  - b. The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
  - c. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or
  - d. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are more than ten (10) percent larger in height or volume than any other ground cabinets associated with the structure; or
  - e. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- iii. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- a. The proposed collocation or modification would defeat the existing concealment elements of the support structure; or
  - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in 47 C.F.R. § 1.40001 (b)(7)(i)-(iv).

**“Telecommunications facilities”** means one of the following technical terms and phrases listed in Chapters 17.90 (Wireless – New and Substantially Changed) and 17.92 (Wireless – Eligible Facilities Request (6409)) of this Title:

**“Accessory antenna array”** means an antenna array that is mounted on an existing building and is intended to provide wireless telecommunications services solely for the occupants of that building.

**“Antenna array”** or **“wireless telecommunications antenna array”** means one (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (dish), but excluding any support structure.

**“Co-location”** means the use of a common wireless telecommunications antenna facility, or a common site, by two (2) or more providers of wireless telecommunications services, or by one (1) provider of wireless telecommunications services, or by one (1) provider of wireless telecommunications services for more than one (1) type of telecommunications technology.

**“Satellite earth station antenna”** means any antenna in any zoning district:

- i. That is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
- ii. Where commercial or industrial uses are generally permitted, that is two meters or less in diameter;
- iii. That is designed to receive programming services by means of multi-point distribution services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and
- iv. That is designed to receive television broadcast signals.

**“Support Structures”** means a freestanding structure designed and constructed to support an antenna array and that may consist of a monopole, a self-supporting lattice tower, a guy-wire support tower, or other similar structure.

**“Wireless telecommunications antenna facilities”** means an unstaffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility to house accessory equipment, which may include cabinets, pedestals, shelters, and similar protective structures.

**“Wireless telecommunications antenna facilities, minor”** means a wireless telecommunications antenna facility that is designed to be building-mounted, or co-located on an existing structure with the facilities or other wireless communications service providers.

**“Wireless telecommunications antenna facilities, major”** means a wireless telecommunications antenna facility that is designed as a freestanding structure.

**“Wireless telecommunications antenna facilities, co-located (SCL)”** means a wireless telecommunications antenna facility that is placed on, or immediately

adjacent to, an existing wireless telecommunications antenna facility that satisfies the requirements of Section 65850.6(a) of the California Government Code.

**“Wireless telecommunications or communications services”** means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.

**“Temporary wireless facilities”** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels (“COWs”), sites-on-wheels (“SOWs”), cells-on-light-trucks (“COLTs”) or other similarly portable wireless facilities not permanently affixed to site on which is located.

**“Tower”** means the same as defined by the FCC in 47 C.F.R. § 1.40001 (b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

**“Transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**“Wireless”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

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# El Monte Gateway Specific Plan

El Monte,  
California

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# EL MONTE GATEWAY SPECIFIC PLAN

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## **1.0 EXECUTIVE SUMMARY**

The El Monte Gateway Specific Plan is a comprehensive policy and regulatory guidance document for the private use and development of all properties within the El Monte Gateway Specific Plan area. By providing the necessary regulatory and design guidance, the Specific Plan ensures that future development of lands within the El Monte Gateway Specific Plan area (both privately owned lands as well as publicly owned lands which are approved for private use and development) implements the City of El Monte's comprehensive community development goals for the Specific Plan area. This Specific Plan is a community-based plan, developed with extensive input from community members, appointed/elected officials, business and private property owners and public agencies which currently own and control substantial portions of the lands included in the Specific Plan area.

The El Monte Gateway Specific Plan area is a unique opportunity to establish a vibrant, mixed-used urban activity center for the City of El Monte. The City of El Monte seeks to capitalize on recent development interest in the downtown core area, including the existing commercial core and its environment. The Specific Plan provides the opportunity to contribute to the City's overall vision for the downtown area.

The El Monte Gateway Specific Plan provides the City's official land use policy for the project area. Through the establishment of comprehensive land use regulations and design guidance, the Specific Plan will ensure future private development projects fulfill the spirit and intent of the Specific Plan and that future expansion of public transit uses within the Specific Plan are consistent with comprehensive community development goals.

The Specific Plan and Environmental Impact Report certified as part of the adoption of the Specific Plan incorporate data and technical analysis related to the potential impacts associated with the build-out of the Specific Plan area. As a public improvements plan, the Specific Plan anticipates the potential impacts of new development and identifies a full range of infrastructure improvements necessary to carry out the plan. Additionally, the Specific Plan identifies the required discretionary review procedures for subsequent implementation of the Specific Plan.

Since the Specific Plan was first adopted, several projects have been completed. The El Monte Bus Station was rebuilt and replaced with a facility nearly twice in size, the City's Public Work's Yard was relocated to a new facility on Arden Avenue, the 133 affordable housing Exchange at Gateway project was constructed, a new loop roadway was constructed and the mixed-use Parcel 4 with 25,000 square feet of ground floor commercial and 208 upper floor residential units began construction.



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## EXECUTIVE SUMMARY

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## 2.0 INTRODUCTION

### 2.1 PROJECT INTRODUCTION

The El Monte Gateway is envisioned as a regionally significant, mixed use community that integrates public transit, residential, retail, commercial, recreational and entertainment uses. ~~Located entirely within the redevelopment project area of the Downtown El Monte Redevelopment Project.~~ The El Monte Gateway is located in the west-central portion of the City of El Monte and encompasses approximately 60.15 acres. The El Monte Gateway includes properties owned by the City of El Monte, the State Department of Transportation (Caltrans), the Los Angeles County Metropolitan Transit Agency (METRO) and a private developer.

**The Project as a Model for Transit Oriented Development** – The El Monte Gateway is based upon design principles embodied in the concept of TOD. This concept involves the creation of compact, mixed, pedestrian-friendly development in close proximity to mass transit facilities. Density, transit accessibility and the pedestrian orientation features are the core components of this concept. The TOD approach is a land use strategy utilized to stimulate transit usage, to utilize green building concepts and to reduce traffic generation. The ultimate effects of these strategies are reduced traffic congestion, reduced energy consumption and reduced area and mobile source air pollutant emissions. Both land use and demand-side strategies are issues currently being addressed in reducing the country's greenhouse gas emission, one-third of which are from vehicular sources. Other ancillary effects of this development approach include reduce household transportation expenses, greater efficiency of land use through reduced parking requirements, increases in transit choices, strengthening of core downtown uses and the commercial core of the community, and more efficient use of existing urban infrastructure.

**Sustainable Design** – The area will be designed to integrate the principles of sustainable design throughout all aspects of the project. The green methodologies that will be utilized incorporate sustainable site design, optimizing energy use, conservation of water, natural resource conservation through appropriate use and reuse of materials as well as waste management, and protection of indoor air quality. The current criteria used for evaluating the effectiveness of sustainable facility design is the LEED (Leadership in Energy and Environmental Design) certification system managed by the U.S. Green Building Council. The El Monte Gateway Specific Plan embraces sustainable design as an integral component to successful implementation.

**Improvement of Urban Open Space and Recreational Experience** – The project will include reconfiguration of the existing parkland, improvements and additions to the existing recreational opportunities improved access to and visibility of public parklands, rehabilitation of existing historic resources, implementation of the Emerald Necklace concepts along the Rio Hondo River adjacent to the site, the integration of a pedestrian/trail system throughout the development and the establishment of pedestrian connections to adjacent commercial and residential areas.

**Improve Connectivity** – The METRO El Monte Transit Center stands as an isolated island just west of Downtown El Monte, with poor pedestrian connections to surrounding residential and commercial areas. As a result, utilization of mass transit is not as high as would normally be expected given the extensive transit resources and system connections available. The proper redevelopment of the Gateway site has potential to reconnect the various sections of El Monte, generating new economic activity and increasing bus ridership. If successful, the project could stimulate additional infrastructure investments, such as an underpass connection to the Transit Center to the Flair Park business center located south of Interstate 10 and pedestrian bridges connecting the ~~Valley Mall~~ **Main Street** to the east, that create even more connections to support Downtown El Monte.

**Increase in Housing Supply** – This project will provide badly needed housing in a region of severe overcrowding and extremely high housing costs. The Gateway Specific Plan will have a mix of housing types and sizes, designed to accommodate the needs of a diverse population. Of the 1,850 dwelling unit proposed, approximately 80% for sale and 20% will be rental. ~~Because the site is located within the boundaries of the Downtown El Monte Project Redevelopment Area, a goal has been established to make 15% of the units affordable to low and moderate income households.~~

**Creation of New Jobs for the Community** – The mixed use nature of this project means that it will create significant employment opportunities for the residents of El Monte, both during and after completion of construction. There will be a broad range of occupational opportunities, from hourly retail, to service, to clerical and professional. The area will establish strategic alliances with the Rosemead-El Monte Adult School, the Rio Hondo Community College, the Workforce Improvement Board, and other service providers to identify job opportunities and recruit local residents into job training programs designed to qualify participants for the jobs that the project will create. An estimated 3,000+ jobs are forecast to be created at this location based on the proposed retail commercial and office professional space forecast to be constructed at the area.

**Establishment of a Regional Education Center** – The project will contain a number of features designed to establish the area as a regional learning center. The project will include a child development center, a conference center adjacent to the hotel, and other facilities designed to provide lifetime learning opportunities to residents of the area as well as the larger community. In addition to the strategic alliances established to support job training programs, the area will include satellite classroom space for use by community colleges, Cal State Los Angeles, and other public educational institutions.

**Satisfaction of Other Community Needs** – There is considerable dissatisfaction in the local community about the lack of choices in retail and restaurants as well as the absence of a full-service grocery store. The mixed use retail component of the Gateway will fill this gap. Another concern frequently expressed is the lack of public gathering places. The Gateway will provide a number of outdoor plazas and town centers, **create a conference center adjacent to the hotel and create a new community building in Pioneer Park. replace the existing "log cabin" in Pioneer Park that is used by many community organizations with a new community building and create a conference center adjacent to the hotel.**

**Building the Emerald Necklace** – The project will implement the concepts contained within the Emerald Necklace plan, a 17-mile river parkway corridor extending along the Rio Hondo and San Gabriel Rivers. A linear corridor within the project site fronting the Rio Hondo River will be landscaped and operated consistent with the Emerald Necklace landscape, operation and maintenance guidelines. The project will provide public access to the river at various points and include a designated regional access entry. The project will function as a major active recreational and commercial focal point along the Emerald Necklace parkway.

## 2.2 PURPOSE AND INTENT

To provide a regulatory ‘bridge’ between the City of El Monte’s General Plan and project level development within the Specific Plan area, the El Monte Gateway Specific Plan provides a comprehensive set of plans, design guidelines, regulatory standards, and administrative and implementation programs. This document is designed to provide for and encourage high-quality development within the Specific Plan area, to include residential, mixed use, entertainment, recreational, open space and commercial uses.

The El Monte Gateway Specific Plan is not intended to be an inflexible document; rather it has been developed to provide as much flexibility as allowed by State law and by local ordinance. It should also be noted that this Specific Plan may be amended over time to reflect the City of El Monte’s most current vision for this vital downtown area.

## 2.3 ORGANIZATION OF THE SPECIFIC PLAN

The El Monte Gateway Specific Plan is organized into the following chapters:

### **Chapter 1 - Executive Summary**

This chapter provides a broad overview of the El Monte Gateway Specific Plan, as well as a historical overview of the project.

### **Chapter 2 - Introduction**

This chapter provides an overview of the Specific Plan’s main components, provides a project description, and states the intent and purpose of the Plan. This chapter also describes the scope and authority of the Plan and addresses the Specific Plan’s compliance with the California Environmental Quality Act, or CEQA.

**Chapter 3 - Planning Framework**

This chapter describes the policy foundation for the El Monte Gateway Specific Plan, including Public Outreach Activities, Guiding Principles and Specific Plan Objectives related to the development and implementation of this Specific Plan.

**Chapter 4 - Development Plan**

This chapter establishes the overall land use concept, describes the various districts within the Specific Plan area, and provides the necessary infrastructure plans, including the circulation, water, sewer, and storm drain plans.

**Chapter 5 - Design Guidelines**

This chapter identifies both the overarching themes for the architectural and urban design of the El Monte Gateway, as well as distinct design programs for the project's separate districts.

**Chapter 6 - Land Use and Development Regulations**

This chapter establishes the land use designations and regulations for the El Monte Gateway. The land use and development standards within this chapter serve as the legal zoning for the Specific Plan area.

**Chapter 7 - Implementation and Administration**

This chapter provides requirements for development review and administration of the El Monte Gateway Specific Plan, including amendment procedures, an estimate of improvement costs, and implementation priorities.

**Chapter 8 - Appendices**

This chapter provides background material related to the Specific Plan process, including an analysis of General Plan consistency and technical studies.

**2.4 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

The El Monte Gateway Specific Plan is a discretionary project and is subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to State and local CEQA Guidelines, an Environmental Impact Report addressing the impacts associated with development of the El Monte Gateway must be considered and certified by the City of El Monte prior to approval of the Specific Plan.

**2.5 AUTHORITY AND SCOPE OF THE SPECIFIC PLAN**

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) grants the City of El Monte the authority adopt a specific plan by ordinance (as a regulatory plan) or resolution (a policy driven plan). This Specific Plan is both a regulatory and policy document, providing land use guidance adopted by ordinance and design guidance adopted by resolution.

The Specific Plan has been developed consistent with the provisions of the Transit Village Development Act of 1994, in compliance with Section 65460-65460.10 of the California Government Code. Both METRO and CalTrans have recognized that the City's adoption of the Specific Plan will allow continued use of their activities on parcels currently under their ownership. Future development activity within these sites will require subsequent regulatory and discretionary review in consultation with the City of El Monte.

As a regulatory plan, this document serves as zoning law for the land within the Specific Plan area. Development plans, site plans, and tentative tract and parcel maps for mixed use development must be consistent with both this El Monte Gateway Specific Plan and the El Monte General Plan. The scope of subjects covered in this Specific Plan includes land use, infrastructure, development standards, design guidelines and implementation measures, and meets the minimum requirements of a specific plan, as established by California Government Code, in addition to the requirements of Chapter 17.130 (Specific Plans) of the City of El Monte Municipal Code (EMMC). ~~the Specific Plan enabling ordinance in City of El Monte Municipal Code Section 17.67.010, et. seq.~~

## 2.6 REQUIREMENTS OF THE SPECIFIC PLAN

Specific Plans are required by California Government Code to meet a minimum set of requirements that includes text and diagrams that specify all of the following in detail:

- The distribution, location, and extent of the uses of land, including open space, within the Specific Plan Area.
- The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the Specific Plan Area and which are needed to support the land uses described in the Plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, public works projects, and financing measures necessary to carry out the project.
- A statement of the relationship of the Specific Plan to the General Plan.

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### 3.0 PLANNING FRAMEWORK

Development of the El Monte Gateway Specific Plan has been influenced through extensive public outreach activities and is reflected in the policy framework described in this chapter. The Guiding Principles and Specific Plan Objectives discussed herein form the foundation of the Specific Plan’s land use plan, development standards, design guidelines, and other provisions.

#### 3.1 COMMUNITY OUTREACH AND PUBLIC INPUT

To develop a Specific Plan policy framework grounded in a community vision and endorsed by residents, public officials, and other stakeholders, an extensive community outreach program was undertaken. This provided an opportunity for residents, property and business owners, and policy makers to involve themselves in the planning, design and public hearings of the El Monte Gateway Specific Plan. The conducting of various meetings, workshops, study groups, presentation, briefings and community events assisted in the development of the policy framework. The following community outreach activities were held throughout the Specific Plan development process:

**Community Outreach Activities**

Outreach Activity	Outreach Activity Description
1One-on-One Meetings	Meetings with community leaders
2Focus Group Meetings	Topic-related meetings with community members
3Charrette	
4Elected Official Briefings	Project briefings with elected officials
5Group Presentations	Presentations to community/civic /business groups
6Community Events/Festivals	Presentations at community events
7Community Barbecues	Neighborhood barbecues/meetings in five (5) adjacent neighborhoods
8Newsletters	Mail distributed to residents

#### 3.2 SPECIFIC PLAN POLICY FRAMEWORK

The Specific Plan Policy Framework provides the primary policy guidance for this document. All future mixed use development and redevelopment within the Specific Plan area shall be consistent with and take guidance from the Guiding Principles and Specific Plan Objectives identified here.

The Policy Framework for the Specific Plan is organized into the following sections:

### Specific Plan Guiding Principles

These provide the broad principles that future development and redevelopment in the Specific Plan area shall implement.

### Specific Plan Objectives

These provide more explicit policy statements that implement the Specific Plan's Guiding Principles.

#### **3.2.1 Specific Plan Guiding Principles**

The following Guiding Principles are intended to serve as a benchmark for the analysis of future proposals and design concepts to determine if they are supportive of the spirit and intent of this Specific Plan. The Guiding Principles most directly provide the foundation for Chapter 4, *Development Plan*, and Chapter 6: Land Use and Development Regulations.

**Guiding Principle 1.0:**

Positively influence the creation of a daytime employment and residential population.

**Guiding Principle 2.0:**

Coordinated land use, urban design, transportation and infrastructure planning.

**Guiding Principle 3.0:**

Strategic implementation of land uses and activities that foster citywide economic development.

**Guiding Principle 4.0:**

Enhanced pedestrian utilization, public mass transit use and HOV vehicular access that foster stronger connections in the downtown area and the regional marketplace.

**Guiding Principle 5.0:**

Preservation, creation and enhancement of public parks and public open space.

**Guiding Principle 6.0:**

Provision of community-accessible social and recreational amenities.

**Guiding Principle 7.0:**

Provision of childcare and educational facilities.

**Guiding Principle 8.0:**

Housing opportunities for persons with a variety of income levels and household compositions.

**Guiding Principle 9.0:**

Provision of more retail and dining choices for residents and business in the community.

**Guiding Principle 10.0:**

Provision of a hotel, conference center and meeting facilities.

**Guiding Principle 11.0:**

Planning, design and development that respects the history and character of El Monte.

**Guiding Principle 12.0:**

A predictable, streamlined discretionary review process that fosters high quality design and development.

**Guiding Principle 13.0:**

A vibrant mixed use environment, providing a complimentary mix of housing, retail, commercial and recreational opportunities.

**Guiding Principle 14.0:**

Implementation of sustainable development principles that encourage the conservation of resources in the natural and man-made environment.

**Guiding Principle 15.0:**

Physical and functional connections with adjacent neighborhoods and commercial centers that foster utilization by the local community.

**3.2.2 Specific Plan Objectives**

The following Specific Plan Objectives are intended to support the goals and policies of the 1991 City of El Monte General Plan, as well as the vision of the community as gathered through the community outreach component of this project. The Specific Plan Objectives are also designed to implement the Specific Plan Guiding Principles identified above, furthering the overall spirit and intent of the Specific Plan. These objectives were reaffirmed as part of the 2011 City of El Monte General Plan update.

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## PLANNING FRAMEWORK

### Land Use Objectives

**Land Use Objective LU-1:**

Establish “village” that create unique character areas within the Specific Plan area.

**Land Use Objective LU-2:**

Establish land use districts that allow for a complimentary mix of land uses.

**Land Use Objective LU-3:**

Establish land use regulations that encourage pedestrian and transit utilization of the Specific Plan area.

**Land Use Objective LU-4:**

Implement flexible land use regulations and discretionary review.

**Land Use Objective LU-5:**

Establish land uses that provide for or enhance connections with existing and future open space, public parks, trails and the Rio Hondo River, consistent with clear, concise land use and design guidance.

### Circulation, Parking and Transportation Objectives

**Circulation/Parking/Transportation Objective CIR-1:**

Provide circulation improvements that improve on-site and adjacent off-site pedestrian mobility, safety and comfort, as well as bicyclist mobility, safety and comfort, wherever possible.

**Circulation/Parking/Transportation Objective CIR-2:**

Mitigate potential circulation impacts of proposed development projects to the greatest extent feasible.

**Circulation/Parking/Transportation Objective CIR-3:**

Coordinate compact, higher density development with the location of existing and/or planned public transportation facilities.

**Circulation/Parking/Transportation Objective CIR-4:**

Provide for flexible parking standards to encourage mixed use and shared use parking facilities.

**Circulation/Parking/Transportation Objective CIR-5:**

Provide for intermodal connectivity for public mass transit to and from the Specific Plan area and enhance community-wide and regional connections.

**Circulation/Parking/Transportation Objective CIR-6:**

Provide for mobility and increased walkability within the Specific Plan area.

**Infrastructure Objectives**

**Infrastructure Objective INF-1:**

Coordinate future Specific Plan area development with City capital improvement programming.

**Infrastructure Objective INF-2:**

Encourage creative, environmentally-sensitive solutions to infrastructure improvements.

**Infrastructure Objective INF-3:**

Coordinate project-level capital improvements with regional agencies, to enhance transit utilization within the Specific Plan area and the region.

**Infrastructure Objective INF-4:**

Ensure the provision of replacement parking for mass transit users in order to satisfy applicable covenants and operating agreements with the appropriate transportation agencies.

**Environmental Objectives**

**Environmental Objective ENV-1:**

Adopt a program-level Environmental Impact Report (EIR) to provide environmental clearance for subsequent development projects within the Specific Plan project area.

**Environmental Objective ENV-2:**

Ensure potential environmental impacts associated with future development are mitigated to the greatest extent feasible.

**Environmental Objective ENV-3:**

Promote and implement the use of sustainability through resource conservation and the use of recycled and reclaimed materials.

**Urban Design Objectives**

**Urban Design Objective UD-1:**

Incorporate site design and architectural design guidance to ensure high quality development.

**Urban Design Objective UD-2:**

Adopt design guidelines to provide design guidance for private development within the Specific Plan area.

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## PLANNING FRAMEWORK

### Implementation and Administration Objectives

#### **Implementation and Administration Objective IMP-1:**

Utilize a program-level EIR as the primary tiering document to streamline environmental review of subsequent development projects.

#### **Implementation and Administration Objective IMP-2:**

Establish a streamlined discretionary review procedure to minimize uncertainty in the project approval process.

#### **Implementation and Administration Objective IMP-3:**

Establish a tiered-review process for discretionary development application review to streamline development review.

#### **Implementation and Administration Objective IMP-4:**

Prepare a comprehensive public and private infrastructure financing plan for improvements, construction and installation of public infrastructure facilities.

## 4.0 DEVELOPMENT PLAN

This Chapter of the El Monte Gateway Specific Plan summarizes the Land Use Plan for the Specific Plan area, including plans for the associated infrastructure improvements necessary for build-out of the project. The Development Plan established here promotes an overall understanding and rationale for what is envisioned in the Plan area, the quality and character of the uses, and the level of services and infrastructure to be provided. The Development Plan also lays the foundation for the design guidelines and development regulations provided in Chapters 5 and 6.

### 4.1 LAND USE PLAN

The Land Use Plan for the El Monte Gateway provides for the development of a vibrant, pedestrian-oriented mixed-use community. The Land Use Plan encourages the integration of a variety of complementary land uses and community-accessible amenities and services to establish the Specific Plan as a key activity node in the El Monte downtown area. A graphic depiction of the Specific Plan area is shown on **Exhibit 4-1: Specific Plan Area** and a summary of anticipated land uses is shown in **Table 4-1: Specific Plan Land Use Summary**.

Organized into four (4) distinct Land Use Sub-Districts, the Land Use Plan allows for a variety of housing, employment, entertainment and commercial opportunities, as well as community, open space and transportation uses that will complement and expand the urban fabric of downtown El Monte, as well as strengthen the citywide economy. At build-out, the El Monte Gateway Specific Plan will serve as a key community activity center and further enhance the City's desire to create a vibrant, mixed-use downtown environment with enhanced connectivity to local neighborhoods and the region, through the Rio Hondo River, METRO and the Emerald Necklace, a system of parks and open space connected along nine (9) cities adjacent to the Rio Hondo River and San Gabriel River.

#### 4.1.1 Land Use Summary

The El Monte Gateway Specific Plan provides for four (4) Land Use Sub-Districts, allowing a variety of land use types. **Table 4-1: Specific Plan Land Use Summary** provides the acreage for each of these Sub-Districts.

## PLANNING FRAMEWORK

Table 4-1  
Specific Plan Land Use Summary

Land Use	Specific Plan Maximum Build Out		
	Dwelling Units (DU)	Square Feet (SF)	Hotel Rooms
Residential Uses	1,850	2,230,330(1)	--
Retail Uses	--	591,000	--
Conference Center	--	42,000	--
Office Uses	--	600,000	--
Theater/Entertainment	--	70,000	--
Hotel Uses	--	75,000 (2)	200
Child Development Center	--	20,000	--
Parks/Open Space		16.15 ac (3)	
<b>Residential Build-Out Maximum</b>	<b>1,850 DU's</b>	<b>2,230,330(1)</b>	<b>--</b>
<b>Non-Residential Build-Out Maximum</b>	<b>--</b>	<b>1,398,000 SF</b>	<b>200</b>
<b>TOTAL</b>	<b>1,850 DU's</b>	<b>3,628,330 SF</b>	<b>200</b>

Notes:

- (1) Estimate of total square footage for 1,850 residential units.
- (2) Estimate of total square footage for 200 room hotel.
- (3) Represents a 1.58 acre net increase from existing acreage.
- (4) The 16.01 acres for public parks include 4.03 acres of paved motor vehicle-access driveways and parking.

Key features of the Land Use Plan include:

- **Four (4) Land Use Sub-Districts**, each with a unique mix of uses and opportunities.
- Enhancement of recreational and passive open space facilities to support walking, biking, and other active recreational activities, as well as the development of riverside dining and drinking establishments, outdoor seating areas, and a bustling pedestrian atmosphere.
- A variety of unique park areas and recreational opportunities.
- Creation of central public gathering spaces.
- Establishment of ground-level storefronts, upper level residential uses and areas for flexible outdoor retail activities.
- Residential development, including apartments and for-sale units, mixed throughout the Specific Plan area.
- Complimentary mix of retail, restaurant, and entertainment uses.

- Inclusion of affordable housing for new residential development, consistent with City of El Monte policies and California Redevelopment Law.
- Office and other non-retail commercial uses.
- Integration of project into emerald necklace and public parkland development.
- Integration of future public mass transit facilities.
- Provision of hotel uses.
- Provision of institutional and educational uses.
- Provision of community facility related uses.

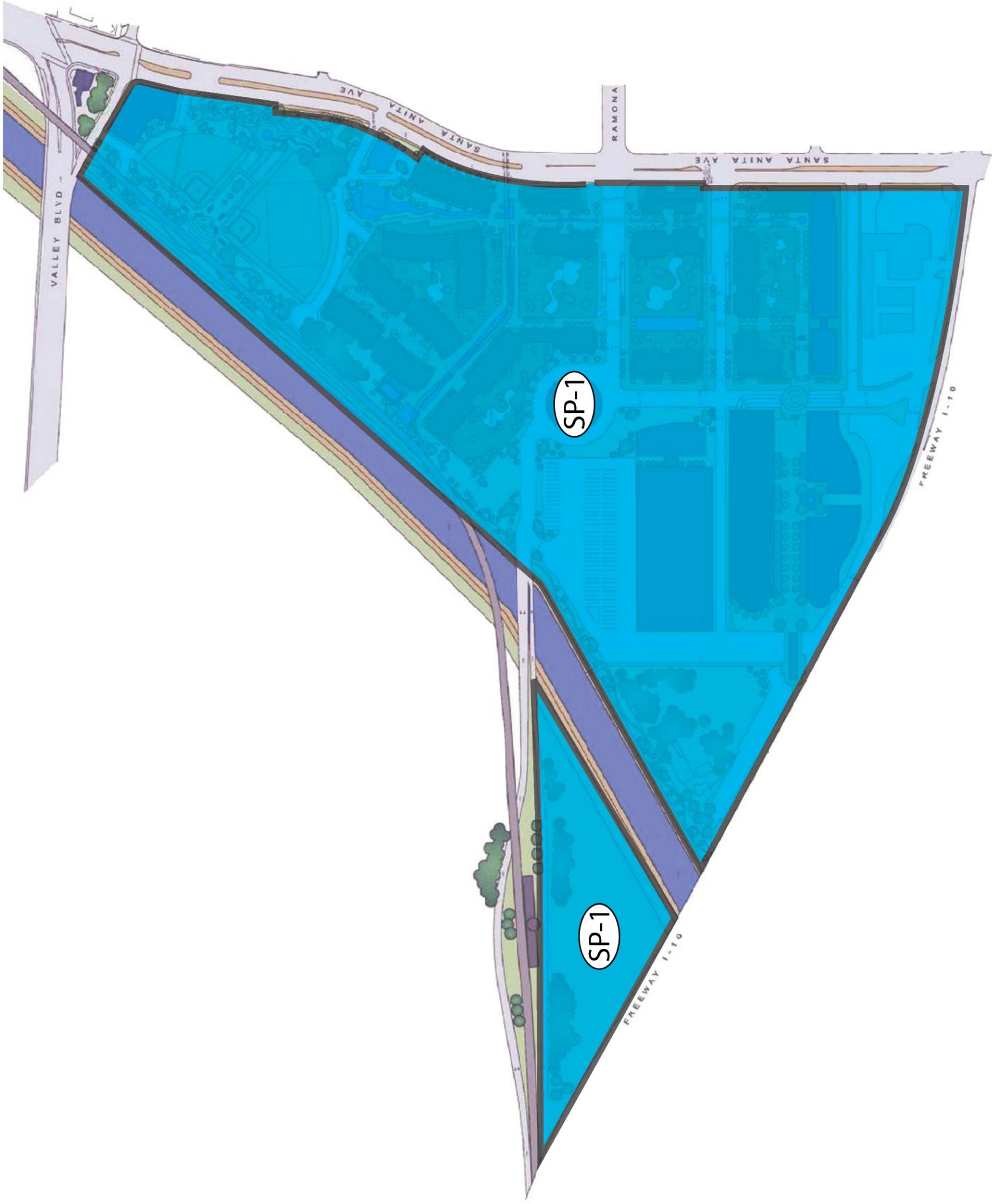
~~The Specific Plan area is situated within the redevelopment project area of the Downtown El Monte Redevelopment Project. California Redevelopment Law mandates that not less than 15% of new residential dwelling units that are developed within the redevelopment project area shall be available at affordable cost to and occupied by persons and families of low or moderate income.~~ Residential development within each sub-district shall include an appropriate mix of rental dwellings and for sale dwelling units, and the development project application for residential improvements within each sub- district shall designate the approximate number of dwelling units which are intended for use and occupancy by persons and families of low and moderate income.

The commencement of improvement of residential dwelling units in each sub-district shall be subject to the separate approval and acceptance by the Redevelopment Agency of a housing affordability regulatory agreement by and between the applicant for the residential improvement project and the Redevelopment Agency which shall govern the final disposition and occupancy of the affordable dwelling units by persons and families of low and moderate income for the housing affordability period applicable to such affordable dwelling units.

Although this Specific Plan designates a single mixed use district with the land use build out maximums identified above, within the district are three (3) villages, which, upon development, will each contain a unique mix of land uses and opportunities.

#### **4.1.2 Specific Plan Land Use Sub-Districts**

*Exhibit 4-2: Specific Plan Sub-Districts* and *Table 4-2: Specific Plan Villages Specific Plan Land Use Sub-District Summary* identifies the distribution of land uses among the five (5) land use sub-districts in the Specific Plan area. A summary of permit requirements for each sub-district and associated village is provided in Chapter 6 of this Specific Plan. *Exhibit 4-2a: Specific Plan Villages* provides a summary of the areas governed by Chapter 5: Design Guidelines.



**Legend**

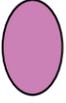
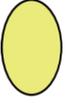
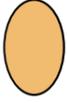
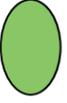
— Specific Plan Area (SP-1)

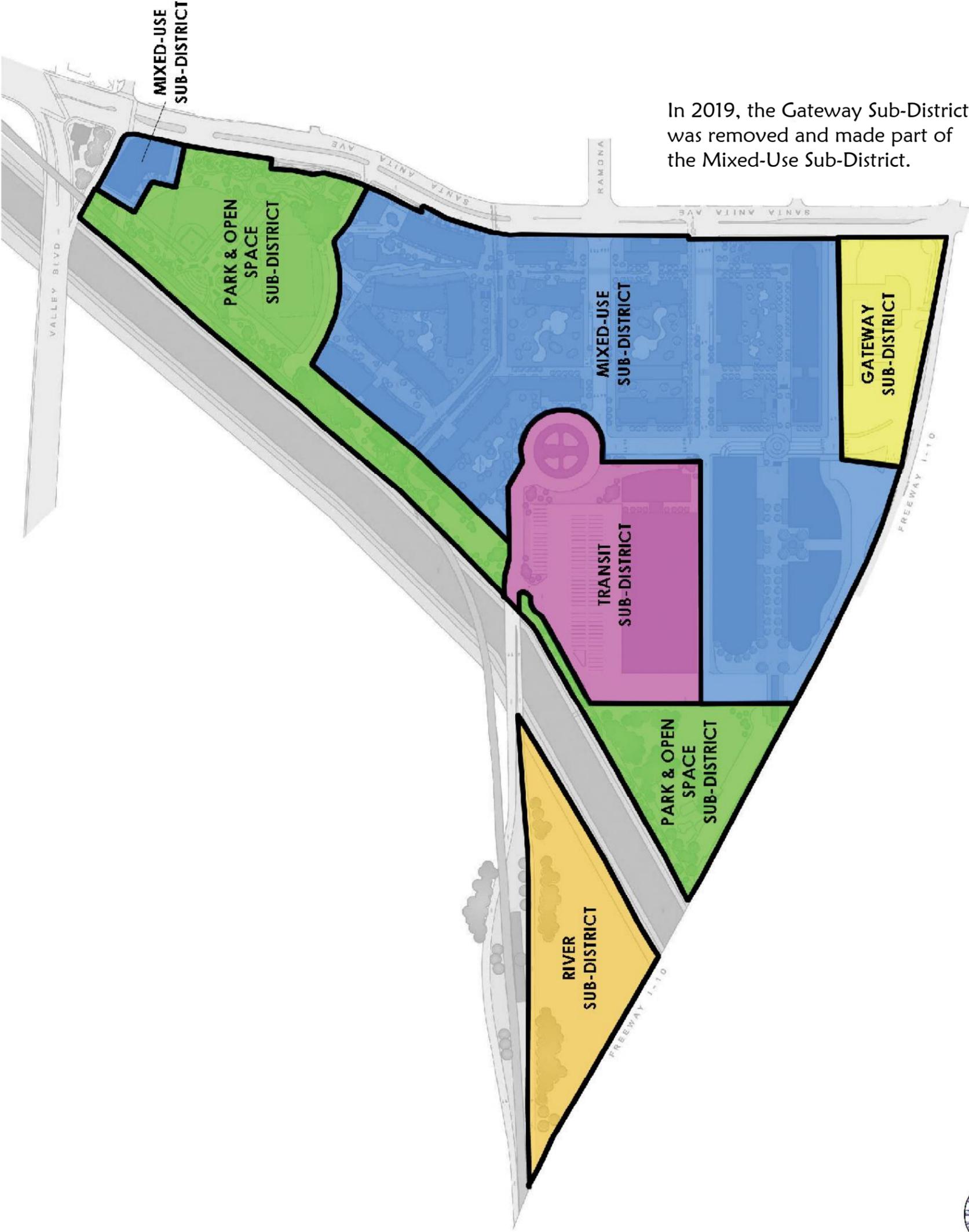
The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



February 2013

**Legend**

-  Mixed Use Sub-District
-  Transit Sub-District
-  Gateway Sub-District
-  River Sub-District
-  Park and Open Space Sub-District

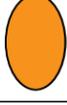
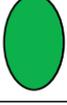
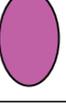


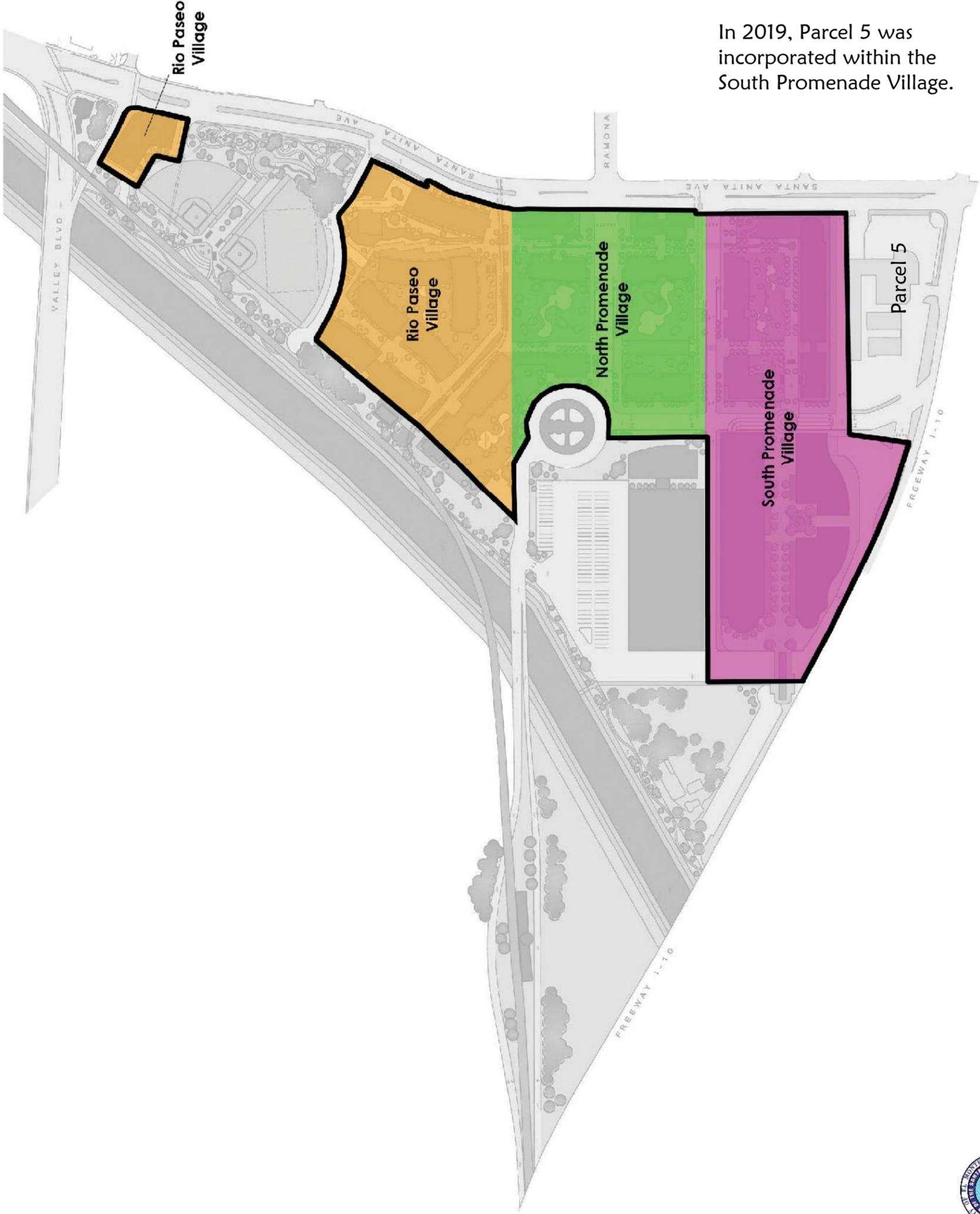
The exact location of the northern boundary line of the Rio Paseo Village and the southern boundary line of the Park/River Village shall be subject to further revision by the City of El Monte prior to the development or redevelopment of any public park and open space facilities in the Specific Plan area.

Location of roadways, facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



**Legend**

-  Rio Paseo Village
-  North Promenade Village
-  South Promenade Village



The exact location of the northern boundary line of the Rio Paseo Village and the southern boundary line of the Park/River Village shall be subject to further revision by the City of El Monte prior to the development or redevelopment of any public park and open space facilities in the Specific Plan area.

Location of roadways, facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



## DEVELOPMENT PLAN

Table 4-2  
Specific Plan Land Use Sub-District Summary

Village Land Use	Specific Plan Build Out				
	Dwelling Units (DU)	Square Feet (SF)	Hotel Rooms	Gross Density (DU/AC)	Gross FAR
<b>Mixed Use Sub-District (EMG-MU)</b>					
<b>35.1 AC</b>					
Residential	1850	2,230,330 <sup>(1)</sup>		60	2.70
Retail		591,000			
Office		600,000			
Entertainment Retail		70,000			
Conference		42,000			
Hotel Uses		75,000 <sup>(2)</sup>	200		
Child Development Center		20,000			
<i>EMTV-MU Subtotal</i>	<b>1850</b>	<b>3,628,330</b>	--		
<b>Park and Open Space District (EMTV-POS) <sup>(3)</sup></b>					
<b>11.47 AC</b>					
<i>EMTV-POS Subtotal</i>	--	--			
<b>Transit Sub-District (EMG-T) <sup>(4)</sup></b>					
<b>8.67 AC</b>					
<i>EMTV-T Subtotal</i>	--	--	--		
<b>River Sub-District (EMG-R) <sup>(4)</sup></b>					
<b>2.18 AC</b>					
<i>EMTV-R Subtotal</i>	--	--	--		
<b>Residential Maximum</b>	<b>1,850</b>	--	--		
<b>Non-Residential Maximum</b>	--	<b>1,398,000</b>	<b>200</b>		

## Notes:

- (1) Estimate of total square footage for 1,850 residential units.
- (2) Estimate of total square footage for a 200 room hotel.
- (3) Does not include Riverside (linear) Park or open spaced owned by LA County.
- (4) Build-out of this Sub-District is estimated not to exceed beyond existing development square footage.

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## DEVELOPMENT PLAN

Each Land Use Sub-District is planned around a variety of creative and functional physical connections that incorporate the unique opportunities of the project site, including the METRO El Monte Transit Center and the Rio Hondo River. The following describes the envisioned land use mix for each of the four (4) Land Use Sub-Districts, as well as their relationship to each other and the surrounding environment.

**A. Mixed Use Sub-District (EMG-MU).**

The Mixed Use Sub-District is intended to provide a complimentary mix of residential, commercial, entertainment and retail uses. Mixed use development is encouraged in vertical and horizontal forms, providing for an interaction between various land use types to encourage pedestrian utilization throughout the Sub-District.

**B. Transit Sub-District (EMG-T).**

The Transit Sub-District is intended to encourage the provision of facilities and services for public transportation. The Transit Sub-District seeks to promote the multi-modal use of transit and further enhance transit utilization within the Specific Plan and surrounding area and provide complimentary facilities and services that improve access and utilization to a variety of transit modes. Future development within the Transit Sub-district is subject to discretionary review and subsequent environmental analysis.

**C. River Sub-District (EMG-R).**

The River Sub-District is intended to provide additional open space opportunities within the Specific Plan area. The sub-district is intended to provide necessary facilities for the periodic collection and detention of stormwater, during peak flow storm events. Future development within the River Sub-district is subject to discretionary review and subsequent environmental analysis.

**D. Park and Open Space Sub-District (EMG-POS).**

The Park and Open Space Sub-District (EMG-POS) is intended to provide active and passive open space and recreational facilities for a variety of users. The EMG-POS Sub-District will provide integrated connections within the Specific Plan area and regional recreational trail system.

## 4.2 CIRCULATION PLAN

The Circulation Plan for the El Monte Gateway identifies improvements necessary to mitigate potentially significant impacts associated with the estimated build-out of the Specific Plan. A comprehensive traffic analysis has been conducted for the Specific Plan EIR, which identified existing traffic conditions, forecasted build-out traffic conditions, and identification of mitigation measures that address significant project-related impacts to the circulation system. The traffic analysis, cost estimates and mitigation measures are provided in the Specific Plan's EIR and associated Appendices.

### 4.2.1 Circulation Strategies

The following mitigation measures are recommended to address project-related significant impacts described above:

#### A. Year 2010 Improvements.

The following improvements are recommended to provide satisfactory 2010 operations:

- ▣ **Santa Anita Avenue and Valley Boulevard** - Construct curb extension to reduce required pedestrian crossing time and adjust signal timing.
- ▣ **Valley Boulevard and Peck Road** - Add a dedicated eastbound (Peck Road) right turn lane, adequately separated from the through lane. Add a third northbound (Peck Road) through lane, which would be received by the I-10 on-ramp west of Valley Boulevard), maintain a separate northbound right turn lane and provide right-turn overlap phasing for this lane.
- ▣ **Santa Anita Avenue and Ramona Boulevard** - Add a second northbound left turn lane. Add a second eastbound left turn lane. Convert shared westbound through/left turn lane to a through lane only and add a second westbound left turn lane. Provide protected left turn phasing for eastbound and westbound approaches.
- ▣ **Santa Anita and MTA Way** - Add a second northbound left turn lane. Add a second eastbound left turn lane. Provide right-turn overlap phasing for eastbound approach.
- ▣ **I-10 Westbound Off-Ramp and Brockway Street** - Install a traffic signal.
- ▣ **Merced Avenue and Santa Anita Avenue** - Add a dedicated westbound right turn lane. Provide protected left turn phasing for northbound and southbound approaches. Provide right-turn overlap phasing for eastbound approach.

## DEVELOPMENT PLAN

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### B. Year 2030 Improvements.

The following improvements are recommended to provide satisfactory 2030 operations:

- ▣ **Santa Anita and Lower Azusa Road** - Add a dedicated westbound right turn lane.
- ▣ **Valley Boulevard and Temple City Boulevard** - Provide protected left turn phasing for eastbound approach.
- ▣ **Santa Anita Avenue and Valley Boulevard** - Construct curb extensions to reduce required pedestrian crossing time and adjust signal timing. Provide “protected/permitted” phasing for the eastbound left turn movement. Convert the dedicated southbound right turn lane to a shared through/right turn lane. Add a third northbound through lane.
- ▣ **Valley Boulevard and Ramona Boulevard** - Add a second northbound left turn lane.
- ▣ **Valley Boulevard and Peck Road** - Add a dedicated eastbound (Peck Road) right turn lane, adequately separated from the through lane, and provide right-turn overlap phasing for this lane. Add a third westbound (Peck road) through lane, which would be received by the I-10 on-ramp west of Valley Boulevard. Maintain a separate westbound right turn lane, and provide right- turn overlap phasing for this lane.
- ▣ **Santa Anita and Ramona Boulevard** - Add a second northbound left turn lane. Add a second eastbound left turn lane. Convert shared westbound through/left turn lane to a through lane only, and add a second westbound left turn lane. Provide protected left turn phasing for eastbound and westbound approaches.
- ▣ **Santa Anita Avenue and MTA Way** - Add a second northbound left turn lane. Add a second eastbound left turn lane. Provide right-turn overlap phasing for eastbound approach.
- ▣ **I-10 Westbound Off Ramp and Brockway Street** - Install a traffic signal.
- ▣ **Merced Avenue and Santa Anita Avenue** - Add a dedicated westbound right turn lane. Provide protected left turn phasing for northbound and southbound approaches. Provide right-turn overlap phasing for eastbound approach.

#### 4.2.2 Transit Facilities Existing Conditions

The El Monte Gateway serves the following several transit providers:

- ▣ *Metropolitan Transportation Authority*
- ▣ *Foothill Transit*
- ▣ *Greyhound Bus Company*
- ▣ *El Monte Transit (the Trolley)*
- ▣ *Norwalk Transit*
- ▣ *Hollywood Bowl Shuttle*

The original El Monte Bus Station was constructed in 1973. The station provided rapid service to Downtown Los Angeles; initial ridership was 12,000 passengers per day. Ridership continued to grow and by 2006 the busway was being used by 40,000 passengers on 1,100 buses per day. In 2012, the station was replaced with a two (2) level terminal nearly twice the size. The METRO El Monte Transit Center featured more bus bays, a large public plaza, a bicycle parking station and customer service office. It is expected that Metropolitan Transportation Authority will enhance and expand the Transit Center and related operations through the anticipated build out of the El Monte Gateway and serve as an integral component of the Specific Plan.

#### 4.2.3 Parking Facilities

Parking within the El Monte Gateway will primarily be served through provision of above and below ground parking structures. First, multi-phase underground parking structures, located within the EMG-MU and EMG-T Sub-Districts will provide up to 8,758 parking spaces, and will be accessible via ingress from Santa Anita Avenue. The total number of parking spaces includes approximately 800 spaces within the EMG-T Sub-District to serve the existing and future needs of the MTA transit facility. Construction of parking facilities is anticipated to occur in phases in conjunction with development applications submitted to the City. The estimated parking spaces provided within each land use sub-district are identified in **Table 4-3: Estimated Parking Summary by Land Use Sub-District**.

Table 4-3  
Estimated Parking Summary by Land Use Sub-District

Land Use Sub-District	Estimated Parking Spaces
EMTV-MU	8,758
EMTV-T	800
EMTV-R	--
<b>Estimated Buildout Parking Spaces</b>	<b>8,758</b>

### 4.3 INFRASTRUCTURE PLAN

The Infrastructure Plan for the El Monte Gateway identifies improvements necessary to adequately serve the estimated build-out of the Specific Plan. A comprehensive analysis of Infrastructure improvements and cost estimates are provided in the Specific Plan's EIR and associated Appendices.

#### 4.3.1 Water Supply Plan

##### A. Existing Water Supply Infrastructure.

Existing potable water infrastructure serving the Specific Plan area includes a 10-inch PVC water main located within Santa Anita Avenue, running northeast along the street and illustrated in **Exhibit 4-3: Existing Potable Water System**. Irrigation lines serving the Specific Plan are also connected to this main Santa Anita Avenue line. These lines are served domestic water from the City of El Monte.

The City of El Monte's potable water supply is provided from five (5) active wells and 1 standby well, with an average operating pumping capacity of 10,500 gallons per minute (gpm). Of only the current active wells, the normal operating capacity is 9,000 (gpm). Additionally, the City has formal agreements with three (3) separate water agencies to provide up to 5,200 gpm of emergency water supply through three (3) emergency interconnections. Under emergency operation, as much as 16,800 gpm can be pumped from all the city's supply sources.

The City of El Monte has adjudicated rights to 3,099 acre-ft per year of water, with a typical demand of only 2,913 acre-ft per year (or 2.6 million gallons per day), leaving the City with a surplus of potable water at the present time and for the immediate future as of 2002 from the city's Water Master Plan.

Current potable water demand for all the parcels within the Specific Plan area is estimated at approximately 14,100 gallons per day, with an additional demand for irrigation water of 17,983 gallons per day, bringing the total potable water demand to 32,083 gallons per day.

##### B. Potable Water Plan Improvements.

Increased potable water demand generated by development of the specific plan was calculated using the water consumption rates identified in **Table 4-4: Water Consumption Rates by Customer Class**. These water consumption rates project an estimated 414,077 gallons per day of domestic water demand, with an estimated irrigation demand of an additional 38,020 gallons per day, totaling proposed water usage of 452,097 gallons per day. Water system improvements area shown in **Exhibit 4-4: Water System Improvements**.



**Legend**

12" Existing Waterline



February 2013

**El Monte Gateway**

Chapter Four

**4-3**

The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.

**Table 4-4  
Water Consumption Rates by Customer Class**

<b>Customer Class</b>	<b>Rate (unit)</b>
Multi-Family Residential	60 gpad
Commercial	2,047 gpad
Industrial	1,742 gpad
Irrigation	2,312 gpad
Parks/Businesses	7 gallons per day per estimated user

In a worst case scenario assumption for water demand where landscaped areas are irrigated with potable water, the additional demand on the City water supply generated by the project would be 420,014 gallons per day, or 470.5 acre-ft per year, as identified in **Table 4-5: Current and Proposed Water Use Comparison**. When added to the current City demand of 2,913 acre-ft per year, this exceeds the current water production rights owned by the City. The current city demand is based on the city's Water Master Plan dated 2002.

The City's water production rights are a fixed percentage of the San Gabriel Basin's Operating Safe Yield (OSY). The OSY changes from year to year depending on the water level of the Main Basin for that year. The city typically has a 20 percent carryover of water rights from one (1) year to the next. Historically, the city has never exceeded its adjudicated rights. If the project demand exceeds the city's water production rights in any given year, then acquisition of additional water rights to serve the El Monte Gateway will be required. Water may need to be purchased from sources outside of the City, such as the Southern California Water Company, the California-American Water Company, or the San Gabriel Valley Water Company.

**Table 4-5  
Current and Proposed Water Use Comparison**

	<b>Domestic Use (gpd)</b>	<b>Irrigation Use (gpd)</b>	<b>Total Water Use (gpd)</b>
Current	14,100	17,983	32,083
Proposed	414,077	38,020	452,097
		<b>Difference</b>	<b>420,014</b>



**Legend**

12" Existing Waterline

(12") Proposed Waterline

The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



#### 4.3.2 Wastewater Plan

##### A. Existing Wastewater Infrastructure.

The El Monte Gateway is located within County Sanitation District 15 of Los Angeles. An existing gravity flow wastewater line within Santa Anita Avenue currently serves the Specific Plan area. An 8-inch line starts near the intersection of Valley Boulevard and Santa Anita Avenue, this line increases to 10-inches at approximately the intersection of Ramona Boulevard and Santa Anita Avenue, and then increases to 15-inches at roughly the intersection of Mildred Avenue and Santa Anita Avenue where it continues south to connect with sewer infrastructure within Bodger Street as illustrated in ***Exhibit 4-6: Existing Wastewater System***.

Under the worst case scenario, the current wastewater generation from the Specific Plan area is estimated at 14,100 gallons per day. Wastewater infrastructure within the local vicinity is estimated to exceed its design capacity and is currently being surcharged.

##### B. Wastewater Plan Improvements.

The average wastewater generation from the development of the El Monte Gateway is estimated in a worst-case scenario to be the entire domestic water consumption of 414,077 gallons per day. This increase of 399,977 gallons per day would further increase the surcharge and over capacitate the existing sewer infrastructure within Santa Anita Avenue.

Two (2) alternative wastewater scenarios exist to handle the surplus wastewater generation from the El Monte Gateway, as illustrated in ***Exhibit 4-7: Improved Wastewater System***.

##### 1. Backbone sewer system.

This alternative involves a backbone sewer system for the proposed site that would carry the generated wastewater from Fletcher Park, under Interstate 10, along Brockway Street to the county operated Potrero Avenue Trunk.

This alternative does not address the city identified overburden sewer at Santa Anita Avenue. This alternative directly connects the development to the Potrero Avenue Trunk and does not add demand on the existing city service.

##### 2. Gateway Specific Plan backbone sewer system that incorporates diverted sewer flow from Santa Anita Avenue.

This alternative involves construction of a backbone sewer system that conveys wastewater from the project site through an off-site 15" diameter line. The off-site line would start in Fletcher Park and cross under I-10 Freeway, along Brockway Street and connect to the existing Potrero Avenue Trunk at Brockway Street and Lashbrook Avenue; extending roughly 5,100 sf+/- . Any reserve capacity in the 15" line would be used to relieve some of the city sewer line overburden. A line would connect to the existing city line in Santa Anita Avenue just south of Amador Street and divert flow across the project site to the off-site 15" line.



**Legend**

8" Existing Sewer System (VCP)

The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



**Legend**

- 8" Existing Sewer System Line (VCP)
- (8") Proposed Sewer System Line (VCP)



The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



### 4.3.3 Stormwater Plan

#### A. Existing Stormwater Conveyance System.

As shown in **Figure 4-8: Existing Stormwater System**, the El Monte Gateway Specific Plan is currently served by two (2) off-site stormwater systems.

Santa Anita Avenue, which forms the Specific Plan's easterly boundary, is topographically higher than the El Monte Gateway, and an existing City-owned 24-inch storm drainpipe within Santa Anita Avenue does not appear to take a significant amount of drainage from the site.

An existing 96-inch storm drain owned by the Los Angeles Flood Control District bisects the site and runs from Santa Anita Avenue to the Rio Hondo Channel. Although Los Angeles Flood Control District states that stormwater from the site does not drain to the 96-inch storm drain and no plans have been located, it appears that surface stormwater from the Specific Plan area drains via sheet flow and swales to a catch basin located just north of the outlet of the 96-inch drain into the Rio Hondo Channel. It appears likely that the catch basin connects to the 96-inch storm drain just prior to discharging into the Rio Hondo Channel.

It also appears that there is a storm drainpipe with catch basins in Ramona Boulevard, although no plans were located. It also appears that the storm drain water is conveyed to the west and outlets into the Rio Hondo Channel just south of the bus bridge over the channel. Fletcher Park appears to flow off-site to the south and eventually into the City of El Monte storm drain piping system. Since Fletcher Park may be improved to flow onsite, it has been assumed as part of the onsite system for both the existing and proposed systems.

A hydrology study assessing on-site stormwater flows was conducted using the MORA software (utilizing the rational method) to estimate the stormwater runoff for the existing condition and the proposed development. The existing condition results indicated that the northerly portion of the site generates a peak of 67 cubic feet/second (cfs) during a 25-year, 24-hour duration storm. The southerly portion of the site generates a peak of 117 cfs. See **Table 4-6: Hydrology Summary**.

The northerly portion of the proposed development is anticipated to generate a peak of 106 cfs during a 25-year, 24-hour duration storm. The southern portion of the proposed development is anticipated to generate a peak of 102 cfs. The result is that the northern portion of the development is anticipated to increase peak flows by 39 cfs and the southerly portion of the site is anticipated to decrease peak flows by 15cfs. The change in runoff is due mostly to differing areas of impervious land use.

The first  $\frac{3}{4}$  -inch of stormwater is estimated to be about 7 cfs in the northerly portion of the site and about 10 cfs in the southerly portion of the site. The volume of the first  $\frac{3}{4}$ -inch is approximately 4 acre-feet.

**Legend**

24" Existing Stormwater System



The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



Table 4-6  
Hydrology Summary

Condition	Estimated Runoff
Existing conditions 25-year, 24-hour Runoff Site Total	184 cfs
Proposed Condition 25-year, 24-hour Runoff Site Total	208 cfs
$\frac{3}{4}$ -inch Runoff Site Total	17 cfs and 4 acre-feet

**B. Stormwater System Improvements.**

Stormwater improvements include both a proposed storm drain system, and future detention facilities, as graphically depicted in **Figure 4-9: Stormwater System Improvements**.

1. Future Storm Drain System

It is anticipated that the on-site runoff will be collected in an on-site drain system and piped either directly to a detention basin or through a pump station to a detention basin and then into the Rio Hondo River. Three (3) storm drain systems are envisioned; one (1) to serve the northerly portion of the site, a second drain serving the bus area, and third to serve the southerly portion of the site. The storm drain systems are anticipated to be 18-inches & 24-inches in diameter and approximately 7,500 +/- feet in total length.

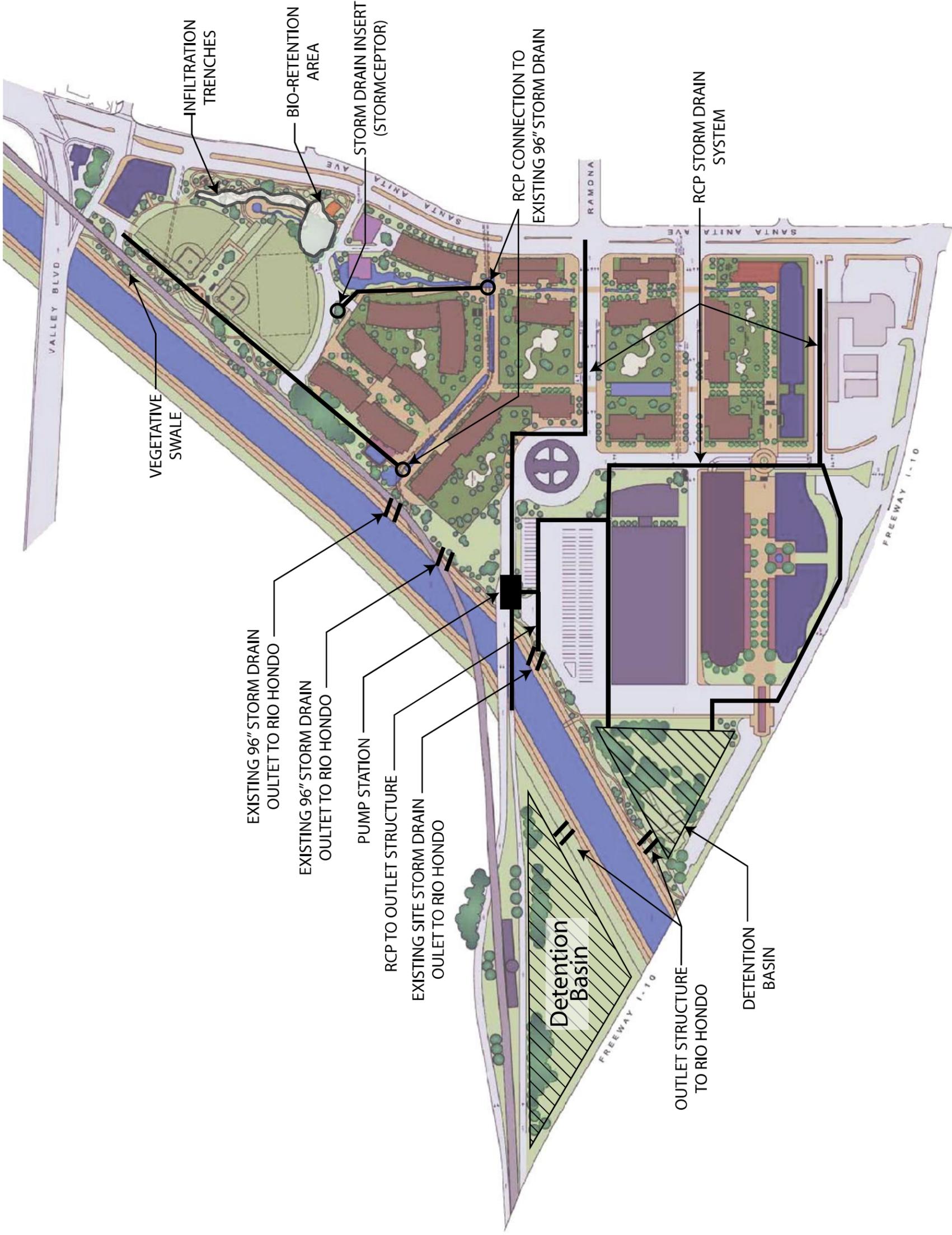
2. Future Detention Facilities

It is desired to prevent an increase in peak runoff when the site is redeveloped, and this can be accomplished with a detention basin. The size of the basin is roughly estimated to be about  $\frac{3}{4}$  of an acre and approximately 6-feet deep which will hold about 4.5 acre-feet. The outlet of the basin would be designed so that the flow does not exceed 25-year, 24 hour storm event. The detention basin would also be designed to provide some percolation and water quality treatment.

**Legend**

— 24" Existing Stormwater System

The location of roadways facilities and other improvements are for illustrative purposes only and do not necessarily represent actual improvements. Potential options and mitigations are discussed in the Specific Plan EIR.



Possible storm water management strategies for the specific plan's northerly portion would consist of using vegetated swales, infiltration trenches, a bio-retention area and rooftop gardens.

A possible location for a detention basin to serve the project development is Fletcher Park, a small area in the specific plan's southwest portion of the development. Another location is the Riddle Property, a vacant area adjacent to the southerly portion of the development across the Rio Hondo River.

The first alternative considered is a detention basin constructed in Fletcher Park that would require raising park ground elevations or utilizing a pump station. River bottom elevations are about 252-feet, the River levee is about 269-feet and the existing park is about 262-feet. With the detention basin 6-feet deep and additional elevation required for the detention basin discharge piping and associated slope, there would not be enough elevation to gravity drain to the river. Since ground elevations close to the park are about 15-feet higher than the park, the park could be raised to the same elevation as the adjacent levy which would provide the necessary grades to allow the piping to gravity drain to the river.

The second alternative considers placement of the detention basin on the Riddle Property on the west side of the Rio Hondo River. This would require an RCP storm drain system to divert a large portion of the runoff to a pump station, piping across the bus bridge to the detention basin and then outlet to the Rio Hondo River. In this case, the pump station and piping would be designed for a capacity of 24 cfs (the difference between the proposed development and the existing conditions). A 24-inch pipe approximately 1,000 feet long would be required to convey the stormwater from the site and across the Rio Hondo River to the detention basin.

**C. Stormwater Quality.**

It is assumed that the MTA facility currently has a NPDES permit to discharge runoff stormwater. The Specific Plan will not alter the bus operations or function at the site. Therefore, it is assumed that their current permit could be utilized.

With the exception of the bus station, likely storm water pollutants from the proposed development will include oil from cars, as well as trash, dirt and silts generated on site and blown onto the site from neighboring areas. These pollutants can be treated with an oil separator and a detention basin.

Other Best Management Practices (BMPs) may eliminate or reduce the need for a detention basin. These other BMPs would treat the first 3/4 – inch of storm water, but not necessarily reduce peak storm water flows. A baffle box, dry well, drainage box filters, or bio-swale may be acceptable solutions to treating storm water. See **Table 4-7: Best Management Practice Facilities Options** for a summary of a number of appropriate BMPs, to be used as a guideline in the future installation of stormwater treatment facilities.

**Table 4-7**  
**Best Management Practice Facilities Options**

Type of BMP	Description
Bio-retention Facility	Bio-retention utilizes soils and plants to remove pollutants from storm water runoff. Requires minimal amount of maintenance. The bio-retention facility on the proposed site would be a large depressed vegetation to accommodate storm water flow from a larger area
Grated Storm Drain Inlets	Grated storm drain inlets prevent trash and debris from entering the storm drain system. It will serve as the primary treatment unit of the storm drain system.
Infiltration Trenches	An infiltration trench is an excavated trench that has been lined with filter fabric and backfilled with stone to form an underground basin. Runoff is diverted into the trench and enters a perforated pipe underground and is routed to the bio-retention facility
Vegetation Swale	Vegetated swales are shallow vegetated channels to convey stormwater where pollutants are removed by filtration through grass and infiltration through soil. It is a cost effective alternative to ditches and curb and gutter drainage. It would serve as the primary treatment unit before storm water collected by grated storm drain inlets and piped to the wet pond for detention.
Wet Pond/Retention Pond	The wet pond/retention pond is a facility that removes sediment, Biochemical Oxygen Demand (BOD), organic nutrients, and trace metals from stormwater runoff. It is an inline permanent pool or pond effecting

Type of BMP	Description
	settling of pollutants. The treated storm water would flow to the County's storm drain through an overflow weir and energy dissipation structure.
Dry Pond/Detention Basin	The dry ponds or detention basins are depressed basins that temporarily store a portion of stormwater runoff following a storm event. It removes particulate pollutants and reduces maximum runoff values associated with development. Stormwater collected through the onsite storm drain system would be pumped to the dry pond. The treated stormwater will then flow to the County's storm drain through an overflow weir and energy dissipation structure.
Porous Pavement	Porous pavement allows stormwater to quickly infiltrate the surface pavement layer to enter into a high-void aggregate sub-base layer. The captured stormwater runoff onsite would be routed through an underdrain system to the storm drain system.



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## DEVELOPMENT PLAN

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## 5.0 DESIGN GUIDELINES

### 5.1 PURPOSE AND INTENT

The following guidelines are intended to provide both a vision of the El Monte Gateway overall character, and specific aesthetic and experiential expectations regarding the various components of the El Monte Gateway.

### 5.2 INTRODUCTION

#### 5.2.1 The Primacy of Pedestrian Experience

El Monte Gateway Specific Plan is dedicated first and foremost to the creation of a highly vitalized pedestrian environment, achieved through well-designed density and interaction of mixed uses.

#### 5.2.2 Scale

All future development projects should be designed with a human scale that acknowledges pedestrian perception and experience.

#### 5.2.3 Themes and Variations

While the Gateway will have over-arching themes that include intensive small-scaled density; architectural expression of sustainable design; a contemporary glassy openness; and continuity of selected public materials, amenities, lighting and graphics, the area should also be a place of great experiential diversity. It will achieve this by two (2) means:

- ▣ The creation of the separate Villages, each with the character of a special neighborhood.
- ▣ The encouragement of themes with multiple detailed variations within each of the various Villages.

#### 5.2.4 The Villages ~~and Parking Infrastructure~~

~~The General Design Guidelines below will be complemented by specific Design Guidelines for the following three (3) villages. Each village is envisioned to contain both specific types of uses and specific environmental/experiential qualities that will make that village unique and identifiable. The General Design Guidelines below will be complemented by Village-specific Design Guidelines in the following Village categories:~~

1. Rio Paseo Village
2. North Promenade Village
3. South Promenade Village

~~Each Village is envisioned to contain both specific types of uses and specific environmental/ experiential qualities that will make that Village unique and identifiable. Additionally, Guideline sections are provided for Signage/ Environmental Graphics, and for Structured Parking.~~

### 5.3 GENERAL DESIGN GUIDELINES

Photos and renderings used are prototypical representations of design intent and quality of composition of the concept and will establish the standard for which future development will be reviewed.

#### 5.3.1 Broad Themes / Goals.

Embracing a wide diversity of architectural expression, new development should embrace the following over-arching themes.

##### **Contemporary Architecture.**

The architecture should be clearly of the 21st Century, looking forward, with dynamic building forms, expressive structure, and a rich use of glass, tying together El Monte's past, present and the future.



*Building forms of the 21<sup>st</sup> Century*

##### **Sustainability.**

Sustainable architecture should be a major shaping force in defining the visual expression of The Gateway. Building form should respond in design to such issues as energy conservation, daylighting, natural ventilation and solar energy harvesting.



*Sustainability and Architectural Expression should be a major shaping force in defining visual expression of the El Monte Gateway*



*Thematic landscaping*

### **Rich Native Landscape.**

Acknowledging both the authentic value and the sustainable value of native landscape, the landscape design should provide a rich backdrop and overhead canopy for human activity. The landscape should extend the existing regional context of the Rio Hondo River and linear park and should be influential throughout the pedestrian/ground plane of The Gateway. Landscape and water features or waterscape should be thematic throughout all of the Villages.



### **Detail and Diversity.**

All buildings fronting on pedestrian activity should have design rhythms, details, texture, and scale appropriate to the pedestrian. Harmonized visual richness and diversity should support rich human experiences.

### **Formal Integrity.**

Buildings and building masses should have 360-degree integrity. Buildings with multiple frontages should have a continuous harmony of materials and expression around the corners' and not be merely facades.



*Detail at the Pedestrian Plane*

### 5.3.2 Village Parks and Open Space Design Guidelines

#### A. Open Space Overview.

The Parks & Open Space component of the El Monte Gateway is dedicated to the creation of quality active and passive parks and open spaces that provide “green” linkages and physical connections to the river, the community and the regional transportation network that has its hub at the Gateway. The Gateway’s approach to parks, open space, trails and walkways will focus on the connectivity and continuity that the open space and parks provide the entire gateway site. It is intended that the Parks & Open Space become an integral component of the overall Gateway character, resulting in a popular public destination, which is lively, secure, distinct, and promotes a healthy, community-based, urban lifestyle.

The following design goals will be considered in all aspects of the outdoor environment and will act as touchstones to guide exterior development and enhancements throughout the parks and public open spaces.

#### Variety of Outdoor Experiences.

Provide a variety of outdoor experiences for people of all ages and user types- residents, commuters, visitors and employees. Promote opportunities for inter-generational activities, physical, social and cultural growth that will promote a healthy lifestyle and a sense of well being.

#### Pedestrian Friendly Environments.

Create pedestrian friendly environments to encourage walking, interaction and a sense of discovery at each turn. A comprehensive system of trails and walkways will link all areas of the site and tie into the greater regional trail system and “Emerald Necklace” that parallels the major waterways in the area. Fitness stations and mileage markers will be incorporated into trail circuits.

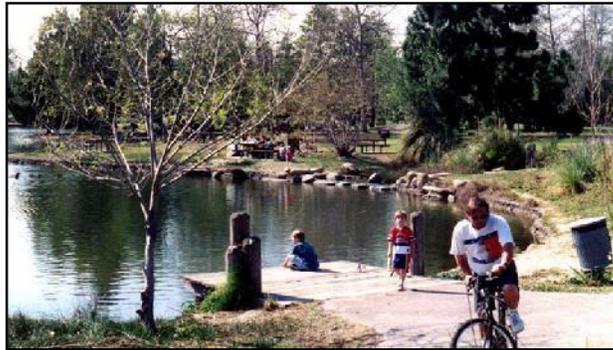


**Celebrate Nature.**

Celebrate Nature in all its forms-riparian landscape character, natural habitats and enhancement of open space with attractive flora and attracted fauna. Create opportunities to showcase and experience Nature in the urban context.

**Celebrate the Rio Hondo.**

Celebrate the Rio Hondo and the role of water in our Southern California climate. Provide educational opportunities to inform the public about the water cycle and the greater watershed that replenishes our critical



groundwater supply. Provide a gateway feature to direct and encourage public access to the River and greater regional recreation resources associated with the Emerald Necklace.

**Attractive and Functional Park and Open Space.**

Create attractive and functional park space to promote outdoor recreation venues, outdoor dining, performance and art exhibit areas, historical interpretation, and exterior learning opportunities. Provide open space to promote natural habitat and passive walking and observation of native flora and fauna.

**Civic Space.**

Create attractive public spaces that are flexible and can become destinations for community gatherings and civic events.

**Sustainable Design.**

Demonstrate sustainable design principles through the appropriate use of drought tolerant and native plant materials, utilization of recycled products, composting practices, low energy and low water consumption requirements, and water quality management practices. Reclaimed water will be used wherever it is possible.

**B. Pioneer Park.**

Pioneer Park will be a mix of active and passive recreation uses including two (2) rebuilt and improved sports fields. The raised sports field area will ~~now be visually accessible from Santa Anita Avenue and~~ provide a central gathering area for lighted softball, baseball and overlay soccer

## DESIGN GUIDELINES

play. The surrounding more passive park and open space offers a variety of recreation experiences from walking and bike trails to children's play areas, informal amphitheater, community recreation building, family picnic tables, and featured historical and interpretive elements.

### 1. Sports Plaza.

The two (2) ball diamonds will be interconnected by a sports plaza. The plaza will feature a concession/ rest-room building with concession area, restrooms, two (2) storage rooms and shaded patio area. Aluminum bleachers will be positioned behind the backstops. Fabric shade structures, picnic tables, benches and drinking fountains will be located within the plaza area for visitors' convenience.



### 2. Ballfields.

The ballfields will be defined by vinyl coated chain link fence backstops with backboards and descending sideline fences to protect spectators. The dugouts will be at grade with shade fabric, team benches, bat racks and convenient drinking fountains for player's comfort.



The fields, dugouts, drinking fountains and spectator areas will be ADA compliant.

The field may be artificial turf or traditional grass per City approval.

The ballfield lighting will be state-of-the-art, poles with minimum light spill off the field areas. An electronic scoreboard with remote controls to a scorer's table at the backstop will be located at each field. A public address system will also be provided with a localized speaker system to minimize sound travel beyond the limits of the field.

### 3. River Side Promenade.

A River Side Promenade will parallel the Rio Hondo and provide a linear pedestrian and bicycle linkage between Pioneer Park and Fletcher Park to the south. The Promenade will feature a number of trail and path options including the asphalt paved regional bike trail running directly adjacent to the Rio Hondo, an ADA accessible walk and a meandering trail traversing the slope that separates the elevated field area from the riverbanks.



Benches will be provided along the paths and trails to encourage bird watching and restful enjoyment of the open space and the wildlife it attracts.

The character of this River Side Promenade area will be enhanced to reflect a riparian vegetation type with appropriate planting on the ground. Bioswales incorporating water quality enhancing plant species coupled with water movement through swales may be incorporated where possible along the River Side area. Interpretive signage will be used to guide and inform visitors.

An informal outdoor amphitheater nestled into the slope overlooking the Rio Hondo will provide a small venue for a nature talk, gathering spot for a walking tour or a small presentation or performance. Trees will be planted to interrupt the terraces and anchor the landform.



*Informal outdoor spaces and pedestrian accessibility promotes vibrant community use.*



*Wayfinding should be integrated throughout*

Main walks and trails throughout the site will be lighted with security lights to provide directed illumination and visual surveillance. Fixtures will be selected for minimum light spill, durability, and appropriate aesthetic character.

Wayfinding signage with a common style will be provided throughout the park and open space areas to direct visitors to destinations or connections within and outside of the Gateway development.

#### 4. Themed Play Area.

The park will feature a themed Children's Play Area. The area will be buffered with planting and enclosed by a decorative ornamental steel fence as needed to control the access of children and protect them from street traffic. The play area will feature equipment and site furnishing components that tie into the End of the Santa Fe Trail theme and historical roots of El Monte. Separate play equipment will be provided for 2 to 5 year old tots and 5 to 12 year old children. Equipment will meet ADA access standards and Consumer Product Safety Commission standards.



*Examples of themed play areas*

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**DESIGN GUIDELINES**

Shade trees or fabric shade canopies will be used to shade the play equipment. Benches with backs will be provided adjacent to the play area for convenient and safe adult supervision.

Picnic tables may also be located adjacent to the play area for family use. A paved travel way may be incorporated in the play area to accommodate a tricycle course.

A small water/sand play feature may be incorporated into the themed play area for seasonal use or manipulative play.



*Incorporate play areas for seasonal use or manipulative play*

5. Gateway Entry to The Emerald Necklace.

A broad tree-lined entry drive will occur south of the park along Santa Anita Avenue and will act as a major pedestrian entry to emerald necklace and the park. This roadway/linear plaza must be wide enough to accommodate an L.A. County fire lane. It will terminate at a large Riverfront overlook. Pedestrian walkways and decomposed granite trails will link into this key public space.

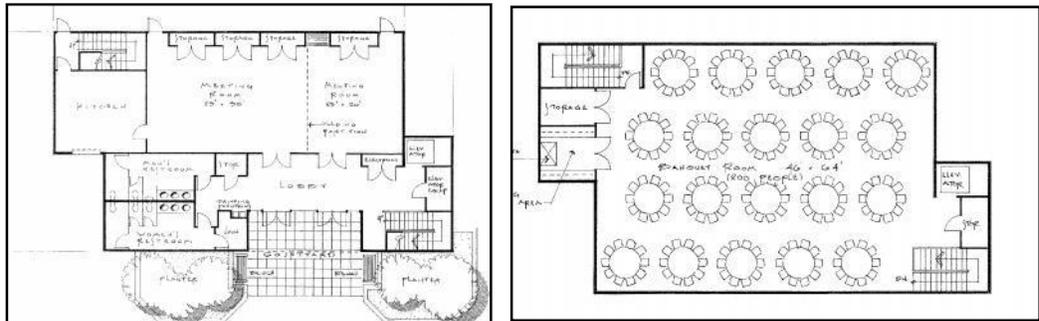


## DESIGN GUIDELINES

### 6. ~~Osmond House &~~ Community Building Area.

A new Community Building will be added to the park. It may be a one (1) or two (2) story structure with an assembly room, lobby, restrooms, kitchen, storage and meeting rooms. The building should also be visible from Santa Anita Avenue. ~~The Osmond House will remain in its current prominent location and will remain a signature element in Pioneer Park, highly visible from Santa Anita Avenue.~~

~~It will be enhanced with the nearby addition of a community building, which may be a two story structure with an assembly room, lobby, restrooms, kitchen, storage and meeting rooms.~~



### 7. Landscape & Irrigation Improvements.

The Specific Plan area will encourage the use of native or drought tolerant materials, as appropriate, and require a minimum of supplemental fertilization and maintenance. Because of the variety of conditions on the site, the species selected for a given area shall be compatible with the microclimate exposure, soil conditions and user demands.



Shrubs and groundcovers should be perennial type, non-invasive and require a minimum of trimming.

Irrigation of plant materials shall be efficiently managed through state of the art automated irrigation control systems appropriate to the unique needs of trees, shrubs and turf.

**C. Fletcher Park Design Guidelines.**

Fletcher Park may remain in its current configuration. However, it may be renovated to bring it up to the quality standards associated with the redeveloped Pioneer Park. The intent is to connect Fletcher Park into the overall high quality park and open space associated with the El Monte Gateway Specific Plan development.

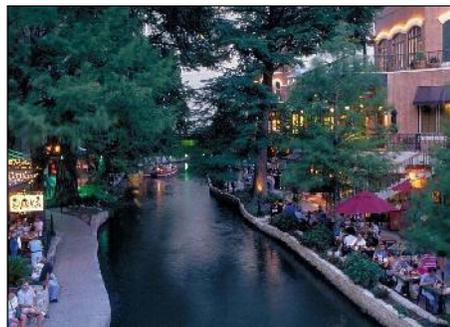


**5.3.3 Rio Paseo Village Design Guidelines**

**A. Rio Paseo Feature.**

The Rio Paseo will be a regional feature, where visitors can come to dine along a narrow river channel. This channel will loop through the heart of the project, providing a walkable linkage as well as a romantic place of dining and passive recreation.

1. In character, the Rio Paseo should have the informality of river and canal districts around the world, with rich landscaping and a relaxed use of natural materials.



*Informal character of a river walk*

## DESIGN GUIDELINES

2. The Rio Paseo should be lush and romantic. Well-lit at night, it should also have a special character of light, allowing for a rich play of shadows, highlights, accent and feature lighting of landscape.



*Intimate and continuous public terrace*

3. The principal commercial uses along Rio Paseo (dining and drinking, coffee houses, bakeries, specialty shops that could potentially sell their goods for consumption on property) should be evident to the stroller both from signage and from literal visual contact between goods offered and pedestrian movement.

The typical storefront should be seen as a simple, minimal mediation between the street and the interior. Both the generous use of glass and the use of flexibly open storefronts (folding glass doors or French doors) should be encouraged.



*Frontage Individualization*



*Flexible, open storefronts*

## DESIGN GUIDELINES

4. While diversity of storefronts and awnings are encouraged, the terrace along the Rio Paseo should have a feeling of public continuity and not be sub-divided by tenant (e.g. continuity of outdoor paving, street furniture, umbrellas, etc.).

At the same time, individuation at storefront lines should be encouraged via personalized devices such as greeting stands, and artisanal sign boards and handwritten menu boards.

The overall test of successful design, both of the terraces and the storefronts, should be that they provide a consistently romantic and sophisticated ambience, avoiding explicit historic references or 'cuteness'.



*Continuity and Individualization*



*Romantic and sophisticated ambience, without history reference of "cuteness"*

5. The fire lane should be usefully employed to support internal walking, with a richness of surface pattern that belies its use as a fire lane.
6. Bay widths should be modest and in keeping with the constrained width of the Rio Paseo itself.
7. The river channel should be of modest width, varying from 15 to 30 feet.
8. In the spirit of world-class small-scaled highly pedestrian environments, services to Rio Paseo restaurants should be structured at dedicated off-hours from the adjacent parking garages.



*Channel of modest width*

## DESIGN GUIDELINES

9. Restaurant pads and storefronts with frontage to Santa Anita Avenue are critical invitational components of the Gateway. On the one (1) hand, these frontal pads are the most likely to draw strong national and regional tenants. At the same time, it is highly important that the character that is projected to Santa Anita offers the intimate, natural, and special qualities that will characterize the interior of the Gateway.

First, these restaurants should transform the character of the sidewalk. In conjunction with enhanced paving and street landscaping, the basic setting should include lush tree canopy and natural materials to the extent that a continuous sidewalk cafe environment draws the public from Santa Anita into the heart of the project.

Further, in keeping with the character of the more intimate internal restaurants, with the exception of the kitchen/service areas, these larger restaurant pads should maintain either a glassy or wholly open storefront character to the street.

The design character of these storefronts should be simple, but include a rich palette of materials, and a vision that incorporates layers of detail and landscape.



*Example of simple and modern design character*

**B. Rio Paseo Village Guidelines.**

1. Residential development should have a modest public lobby at the public or semi-public deck level containing mail functions and resident access to upper levels. These lobbies should have a slightly more marked presence at the deck level than individual unit entries and yards at the deck level.
2. For deck level units, there should be a hierarchy from most public space, (the shared, landscape deck area), to semi-private space (modest front yards or porch areas) to unit entries.
3. Deck-level unit yards/porches should have a semi-public feeling, with an identifiable edge that also allows visual permeability (low hedges, partial low walls, etc.) While over parking, the public and semi-public decks should convey a quality of lush landscaping.
4. Architectural character should be consonant with generous unit daylighting (especially to the north). Through the generous use of glass, the architecture should exude a quality of exterior design that is airy, lightweight, and open to the lush natural environment surrounding it as well as the multiple distant view opportunities.
5. Development in the Rio Paseo Village should have a sense of generosity, both in terms of distance between units / views, and in terms of common and private outdoor recreational space.



*Architectural character should provide openness to the surrounding environment*



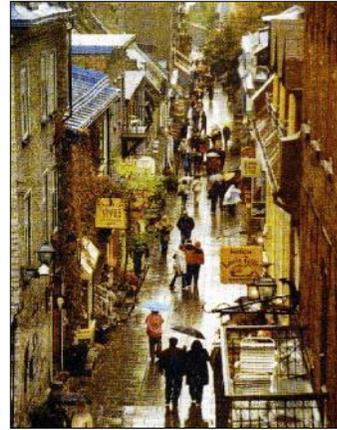
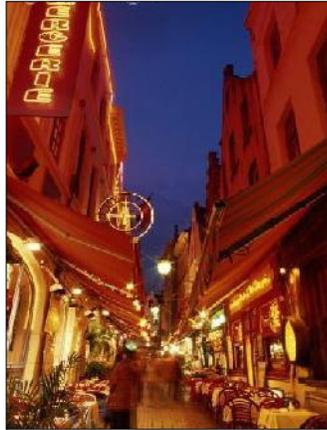
*Hierarchy of public space to private space*

### 5.3.4 Shared Rio Paseo Village and North Promenade Village Design Guidelines

1. The essential character of both Rio Paseo Village and North Promenades at the pedestrian level should be one of considerable intimacy, both of scale and detail. It should have the density and compaction of a narrow pedestrian-oriented shopping street. These shops will, by geometry, be limited in depth and scale, and their character should reflect this smallness.
2. Internal bridge crossings between the retail areas should aggressively acknowledge the pedestrian with generosity of scale and articulated, specially designed surface articulation.
3. To encourage maximized access between uses, lobbies for vertical access to both residential and commercial floors that are above the ground retail level should be secured yet have a visible and glassy identity to the streetscape.



*Example of well-defined streetscape relationship*



*Retail gallery width that provides comfortable pedestrian lanes*

4. Storefronts should be glassy, with significant articulation, detail, eclecticism, and diversity of storefront arcades should be encouraged while avoiding the overuse of historical references. Diversity of storefront overhanging canopy design should be encouraged.



*Diversity in storefront articulation is encouraged*

## DESIGN GUIDELINES

5. There shall be a virtual semi-public zone/porch area at the frontage of each leasing bay which should allow for small, lacy projected specialty signs, non-permanent canopies and banners, and individualized amenities that should reflect an artisanal approach to shop-keeping: potted landscaping, chalkboards, unique standing signage.



*Spaces should be designed for the pedestrian experience*



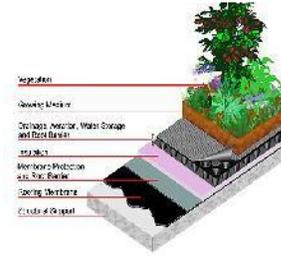
*Glassy storefront with detail and articulation*

6. Residential units above the first two (2) stories should not encroach beyond the retail storefront line (including residential balconies).
7. The architecture of the residential units should be shaped to a large extent by the buildings' east and west exposures, suggesting appropriate facade depth, outdoor/indoor balcony rhythms, etc. East-facing Santa Anita Avenue units should also develop a clear cadence, lending rhythm and distinction to the street. All residential units should allow for a simple, but variegated, contemporary design expression with a generous use of glass.



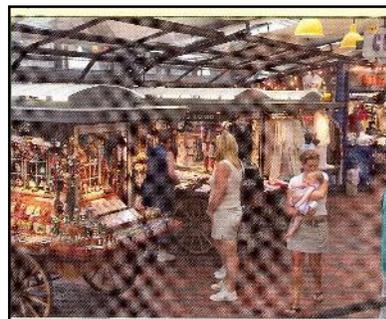
*Residential units should lend both vertical and horizontal rhythm and distinction to Santa Anita*

8. Consistent with the sustainable goals of the Gateway, the major lower roof platforms of the North and South Promenade Villages should be developed as green roofs. The design criteria for these roofs should be designed to:
  - a. Create landscaped view-sheds for residents.
  - b. Create semi-public shared space for residents and conference center users.
  - c. Enhance energy conservation and sustainability.
  - d. Provide dynamic views for rooftop users.



*Green roofs for landscaped view-sheds, shared public space and sustainability*

9. The Promenades should have a dedicated off-street truck service area from which goods can be carted throughout the pedestrian promenade system.
10. Pedestrian activities, and amenities such as seating, kiosks, dining are gathering places that should be integrated into the overall design.



*Examples of Pedestrian Amenities and Activities*

### 5.3.5 North Promenade Village - Specific Design Guidelines

1. All frontages to the Rio Paseo, whether restaurant or retail, should project a glassy or fully open presentational aspect to pedestrian passersby. Unarticulated, solid walls facing the Rio Paseo or any of the internal pedestrian streets should not be permitted.
2. In hierarchy of character, the North Promenade should 'mediate' between Pioneer Park, at the north of the project, and the increasingly formal urban landscape of the South Promenade Village. The landscape should create a sense of lushness, without being overly formal. It should be appropriate to a narrow-laned urban setting. There should be a combination of in-ground planting and tenant planters in rhythms that anticipate a casual and surprising impact from the overall landscape patterns along the Promenade lanes. The emphasis should be on maintaining an informal but continuous overhead canopy of trees and /or vines.



*Landscape suited to narrow pedestrian lanes; lush but casual canopy, combining in-ground and tenant planting areas*

3. The easterly internal street of the North Promenade, especially at its junction with Ramona Avenue, should be envisioned as the most activated core of the project with a sense of 'town square' openness, with enough excess width in the street to accommodate street performers and moving crowds at considerable density. The Ramona/Santa Anita cafes and outdoor dining should line Ramona and provide excitement to visitors as they enter the Gateway.

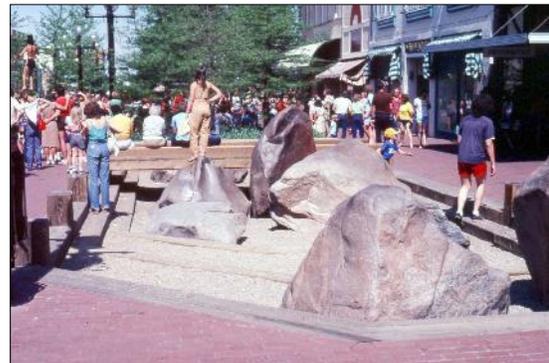
## DESIGN GUIDELINES

An area within the North Promenade is envisioned as the most activated core area of the project with a sense of “Town Square”, with enough excess width in the street to accommodate street performers and moving crowds. The Town Square should be airy and spacious. It should be a democratic place, for passage, for people watching, for entrepreneurial street entertainment. The Town Square ‘floor’ should be of an enriched paving material, lending both detail and color.

4. Along Rio Paseo and within the North Promenade shall be open to the sky.



*Weather-covered skylight ‘street’ as a continuation of indoor/outdoor street feeling of Promenades*



*Open, airy, people-watching, and entertainment*

### 5.3.6 South Promenade Village Village-Specific Design Guidelines

1. North /south lanes of the South Promenade Village will share the same character and guidelines as the North Promenade Village. The South Promenade will open up in width and present a more formal and broad entrance to the hotel, office towers and regional retailers.

2. The east-west pedestrian way of this Promenade should be designed in a formal way, with visual signage of prominent retailers contiguous along its edge. Additionally, stately and generous landscape should be continuous along its edge. There should be an overall sense of generous scale and along this pedestrian way. Vertical elements should be of a scale to provide armatures for banners.



*Increased scale and landscape formality to the south*

3. A water feature of significant scale should be part of this east/west axis.
4. Outdoor vending concessions should be allowed in the east-west lane of this Village as a way to further enliven its pedestrian life.

## DESIGN GUIDELINES

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5. This village will be an important visual focus for the Gateway to the freeway and to the south. In consistency with the architecture throughout the Gateway, its design should be contemporary, and expressive of sustainable architecture. Along with the office buildings to the west, this building should most fully epitomize the progressive values of the General Design Guidelines at the beginning of this section.
6. Motor court and arrival areas should provide for enhanced surface paving, with articulated detail, under-car and under-foot continuously to the entry lobby.
7. Publicly accessible lobby spaces itself should present a glassy, welcoming quality to the street as well as to the Village Promenade area.



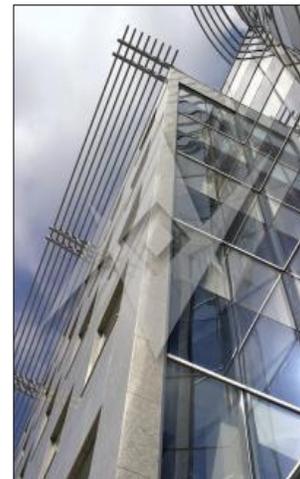
*Hotel geometry and architecture is contemporary and sustainable in design*

8. The architecture of building in this Village should epitomize the General Design Guidelines in terms of sustainability, contemporaneousness, and a literally green setting. The buildings should maximize glassiness and views. As the tallest buildings in the Gateway, design should capitalize on views both to San Gabriel Mountains, to downtown, and to the valley and city to the south. And with their strong exposure to Freeway 10, they will serve as landmarks that exemplify the quality and character of the entire project.



*Hotel motor court: welcoming and with detailed qualities*

9. Retail lease space, even if shallow in depth, shall be provided continuously along the edge of any parking structure facing the promenade. The parking structure lobbies should be marked in contrast to these retail elements with a vertical identity. Lobbies should discharge in a place along the promenade to be most stimulating for pedestrian activity.



*Office building architecture that celebrates sustainability and contemporary technology and geometry*

10. The width of the east-west South Village Promenade should be gracious, with rich formal tree canopy and the capacity to contain crowds for major events.

## DESIGN GUIDELINES

11. Storefronts should be designed to accommodate two (2) different 'readings':
  - a. During weekdays, the base of the buildings should be read as glassy outlet storefronts consistent with the contemporary decorum of the office buildings above.
  - b. There will be an active marketplace in the north promenade that is open during weekends. It should be designed as a vibrant indoor/outdoor market, with outlet goods rolled onto the pedestrian streets or brought similar to a farmers' market operation.



*Flexible storefronts that can expand outdoors to accommodate sidewalk merchandizing*

### 5.3.7 Signage and Environmental Graphics

The overall nature of environmental graphics at the Gateway should be consistent with the Village being a highly charged, regional urban magnet. The night signage, in particular, should contribute to the aura of a cosmopolitan, vibrant city. Due to its nature as a regional, high-density T.O.D., this character will set the Gateway apart from more conventional and modest mixed use projects in the region.

1. Freeway and Santa Anita facing building signage may include building-face lit signage and multi-story blade lit signage, and building-top lit signage. The goal is to maximize flexibility, diversity, and exuberance so that the lit night signage of the Gateway will achieve a unique regional character.



*Freeway and Santa Anita Avenue facing signage should employ sustainable technologies such as solar collection and L.E.D. and should convey the exuberance of the entertainment districts of vibrant international cities.*



2. Lit signage shall maximize sustainability / energy conservation through the use of current technologies such as solar powering and L.E.D. systems.



*Internal retail and restaurant signage should allow a diversity of lit blade signs, lit signboards and banners and lanterns. There should be a vibrant range of colors.*

3. Day signage and graphics should combine blade-type signs, banners, and signboards, craftsman like in detail and assembly, modest in scale, reflecting the scale of the Promenade lanes.
4. Refer to Chapter 17.80 of the Zoning Code for specific signage regulations for the Gateway Specific Plan.



*Artisanal approach to signs and canopies*

### 5.3.8 Parking Design Guidelines

#### A. Goals.

The following guidelines pertain to both the subterranean parking and the above-grade Office Village parking structure. The principal design goals of these structures should be:

- a. Clarity of entry, circulation and exit.
- b. Personal safety and security.
- c. Enhancement of the vitality of the Gateway by sensitive pedestrian planning and amenities.



*Well-lit, brightly painted parking with clear zonal and floor signage.*

#### **B. Parking Guidelines.**

1. Parking entries and exits should be clearly and attractively demarcated. Parking ramps and parking garage drive aisles should be gracious in both width and slope.
2. Parking floors shall be well lit and painted in light reflective colors with clear graphic orientation of zones and floors.
3. Garage security should be supported by the above guideline as well as by minimally impeded views throughout the garages and the supplementation of security personnel with observation cameras.
4. Major public / pedestrian transitions from parking to the Gateway functions should contribute to the life of the Villages in the placement and manner of bringing parking lobbies (whether stairs, elevators, or escalators) into the heart of the project. These lobbies and their approaches should be considered as arrival ports that signal the overall quality of the Gateway in their rich use of materials, attention to detail, signage, and scale.
5. Refer to Chapters 17.70 (Parking), 17.72 (Landscaping) and 17.74 (Water Efficiency) of the EMMC for additional requirements.

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## 6.0 LAND USE AND DEVELOPMENT REGULATIONS

### 6.1 PURPOSE AND INTENT

This chapter has been prepared in accordance with California Government Code Section 65450, the City of El Monte's Specific Plan enabling Ordinance and sets forth the standards for development of all uses within the El Monte Gateway Specific Plan. Regulations are provided for commercial, retail, mixed use, open space and residential uses and apply to each land use sub-district within the Specific Plan. Application of these regulations is intended to create a harmonious relationship among the land uses and districts, and protect the health, safety and welfare of the community.

### 6.2 GENERAL PROVISIONS

#### A. Minimum Requirements.

The land use and development standards contained herein are minimum requirements. In reviewing individual projects requiring discretionary approval, more restrictive standards or conditions may be applied by the City of El Monte to accomplish the goals and objectives of this Specific Plan.

#### B. Applicability of Development Standards and Guidelines.

The land use and development standards contained in this Chapter shall apply to parcels within the Specific Plan's project area boundaries. All new development projects, including additions to buildings and changes in use on a parcel, are subject to the provisions of this Chapter.

Development standards for uses in the EMG-T, EMG-R and EMG-G Sub-districts shall be limited to existing transit-related uses. Any subsequent development on these sites shall be subject to the granting of a Conditional Use Permit.

#### C. Interpretation, Administration, Enforcement and Appeals.

The ~~Deputy City Manager for Community and Economic Development Director, or his/her designee,~~ is authorized by the City of El Monte to interpret, administer, and enforce the provisions of this Chapter. ~~The Deputy City Manager for Community Development may designate a representative to act on his or her behalf.~~ The provisions of this Chapter shall be interpreted in a manner that best fulfills the spirit and intent of the Specific Plan. ~~The Deputy City Manager for Community Development shall interpret questions arising from the application of this Chapter.~~ ~~The Director's decision or determination of the Deputy City Manager for Community Development~~ may be appealed to the City Council in compliance with ~~Section 17.10.100 of (Appeals) the EMMC, the appeals procedures set forth in this Specific Plan in addition to the provisions of the El Monte Municipal Code.~~

### 6.3 ESTABLISHMENT OF LAND USE SUB-DISTRICTS

#### A. Purposes of Land Use Sub-Districts.

This Section describes the purpose and intent of the four (4) land use sub-districts within the El Monte Gateway Specific Plan.

##### 1. Mixed Use Sub-district (EMG-MU).

The Mixed Use Sub-District is intended to provide a complimentary mix of residential, commercial, entertainment and retail uses. Mixed use development is encouraged in vertical and horizontal forms, providing for an interaction between various land use types to encourage pedestrian utilization throughout the Sub-District. Design guidance for this sub-district is provided through three (3) distinct “villages”, including the Rio Paseo, North Promenade and South Promenade Villages.

##### 2. Transit Sub-District (EMG-T).

The Transit Sub-District is intended to preserve existing facilities and services for public transportation. The Transit Sub-District seeks to preserve and enhance transit utilization within the Specific Plan and surrounding area and provide complimentary facilities and services that improve access and utilization to a variety of transit modes. The intent of this Sub-District is to preserve existing transit-related land uses.

##### 3. River Sub-District (EMG-R).

The River Sub-District is intended to provide additional open space opportunities within the Specific Plan area. The sub-district is intended to provide necessary facilities for the periodic collection and detention of peak stormwater discharge during storm events. The River Sub-District may also serve as a holding district for future ~~residential~~ **commercial, industrial** or transit facilities, provided subsequent entitlement planning and environmental analysis is first conducted.

##### 4. Park and Open Space Sub-District (EMG-POS).

The Park and Open Space Sub-District (EMTV-POS) is intended to provide active and passive open space and recreational facilities for a variety of users. The EMTV-POS Sub-District will provide integrated connections within the Specific Plan area and regional recreational trail system.

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## LAND USE AND DEVELOPMENT REGULATIONS

### 6.4 ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

**Table 6-1** identifies the allowable land uses for each Land Use Sub-District that is exclusive to the El Monte Gateway Specific Plan.

To determine the allowed land uses and development standards in the zones that are not exclusive to this Specific Plan, refer to applicable sections of the EMMC.

In order to be approved, any land use proposed within in the Specific Plan Area must meet two (2) specific tests as described below:

- ▣ **Test 1:** All land uses within the Specific Plan Area must be permitted or conditionally permitted by Table 6-1. The table identifies uses that are permitted by right and uses that are permitted subject to **a Minor Use Permit** or a Conditional Use Permit.
- ▣ **Test 2:** Within the buildings located in the Specific Plan Area, there are appropriate and inappropriate locations for permitted uses and activities. For example, a residential use would not be appropriate on the ground floor of a building that fronts Santa Anita Avenue. Rather, retail/service uses would be appropriate in this location. Therefore, for a use to be permitted, it must comply with the Use Specifications shown in Exhibits 6-1 thru 6-4 in Section 6.7 of this Specific Plan.

### 6.5 PERMITTED USES

- A. **Permitted Land Uses.**  
Table 6-1 identifies the uses of land permitted by this Specific Plan, and the land use corresponding permit required to establish each use.
- B. **Prohibited Land Uses.**  
Any table cell indicated a “-“ symbol indicates that the listed land use is prohibited in that specific land use district.
- C. **Uses Not Listed.**  
Any land use not listed in Table 6-1 is not permitted in the Gateway Specific Plan, except as outlined in Section 17.12.050 (Additional Permitted Uses) of the EMMC. Uses not listed within Table 6-1 of this Specific Plan shall be considered prohibited land uses. For uses similar to those listed but not expressly stated in this Specific Plan, the Deputy City Manager for Community Development shall be granted the authority to make a determination of the applicability of similar uses.

## LAND USE AND DEVELOPMENT REGULATIONS

Table 6-1 – Permitted Uses – Gateway Specific Plan					
Residential <sup>(1)</sup> & Community Care Use	MU	T	R	POS	EMMC/Gateway
Childcare facility	C	--	--	--	
Home occupation	P	--	--	--	17.110.040
Live/work unit	M	--	--	--	17.110.050 & G-6.12(D)
Mixed-use, vertical <sup>(2)</sup>	P	--	--	--	17.110.060 & G-6.12(C)
Senior housing	M	--	--	--	
Urban housing	P	--	--	--	
Public & Quasi-Public Uses					
Electrical distribution substation	C	C	C	--	
Government or related facility	P	P	P	--	
Recreation facility – public	P	P	P	P	
School & Educational facility –					
Preschool, private	C	--	--	--	
K-12, private	C	--	--	--	
Specialized education and training	C	--	C	--	
Tutoring and education center*	P	--	--	--	
Utility facility	C	C	C	--	
Wireless facility		See notes			17.90 & 17.92
Assembly & Entertainment Uses					
Ancillary entertainment* ^	P	--	--	--	
Assembly or meeting facility	C	--	--	--	
Commercial entertainment ^	C	--	--	--	
Commercial recreation facility – indoor ^	C	--	--	--	
Community center ^	P	--	--	--	
Cultural institution ^	C	--	--	--	
Family entertainment center	C	--	--	--	
Gaming center or arcade ^	C	--	--	--	
Nightclub ^	C	--	--	--	5.32

(1) Residential units shall be limited to 100 in the MU Subdistrict, Property 1.

(2) A minimum 50% of the total floor area shall be residential.

## LAND USE AND DEVELOPMENT REGULATIONS

**Table 6-1 – Permitted Uses – Gateway Specific Plan (continued)**

Retail & Office Uses	MU	T	R	POS	EMMC/Gateway
Alcohol sales –					
Bar or tavern, on-site ^	C	--	--	--	17.112.030
Brew pub, on-site and off-site ^	C	--	--	--	17.112.030
Liquor store, off-site	C	--	--	--	17.112.030
Restaurant, limited hours, on-site* ^	M	M	--	--	17.112.030
Restaurant, on-site* ^	M	M	--	--	17.112.030
Retail store, off-site* ^	C	--	--	--	17.112.030
Convenience store or minimart* ^	C	C	--	--	
Destination retail or entertainment development * ^	P	--	--	--	G-6.12(B)
Food or beverage establishment –					
Bakery or pâtisserie, retail* ^	P	--	--	--	
Coffeehouse or café* ^	P	P	--	P	
Outdoor seating* ^	P	P	--	P	17.112.120
Restaurant* ^	P	P	--	--	
Grocery store ^	P	--	--	--	
Multiple-tenant commercial center* ^	M	--	--	--	17.112.110
Offices –					
Ancillary* ^	P	P	P	P	
Administrative, business professional* ^	P	--	C	--	
Government* ^	P	--	P	--	
Medical* ^	P	--	C	--	
Office supply store* ^	P	--	--	--	
Pharmacy* ^	P	--	--	--	
Retail sales (unless listed as a separate use)* ^	P	P	--	--	
Wholesaler ^	P	--	--	--	

## LAND USE AND DEVELOPMENT REGULATIONS

Table 6-1 – Permitted Uses – Gateway Specific Plan (continued)

Service Uses	MU	T	R	POS	EMMC/Gateway
Animal service – animal grooming ^	P	--	--	--	
Automated Teller Machine (ATM), walk-up* ^	P	P	--	--	17.112.050
Drive-through business – service or retail	M	--	--	--	
Financial institution* ^	P	--	--	--	
Hotels and motels* ^	C	--	--	--	5.48 & 17.112.090
Office concierge service* ^	P	--	--	--	
Personal service use – general* ^	P	--	--	--	17.112.140
Philanthropic or charitable institution ^	P	--	--	--	
Recycling facility – self-service	P	--	--	--	17.112.150
Vehicle rental, automobile	C	C	--	--	
<b>Industrial &amp; Transportation Uses</b>					
Cannabidiol (CBD) products manufacturer	--	--	C	--	
Distribution, fulfillment or warehouse	--	--	C	--	
Industrial hemp processing	--	--	C	--	
Laboratory, testing	--	--	C	--	
Machine shop	--	--	C	--	
Manufacturing (unless listed as a separate use) –					
Ancillary	--	--	C	--	
Light	--	--	C	--	
Recycling processing facility	--	--	C	--	
Passenger transport or taxi service	C	C	C	--	
Research and development	--	--	C	--	
Transit station	--	P	C	--	
Vehicle parking –					
Attendant or valet parking	C	C	--	--	
Car sharing, residential or nonresidential use(3)	M	M	--	--	17.70.070(C)

## LAND USE AND DEVELOPMENT REGULATIONS

Table 6-1 – Permitted Uses – Gateway Specific Plan (continued)

Industrial & Transportation Uses	MU	T	R	POS	EMMC/Gateway
Parking structure	M	M	C	--	G-6.12(A)
Shared parking	M	M	--	--	17.70.070(D)
Vehicle parking, limited (long-term)	M	M	--	--	

(3) Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use). When car sharing is a nonresidential use, the parking spaces shall not be visible from a public street.

**Key:**

- \* Use is pedestrian oriented and may occupy the ground floor of mixed-use buildings. Other uses shall not be permitted.
- ^ Use is pedestrian oriented and may occupy the ground floor of buildings facing Santa Anita Avenue.
- Not permitted.
- P Permitted by-right.
- M Permitted after review and approval of a Minor Use Permit (MUP).
- C Permitted after review and approval of a Conditional Use Permit (CUP).
- G Gateway Specific Plan

## 6.6 URBAN FORM STANDARDS

This section provides development guidance for permitted land uses and establishes standards for the form and shape of development projects within the Specific Plan area.

Urban form standards for the Specific Plan area are dictated by the requirements of the Urban Form Code Sheet and accompanying Urban Form Specifications Sheets. The Urban Form Code Sheet is a regulating plan map that designates how site design and building form standards are applied to specific properties or development sites. The Urban Form Code sheet for this Specific Plan is provided on Exhibit 6-1. The Urban Form Specification Sheets shown in Exhibits 6-2 to 6-4.

The Urban Form Code Sheet identifies the following:

- ▣ Building Sites
- ▣ Street Types
- ▣ Driveways/internal circulation system
- ▣ The MTA Operations Complex
- ▣ Existing Buildings (to remain)
- ▣ Community Parks

The Urban Form Specifications Sheets (or development regulations) for the building sites are linked to the type of street that building site fronts. In some cases, certain building sites would front two (2) or more street types. In these circumstances, the street type that is higher in the street hierarchy (which is identified on the regulating plan) would be used to determine the applicable Development Specifications for the building site. The graphics below provide an example of how this works:



Urban Form Specifications for the Street Types are provided on Exhibits 6-2 through 6-4. On each exhibit, there are Development Specifications related to site design, building mass and height, facade design, and the allowed uses within the building.

## LAND USE AND DEVELOPMENT REGULATIONS

Urban Form Specifications for the Street Types are provided on Exhibits 6-2 through 6-4. On each exhibit, there are Development Specifications related to site design, building mass and height, facade design, and the allowed uses within the building.

### 6.7 EXCEPTIONS

Exceptions may be granted to any Urban Form Specification. Exceptions may allow for design flexibility within the Specific Plan Area. Exceptions shall be granted by vote of the Compliance Review Committee and approval by the Planning Commission, as established upon adoption of this Specific Plan. The Development Review Committee shall make all of the following findings prior to the granting of any exception:

- Compliance with a development specification would preclude an effective and attractive design solution that fulfills the desired form, function, and character of the area as specified in the Specific Plan.
- The granting of an exception will not constitute a grant of special privilege inconsistent with the limitations upon other properties that are subject to the same development specification.
- The granting of an exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed building or use.
- The granting of the exception will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Exceptions, as described in this Section, shall also comply with the procedures as set forth in Section 6.20 of this Specific Plan.

### 6.8 ~~URBAN FORM STANDARDS IN FOR THE TRANSIT AND RIVER SUB-DISTRICTS~~

~~Development Specifications for the Transit and River Sub-Districts are not included in this Specific Plan. Specific locations, heights and uses shall be subject to a Standards such as building setbacks and building separation shall be established through the Minor Use Permit, Conditional Use Permit and/or Design Review by the City of El Monte. The maximum floor area ratio (FAR) shall be 1.5.~~

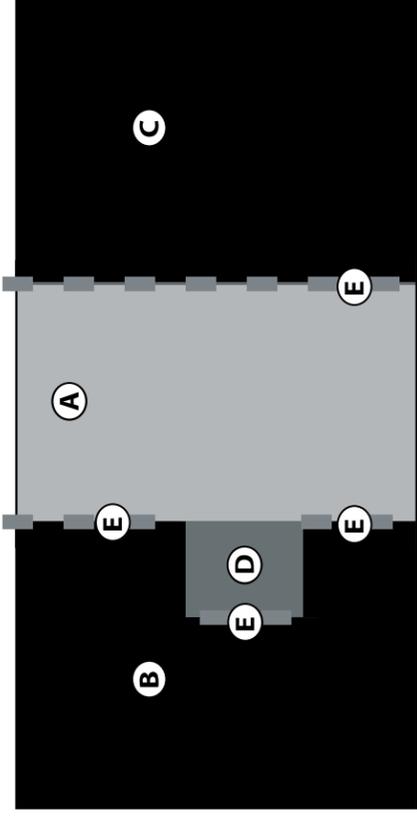
### 6.9 STANDARDS FOR THE PARK AND OPEN SPACE SUB-DISTRICT

~~Development Specifications for the Park and Open Space Sub-District are not included in this Specific Plan. Standards such as building setbacks, height and building separation shall be established by the City of El Monte through the development review process. The maximum floor area ratio (FAR) shall be 0.2.~~



Exhibit 6-1: Regulating Plan

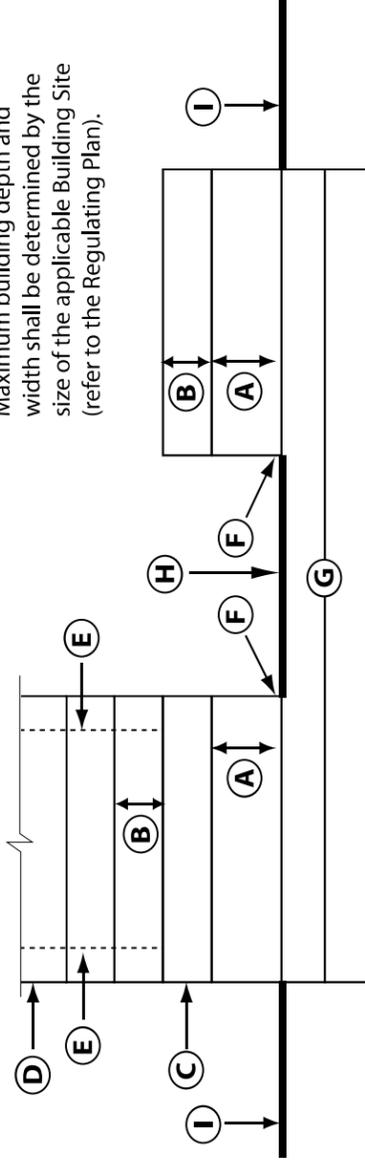
## Site Specifications



- A: Street A: A pedestrian-only street that is designed with decorative pavement, street trees, ornamental street lights, fountains, benches, trash/recycling receptacles, and other pedestrian amenities.
- B: Building Site (south side of Street A)
- C: Building Site (north side of Street A)
- D: Courtyard: Courtyards are allowed in the Building Zones.
- E: Build-to-line: The front facade of the building shall be built along the edges of Street A at a zero foot setback. Building entrances, ground floor, storefronts, arcades, and upper floor balconies, may be recessed into the facade. The build to line and front facade may be setback to create a courtyard.
- F: Street Width: 90'.

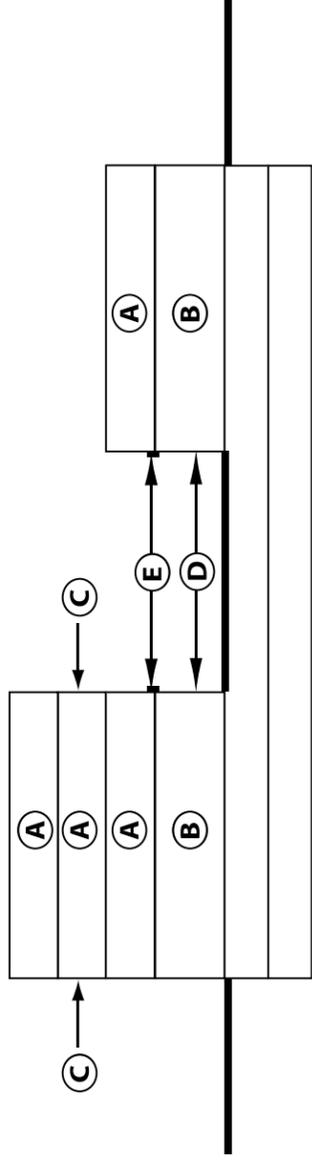
## Mass and Height Specifications

Note:  
Maximum building depth and width shall be determined by the size of the applicable Building Site (refer to the Regulating Plan).



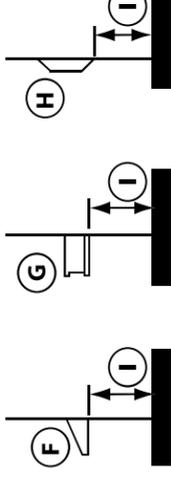
- A: First Floor Ceiling Height: 14' to 18'.
- B: Upper Floor Ceiling Heights: 9' to 12'
- C: Minimum Number of Floors: (above Street A): 2.
- D: Permitted heights shall comply with standards provided in Section 6.10 of the Specific Plan.
- E: Setbacks are allowed on the third floor and above.
- F: The ground level floor shall occur at the grade of the adjacent sidewalk, courtyard, or plaza.
- G: Multi-level parking structures are allowed beneath the buildings and Street A.
- H: Street A.
- I: Ground.

## Facade Specifications

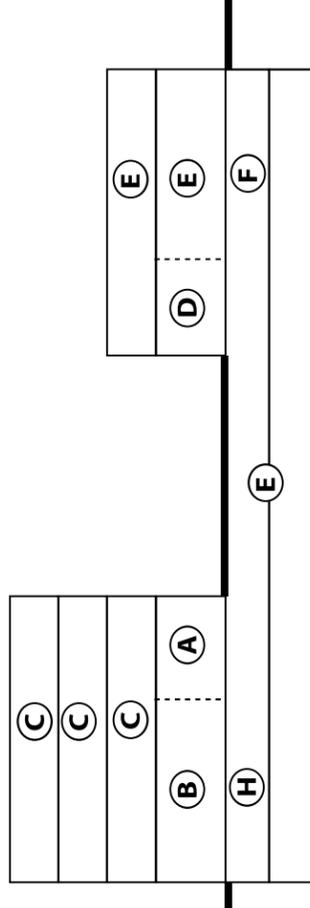


- A: Upper Floors
- B: Ground Floors
- C: Upper Floor Window Fenestration: 30% to 60% of the each upper floor facade that fronts Street A and overlooks Interstate 10 shall consist of glass window/door openings.
- D: Ground Floor Window Fenestration: 60% to 90% of the ground floor facades that front Street A shall be occupied by glass window/doors openings.
- E: A horizontal design element is required to differentiate between the ground floor and upper floors.
- F: Awnings/marquees/trellises may project 5' to 6' from the facade.
- G: Balconies may project up to 6' from the facade.
- H: Bay windows may project up to 2' from the facade.
- I: 8' minimum clearance.

Allowed Facade Projections Over Street A:

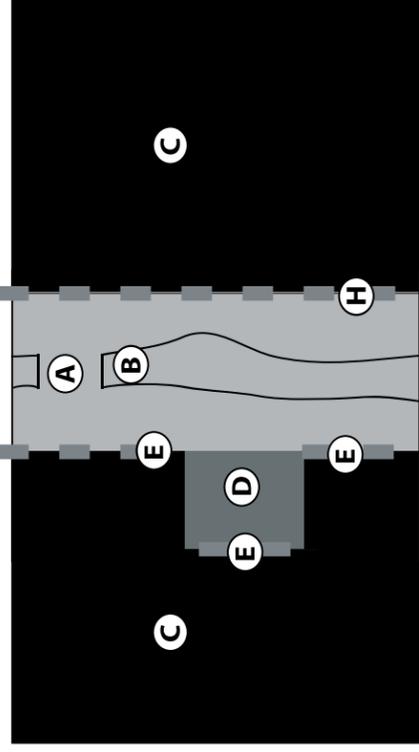


## Use Specifications



- A: Ground floor with Street Frontage: Retail/service uses are allowed. Parking is prohibited.
- B: Ground floor without Street Frontage: Retail/service and office uses are allowed. Parking is allowed.
- C: Upper Floor: Office, and residential uses are allowed. Parking is prohibited.
- D: Retail/service uses shall line the ground floor of the parking structure.
- E: Parking Structure. Storage for above uses is also allowed.
- F: Utility meters, garbage disposal areas, and loading and unloading facilities shall be located within the underground parking structure or shall be screened from public view. These uses are prohibited along Street A.

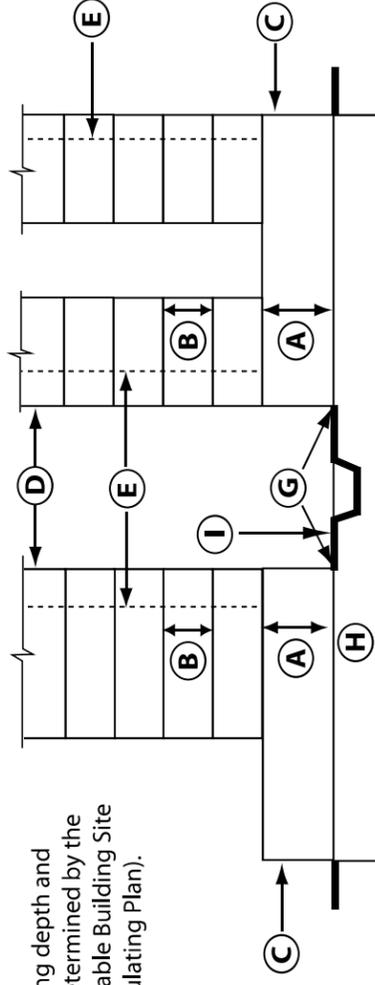
## Site Specifications



- A: Street B: A pedestrian-only street that is designed with a canal system, decorative pavement, street trees, ornamental street lights, fountains, benches, trash/recycling receptacles, and other pedestrian amenities.
- B: Canal: Width Varies between 10' and 60'.
- C: Building Site
- D: Courtyard: Courtyards are allowed in the Building Zones.
- E: Build-to-line: The front facade of the building shall be built along the edges of Street B at a zero foot setback. Building entrances, ground floor storefronts, arcades, and upper floor balconies, may be recessed into the facade. The build to line and front facade may be setback to create a courtyard.
- F: Street B Width: Varies between 40' and 100'.

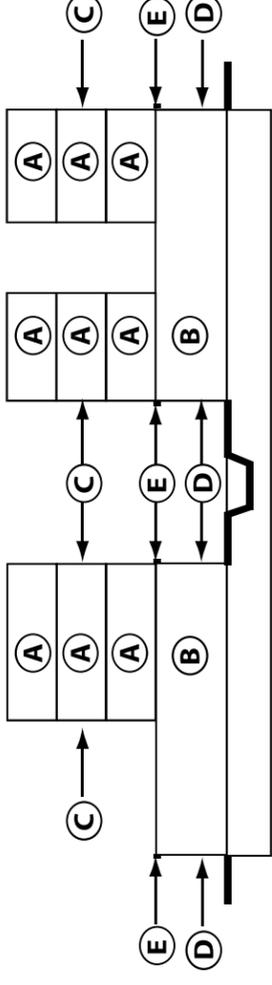
## Mass and Height Specifications

Note:  
Maximum building depth and width shall be determined by the size of the applicable Building Site (refer to the Regulating Plan).



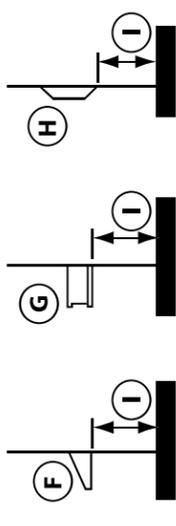
- A: First Floor Ceiling Height: 14' to 18'.
- B: Upper Floor Ceiling Heights: 9' to 12'
- C: Minimum Number of Floors (above Street B): 1.
- D: Permitted heights shall comply with standards provided in Section 6.10 of the Specific Plan.
- E: Stepbacks are allowed on the second floor and above.
- G: The ground level floor of non-residential uses shall occur at the grade of the adjacent sidewalk, courtyard, or plaza. The ground level floor of residential uses shall be at least 24" above the grade of the adjacent sidewalk.
- H: Multi-level parking structures are allowed on the floors below Street B.
- I: Street B.

## Facade Specifications



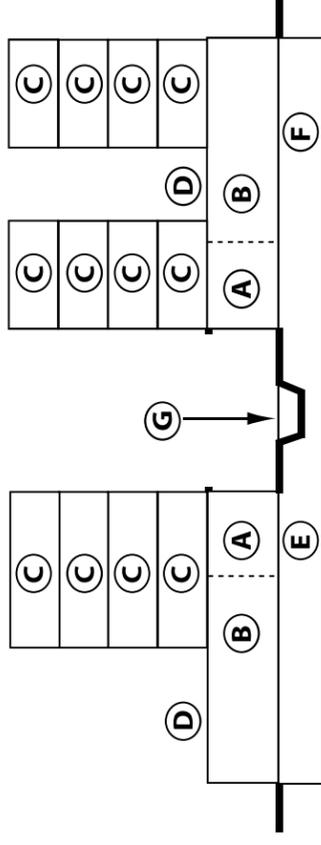
- A: Upper Floors
- B: Ground Floors
- C: Upper Floor Window Fenestration: 30% to 60% of the each upper floor facade that fronts an on or off-site street (including Street B) park space, courtyards, plazas, and or roof gardens shall consist of glass window/door openings.
- D: Ground Floor Window Fenestration: 60% to 90% of ground floor facades that front Street B, Ramona Boulevard, and/or plazas shall be occupied by glass window/doors openings. Storefront entrances to businesses are required on these facades. 30% to 90% window fenestration is required on all other ground floor facades.
- E: A horizontal design element is required to differentiate between the ground floor and upper floors.

Allowed Facade Projections on all Facades:



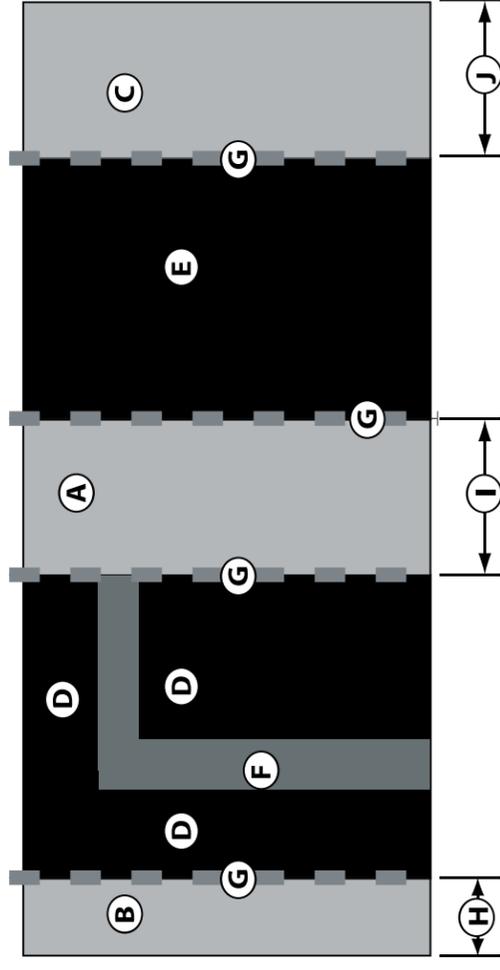
- F: Awnings/marquees/trellises may project 5' to 6' from the facade.
- G: Balconies may project up to 6' from the facade.
- H: Bay windows may project up to 2' from the facade.
- I: 8' minimum clearance.

## Use Specifications



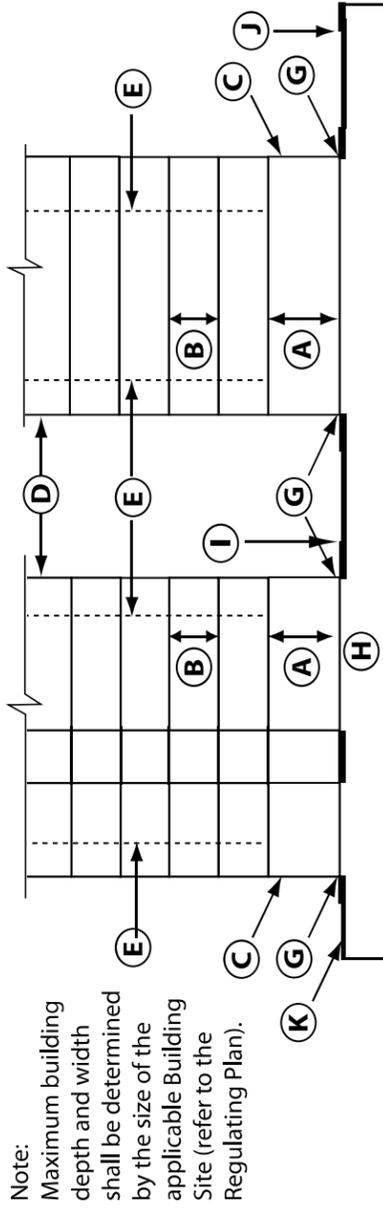
- A: Ground floor with Street B or Ramona Boulevard Frontage: Retail/service and lodging uses are allowed. Parking is prohibited.
- B: Ground floor without Street B or Ramona Boulevard Frontage: Retail/service, lodging, residential and office uses are allowed. Parking is only allowed if one of the above uses is located between the parking area and the exterior of the building.
- C: Upper Floors: Office, and residential uses are allowed. Parking is prohibited.
- D: Courtyards and roof gardens are allowed.
- E: Underground Parking Structure. Storage for above uses is also allowed.
- F: Utility meters, garbage disposal areas, and loading and unloading facilities shall be located within the underground parking structure or shall be screened from public view. These uses are prohibited along Street B or Ramona Boulevard.
- G: Street B.

## Site Specifications



- A: Street C: A street that is designed for the automobile and pedestrian. It includes 15' sidewalks, on-street parallel parking (8' wide), and four 11' travel lanes (two in each direction).
- B: Access Road: A Street that is designed for the automobile and pedestrians. It includes a 20' sidewalk, on-street parallel parking (8' wide), and two 12' travel lanes (one in each direction).
- C: Ramona Boulevard: A street that is designed for the automobile and pedestrians. It includes 12' sidewalks, on-street parallel parking (8' wide), and six 11' travel lanes (3 in each direction).
- D: Building Site (South side of Street C).
- E: Building Site (North side of Street C).
- F: Pedestrian walkways are allowed within the building sites.
- G: Build-to-line: The front facade of the building shall be built along the edges of the streets that define the building sites at a zero foot setback. Building entrances, ground floor, storefronts, arcades, and upper floor balconies, may be recessed into the facade. The build to line and front facade may be setback to create a courtyard/plaza.
- H: Access Road Width: 50'.
- I: Street C Width: 90'.
- J: Ramona Boulevard Width: 90'.

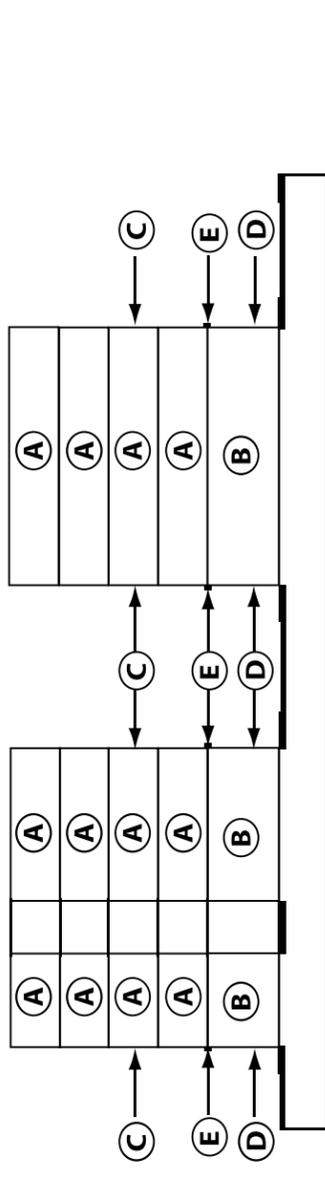
## Mass and Height Specifications



Note:  
Maximum building depth and width shall be determined by the size of the applicable Building Site (refer to the Regulating Plan).

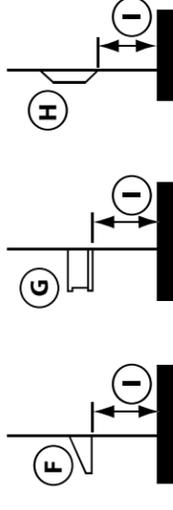
- A: First Floor Ceiling Height: 14' to 18'.
- B: Upper Floor Ceiling Heights: 9' to 12'.
- C: Minimum Number of Floors (above Street C): 1.
- D: Permitted heights shall comply with standards provided in Section 6.10 of the Specific Plan.
- E: Stepbacks are allowed on the second floor and above.
- G: The ground level floor shall occur at the grade of the adjacent sidewalk, courtyard, or plaza.
- H: Multi-level parking structures are allowed on the floors below Street C.
- I: Street C.
- J: Ramona Boulevard
- K: Access Road

## Facade Specifications

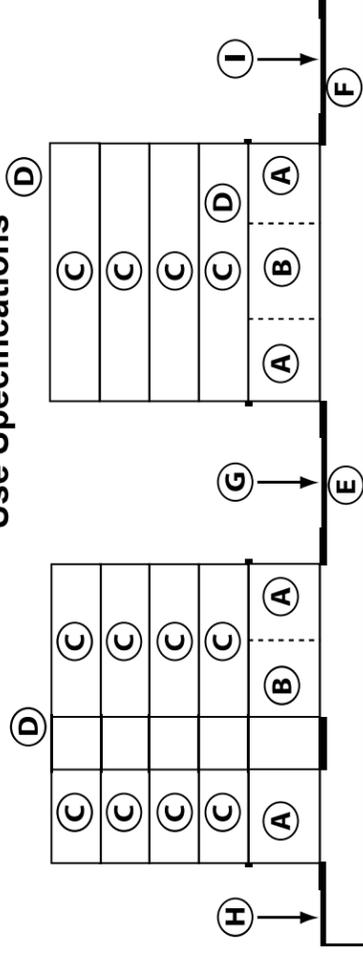


- A: Upper Floors:
- B: Ground Floors:
- C: Upper Floor Window Fenestration: 30% to 60% of each upper floor facade that fronts an on or off-site street (including Street C) park space, courtyards, plazas, and or roof gardens shall consist of glass window/door openings.
- D: Ground Floor Window Fenestration: 60% to 90% of the ground floor facades that front an on or off-site street shall be occupied by glass window/doors openings. Storefront entrances to businesses are required on these facades.
- E: A horizontal design element is required to differentiate between the ground floor and upper floors.
- F: Awnings/marqueses/trellises may project 5' to 6' from the facade.
- G: Balconies may project up to 6' from the facade.
- H: Bay windows may project up to 2' from the facade.
- I: 8' minimum clearance.

Allowed Facade Projections on all Facades:



## Use Specifications



- A: Ground floor with Street Frontage: Retail/service and lodging uses are allowed. Parking is prohibited.
- B: Ground floor without Street Frontage: Retail/service, lodging, residential and office uses are allowed. Parking is only allowed if one of the above uses is located between the parking area and the exterior of the building.
- C: Upper Floors: Office, and residential uses are allowed. Parking is prohibited.
- D: Courtyards and roof gardens are allowed.
- E: Underground Parking Structure. Storage for above uses is also allowed.
- F: Utility meters, garbage disposal areas, and loading and unloading facilities shall be located within the underground parking structure or shall be screened from public view. These uses are prohibited along Street C, Ramona Boulevard, and Santa Anita Avenue.
- G: Street C.
- H: Access Road
- I: Ramona Boulevard

## 6.10 PERMITTED HEIGHTS BY LAND USE SUB-DISTRICT

Permitted heights shall comply with standards provided in Table 6-2a, below.

**Table 6-2a**  
Permitted Heights by Land Use Sub-District

Land Use Sub-District	Permitted Height
EMG-MU	
• Rio Paseo Village	6 Stories
• North Promenade Village (North of Ramona Boulevard)	6 Stories
• North Promenade Village (South of Ramona Boulevard)	12 Stories
• South Promenade Village	12 Stories
EMG-T	<del>(1)</del> 40 feet
EMG-R	<del>(1)</del> 50 feet
EMG-POS	<del>(2)</del> (1)
Note: (1) Heights shall be established through the development review process. <del>Permitted heights governed by zoning standards shall comply with the standards of zoning district existing prior to the adoption of the Specific Plan.</del> <del>Permitted heights governed by zoning standards shall comply with the standards of zoning district FAR of 0.10.</del>	

## 6.11 LIMITATIONS AND EXCEPTIONS TO PERMITTED USES AND STRUCTURES

### A. Limitation on storage.

1. No material or equipment shall be stored within the space between a street and setback line except for temporary storage during construction on the same premises. No required setback area shall be used to store any boat, camper, motor vehicle, or trailer, or parts thereof, equipment or any type of antenna except as provided for in this Specific Plan.
2. Outdoor storage areas for commercial and industrial uses shall be utilized only for the express purpose of the storage of material or equipment directly related to the use or activity on site. Such outdoor storage shall be fully enclosed by a masonry wall, and the stored material shall be kept below the horizontal plane of the top.
- ~~3. Exception. Outdoor storage of vehicles in auto retail sales uses shall be allowed in conjunction with any legally permitted auto retail sales requiring the outdoor storage of sales inventory.~~

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## LAND USE AND DEVELOPMENT REGULATIONS

### B. Limitation on outdoor uses.

1. All permanent uses except those permitted in Table 6-1 and outdoor dining, shall be conducted entirely within a completely enclosed structure, which is attached to a permanent foundation.
2. Outdoor wholesaling of goods and materials shall not be permitted. The retail sales of goods and materials to the general public on a temporary basis may be permitted subject to the approval of a Conditional Use Permit.
3. All uses shall be conducted in a manner so as not to be objectionable to a person of normal sensitivity by reason of dust, fumes, noise, odor, smoke, vibrations, or other similar causes, as defined in California Civil Code Sections 3479-3481.

## 6.12 STANDARDS FOR SPECIFIC LAND USES

### A. Parking Structures and Garages.

1. Applicability.  
The following standards shall apply to enclosed parking structures, including those above grade and below grade.
2. Site Organization.
  - a. Where appropriate, parking garages shall incorporate a ground-floor retail use adjacent to the public sidewalk.
  - b. A minimum 5-foot landscaped setback shall be provided on all sides of the parking structure, except where ground-floor retail space, or usable public amenities are provided. Landscaping shall include adequate facilities to enable proper maintenance.
3. Access and Circulation.
  - a. Vehicle-stacking areas for entering and exiting traffic shall be of sufficient length to minimize vehicle stacking onto surrounding streets or within the parking structure. A minimum of two (2) vehicle lengths of stacking distance shall be provided between the street and the control gate.
  - b. Exit lanes shall be provided at a minimum ratio of one (1) lane for each 500 vehicles. The maximum aisle length shall not exceed 400 feet without providing a cross aisle.

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- c. Ramp grades shall not exceed fifteen percent and parking areas shall not exceed a slope of four (4) to five (5) percent.
- 4. Lighting and Security.
  - a. A minimum illumination of 5 foot-candles shall be provided inside the structure and a minimum of 3 foot-candles for exterior parking areas. Higher levels are recommended for remote areas subject to security considerations (e.g., stairways, elevators, and other pedestrian access points). Minimum illumination levels, measured from the adjacent finished floor, shall be as provided in Table 6-2b.

**Table 6-2b Minimum Illumination Levels  
For Parking Structures and Garages**

Facility	Minimum Illumination Level
Stairways and exits	5 foot-candles
Interior driving aisles at centerline	5 foot-candles
Interior parking areas at barrier railings	0.5 foot-candle
Roof parking areas	3 foot-candle

- b. Lighting fixtures shall be designed and placed to provide uniform illumination over all parking areas.
- c. Light sources shall be shielded so that the source of the illumination is not seen from outside the structure.
- d. The architectural design of the garage shall eliminate possible hiding places and openings that could allow random pedestrian access.
- e. During periods when parking activity is substantially less than the garage capacity (as at night), there shall be a means of securing unused parking levels from use, including stairwells and elevators. If the garage is not operated on a 24-hour basis, the entire facility shall be secured from access during hours when the facility is closed to normal business activities.
- f. For above-grade parking structures, stair towers shall include glass, or appropriate visually penetrable material running vertically along the height of the tower.
- g. Elevators shall be provided with glass-backed cabs and shafts.



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## LAND USE AND DEVELOPMENT REGULATIONS

### B. Destination Retail/Entertainment Development.

This section applies to larger scale retail/entertainment development projects whose total building area, including usable outdoor space that is equal or greater than 20,000 gross square feet. For determining building area, structure(s) located 20 feet or less apart or multiple structures that are part of a single development project shall be consider one (1) building.

#### 1. Purpose.

This section is intended to implement the goals and objectives of the El Monte Gateway Specific Plan and provides development regulations and standards for Destination Retail/Entertainment Development. The following standards shall apply:

#### 2. Architectural Design.

a. Buildings shall consist of quality architectural features.

b. Façade. Unarticulated wall surfaces shall not exceed 40 feet in length. Facades exceeding 40 feet in length shall incorporate projections, recesses and offsets to minimize the appearance of long blank walls.

i. Architectural elements such as pilasters, columns, canopies, porticos, colonnades, arcades and other architectural elements shall be incorporated.

ii. Other methods, in addition to those expressed in subsection B.2.a, above, include color changes, texture changes and materials changes.

iii. Methods to reduce the likelihood of graffiti, such as creeping vines or other methods shall be incorporated, as appropriate.

c. Buildings with multiple tenants. Buildings containing multiple tenants shall provide fenestration for the façade of each individual leasable space at a minimum of 60% or the horizontal length of the façade.

i. Fenestration shall occur at a minimum of 30 inches above finished grade and a minimum of 8 feet in height. Full fenestration of the façade shall be considered a preferred alternative.

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- d. Entryways. Building entryways shall be clearly defined and incorporate architectural details.
- e. Trash/Service/Delivery areas. Trash, service and delivery areas shall provide adequate screening and buffering to minimize visual impacts from the public right-of-way and adjacent properties.
  - a. Minimum wall height for screening and buffering shall be 8-feet and shall provide architectural details complimentary to the design of the building
  - ii. When appropriate, a landscape buffer may be provided along service/delivery area screen walls.
  - iii. Buffer landscaping shall consist of a complimentary mix of trees, shrubs and groundcover.
  - iv. Where appropriate, drought tolerant landscaping shall be used.
- 3. Roofs.
  - a. If any roof top equipment is installed, it should be secured to the structure and treated with architectural elements consistent with the overall design of the primary structure.
- 4. Circulation and Access.
  - a. A minimum 5-foot sidewalk shall be provided along the full length of a building's facade. For multi-tenant buildings, a minimum 8-foot sidewalk shall be provided along the full length of the building's façade.
- 5. Parking Requirements.

For Destination Retail/Entertainment Development, the following standards, shall apply:

- a. Parking Standards shall comply with the standards and provision for specific land uses as set forth in Section 6.12 of this Specific Plan in addition to the following standards:
  - i. For surface parking, no more than 100 spaces shall be defined in a grouping of spaces.

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- ii. Uses requiring more than 500 surface spaces shall be allowed 150 spaces in any grouping.
- iii. Groupings of surface parking spaces shall be separated by landscape planters, end aisle plantings or similar elements.
- iv. Parking lot design shall incorporate Best Management Practices for the reduction in stormwater management.

### 6. Requirements for Publicly Accessible Amenities.

For destination retail/entertainment, development applicants shall be required to provide usable exterior publicly amenities on-site. These amenities may include any combination of the following:

- Seating or benches
- Public art
- Water features
- Usable landscape area (e.g. turf)

The amount, design and placement of these amenities shall be determined during the design review process. Project applicants shall also conform to the requirements of the City of El Monte Arts in Public Places Ordinance.

### C. Mixed-use Development.

For the purpose of this section, mixed-use projects are developments that combine any combination of residential and non-residential uses or structures on a single parcel, or as components of a single development.

#### 1. Mix of uses.

A mixed-use project shall combine either commercial and office uses or commercial and residential uses. Mixed-use projects may provide commercial and/or office space on the ground floor with residential units above.

#### 2. Residential density.

The allowable residential density of a mixed-use project shall be governed by the urban form standards contained in Section 6.7 of this Specific Plan and the estimated buildout of development by Specific Plan Village as defined in this Specific Plan. Maximum

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## LAND USE AND DEVELOPMENT REGULATIONS

residential density for the entire project site shall not substantially exceed the thresholds evaluated in the Program Environmental Impact Report certified in conjunction with this Specific Plan. Upon request of the Deputy City Manager for Community Development, the applicant for each phase of a mixed use project shall provide the City with sufficiently detailed population/density information for previously developed and occupied residential phases of development.

- a. Residential Dwelling Unit Minimum Size. Minimum interior building areas for residential dwelling units shall be as follows:
  - i. Studio unit: minimum 500 sq. feet;
  - ii. One (1) bedroom: minimum 600 sq. feet;
  - iii. Two (2) bedrooms: minimum 750 sq. feet;
  - iv. Three (3) bedrooms: minimum 1,100 sq. feet.

### 3. Parking – Mixed Use Projects.

Parking standards for mixed use projects shall comply with the standards set forth in Section 6.12 of this Specific Plan, in addition to the following standards:

- a. Parking spaces shall be provided on-site for guests. Guest parking shall be accessible, shall be screened from view of the street and shall be clearly identified with the words "GUEST PARKING" painted in the space with minimum 8-inch letters.
- b. Nonresidential uses. Off-street parking for nonresidential uses shall be provided for each separate use in compliance with the standards as set forth in Section 6.12 this Specific Plan.

### 4. Parking and access standards.

- a. All parking spaces required for the residential use shall be provided on site.
- b. Parking spaces to serve residential uses shall be specifically designated and shall be reserved for the exclusive use of the residents.

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- c. If structured parking is provided for the entire complex, separate dedicated and accessible areas shall be provided for residential and commercial uses.
- d. Separate site access drives shall be provided for the residential uses and commercial uses whenever possible.
- e. Methods for securing residential parking shall be required for residential uses and residential parking areas, as well as for securing commercial parking areas when businesses are closed.
  - i. Security measures shall be subject to review by the El Monte Police Department.

5. Trash collection areas.

Trash collection areas shall be contained within an enclosed structure. Trash collection areas shall be designed, located or screened so as not to be readily identifiable from adjacent streets.

6. Loading and storage facilities.

Loading areas and solid waste storage facilities shall be located as far as possible from the on-site residential units and shall be completely screened from view from adjacent residential portions of the project. The location and design of the solid waste enclosures shall account for potential nuisances from odors and noise from collection vehicles.

7. Exterior lighting.

Parking lot lighting and security lighting for the commercial uses shall be appropriately shielded so as not to spill over into residential areas. Residential units shall also be shielded from illuminated commercial signs.

8. Exterior equipment.

All exterior mounted equipment, including public transportation facilities, shall be screened from view. Special consideration shall be given to the location and screening of noise generating equipment (e.g., air conditioning, exhaust fans, refrigeration units, etc.) Noise reducing screens and insulation may be required where equipment has the potential to impact residential uses.

- a. Satellite dish system must be roof mounted and screened from view.

9. Outdoor space for residential uses – mixed use projects.

- a. Outdoor space may be provided as common or private space. Any common outdoor space shall have a minimum level surface dimension of 20 feet and a minimum area of 400 square feet.

- b. Outdoor space intended for use by residents only shall not be accessible from commercial areas.

- c. Open space and courtyards located in the commercial areas may be accessible to residential occupants and visitors.

- d. Landscaping and seating shall be permanently integrated into all publicly-accessible outdoor spaces.

10. Hours of operation.

The City of El Monte may restrict the hours of operation of nonresidential uses to mitigate adverse impacts on the residential uses.

11. Joint owners' association.

For mixed use projects providing residential and non-residential uses, a joint tenant/owners' association shall be formed to ensure the continuous maintenance and replacement of common area elements for the project and each phase of development. Each association shall be managed by a professional property management company.

Each association shall be formed according to the type of use (e.g., residential, commercial, office and mixed use) and shall have the power to levy and collect assessments from owners of interests in each phase of development to provide for common area maintenance and replacement and the other purposes of each association. The association's bylaws and governing documents, indemnity, conditions, covenants and restrictions shall include the following: determination of the maintenance and landscaping responsibilities, trash facility responsibilities, parking facility maintenance responsibility, assignment of parking spaces per each use, relationship between uses regarding association representation and voting procedures and, if applicable, mechanisms for the integration of the common area maintenance functions among different associations with the overall project site.

In addition, the governing documents for each such association shall contain other provisions as required by the City in light of the specific design elements of each particular phase of implementation of the overall project. The conditions, covenants and restrictions of each association shall provide that the City has the power to enforce the maintenance and land use delegations of the association in the event that following reasonable notice from the City, the association does not correct any such maintenance and land use compliance deficiencies at the reasonable request of the City. The City shall have the power to enter the property to perform maintenance work and the City shall have the power to recover any costs which the City may incur with in connection with the enforcement of the association's maintenance, replacement as a special assessment as if the association itself levied such special assessments upon its members under the conditions, covenants and restrictions.

The governing documents of each association shall be subject to review and approval by the City Attorney as to conformity with this section.

12. Building Design for Mixed Use Projects.
  - a. Design standards. A mixed-use project shall be designed and constructed to:
    - i. Be compatible with and complement adjacent land uses;
    - ii. Maintain or enhance the character of development in the immediate neighborhood;

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- iii. Maintain or increase the existing number of residential units generally and specifically those for seniors and a variety of income levels; and
- iv. Mitigate glare, light, noise, traffic, and other potential environmental impacts to the maximum extent feasible.

13. Separate entrances.

When residential and commercial uses are provided in the same structure, separate entrances shall be provided for each use.

14. Distance between dwellings.

A minimum distance of 10 feet shall separate exterior walls of separate buildings containing dwelling units on the same lot. The windows or window/doors of any dwelling unit shall not face the windows or window/doors of any other dwelling unit unless separated by a distance of 10 or more feet except where the angle between the wall of the separate dwelling units is 90 degrees or more. Walls parallel to each other shall be considered to be at a zero degree angle.

15. Sound mitigation.

Residential units shall be designed to be sound attenuated against present and future project noise. New projects, additions to existing projects, or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards, as required by the EMMC.

16. Rooftop equipment.

Rooftop equipment, except solar energy equipment, shall be completely enclosed on all sides or screened from view of public rights-of-way.

17. Landscaping.

- a. All street setback areas and other areas not occupied by buildings, parking, driveways, walkways, and other incidental residential activities shall be fully landscaped with live plant materials and shall be permanently maintained in a neat and orderly manner.

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- b. For the purposes of this section, permanent landscaping shall consist of landscaped areas at the ground level.
  - c. The soil shall be of sufficient depth in areas where trees are to be planted.
  - d. Decorative design elements (e.g., as fountains, sculptures, planters, rocks or other similar elements) may be permitted where they are integral parts of a landscape plan composed primarily of live plant materials.
  - e. Pedestrian walks and vehicular accessways shall be permitted in landscaped areas.
  - f. Street setback areas shall not be completely paved.
  - g. Permanent and automatic irrigation facilities shall be provided in all permanent landscaped areas except potted containers.
  - h. Landscaping shall be permanently maintained in substantial conformance with the approved plan.
18. Lighting.
- a. Lighting for uncovered parking areas, vehicle accessways and walkways shall not exceed a height of 16 feet, except that the maximum height on the rooftop of any parking structure located on a lot adjacent to any residential zone shall not exceed a height of 8 feet.
  - b. The overall height shall be measured from the paved parking area surface to the uppermost part of the light standard, including the light globe.
  - c. Lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and public rights-of-way. Appropriate shields shall be incorporated into lighting fixtures to ensure lighting does not spill onto adjoining properties.
19. Laundry Facilities.
- a. Laundry facilities shall be provided to serve all residential dwelling units on a lot.

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- b. Laundry facilities, constituting washer and dryer appliances connected to utilities, shall be provided in the individual dwelling units or as part of a common laundry facility.
- c. A common laundry room shall be in an accessible location and shall have at least one (1) washer and one (1) dryer for each 10 dwelling units, maintained in operable condition and accessible to all tenants daily between the hours of 7:00 A.M. and 10:00 P.M.

### D. Live/Work Development.

#### 1. Purpose.

Live/work units are intended for the expressed use of business operators who live in the same structure that contains the business activity. A live/work unit is intended to function predominantly as workspace with incidental residential accommodations.

#### 2. Applicability and allowed uses.

The provisions of this section shall apply to live/work units where permitted by Table 6-1. The non-residential component of a live/work project shall only be a use permitted within the Specific Plan area.

#### 3. Limitations on use.

A live/work unit shall not be established or used in conjunction with any of the following activities:

- a. Adult businesses;
- b. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
- c. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use; and
- d. Other activities or uses, not compatible with residential activities and/or that have the possibility of affecting the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes, as determined by the Director of Community Development.

4. Development standards.
  - a. Floor area requirements. The minimum total floor area of a live/work space shall be 1,000 square feet within each unit. All floor area other than that reserved for living space shall be reserved and regularly used for working and display space.
  - b. Street frontage treatment. Each live/work unit fronting a public street, and located at street level, shall have a pedestrian-oriented frontage that publicly displays the interior of the nonresidential areas of the structure. The first 25 feet of the floor area depth at the street-level frontage shall be limited to display and sales activity.
  - c. Access to units. Where more than one (1) live/work unit is proposed within a single structure, each live/work unit shall be separated from other live/work units and other uses in the structure. Access to individual units shall be from common access areas, corridors, or hallways. Access to each unit shall be clearly identified to provide for emergency services.
  - d. Integral layout. The living space within the live/work unit shall be contiguous with, and an integral part of the working space, with direct access between the two (2) areas, and not as a separate stand-alone dwelling unit. The residential component shall not have a separate street address from the business component.
  - e. Open Space Requirements. Live/work development consisting of four (4) or less units shall provide a minimum 50 square feet of private open space per unit. Developments exceeding four (4) units shall provide 150 square feet of private or common open space per unit. Common open space shall be accessible to all residential units within the live/work development.
5. Operating standards.
  - a. Occupancy. A live/work unit shall be occupied and used only by a business operator, and/or a household of which at least one (1) member shall be the business operator.
  - b. Sale or rental of portions of unit. No portion of a live/work unit may be separately leased, rented, or sold.

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- c. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other impacts associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas.
- d. Nonresident employees. Up to 2 persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the provisions of the EMMC or this Specific Plan.

### ~~6. Required findings.~~

~~The approval of a live/work unit shall require the Deputy City Manager for Community Development to make all of the following findings:~~

- ~~a. The establishment of live/work units will not conflict with nor inhibit other uses in the area where the project is proposed;~~
- ~~b. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations.~~

### **E. Other Development Standards.**

Refer to Title 17 (Zoning Ordinance) of the EMMC for additional requirements. This includes Chapter 17.70 (Parking), Section 17.110.060 (Mixed-use) and Section 17.110.050 (Live/work). When standards conflict between Title 17 and the El Monte Gateway Specific Plan, the requirements of the Specific Plan shall apply.

## 6.13 OFF-STREET PARKING AND LOADING STANDARDS

### A. Purpose.

The purpose of this section is to ensure that sufficient parking and loading areas are provided and properly designed and located in the Specific Plan project area. Every use, including a change in or expansion of an existing use or structure shall have appropriately maintained off-street parking and loading areas in compliance with the standards as described in this Specific Plan. ~~For standards and provisions that are not explicitly stated, the standards and provisions of the EMMC shall apply.~~

**B. Regulations for Off-Street Parking.**

Off-street parking and loading for uses within the El Monte Gateway Specific Plan shall comply with the provision of this Section, as amended.

**1. Calculation of Off-Street Parking Standards.**

Calculation of required parking spaces shall be in conformance with the Gateway Parking Model, as provided in Appendix A of this Specific Plan. The Gateway Parking Model shall be based on ULI Shared Parking Model (Section Edition), as amended.

**2. Mitigation Monitoring Requirement for Parking Occupancy.**

The City of El Monte shall monitor the parking requirements as provided in this section to ensure the parking amounts specified in the Specific Plan and the designated ULI Shared Parking Second Edition are appropriate for the Specific Plan area.

The City, in consultation with project applicants, shall monitor actual parking occupancy in the Specific Plan area at specified intervals. Depending on the results of occupancy monitoring, the adopted parking model shall be modified and altered parking requirements shall be established as described below.

**3. Monitoring Requirements.**

- a. The first monitoring requirement for parking occupancy will be triggered at 50 percent of the total buildout square footage of the Specific Plan area is developed and reaches stabilized operations.

Stabilized operations shall be defined as six (6) months following a city-issued Certificate of Occupancy for any portion of development in the Specific Plan area.

- b. Monitoring shall also occur before each subsequent development application. Monitoring results will be compared to the model predictions for the month in which the monitoring occurs.
- c. Monitoring of parking occupancy will be undertaken by a qualified transportation consultant agreeable to the City and the developer. Parking occupancy measurement will cover hourly intervals from 6:00 AM through 10:00 PM on

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- d. Five (5) different weekdays (including at least one (1) Friday). The qualified consultant will also undertake surveys outside of the project site to determine if any project parking is occurring in other on-street or other off-street parking facilities that are not part of the project.
- e. Should parking occupancy be greater than five (5) percent of the occupancy calculated by the model, a qualified transportation consultant shall recalibrate the model, making adjustments to the base parking rate, time of day factors, mode adjustments, non-captive index, vacancy factor, or other elements using appropriate analysis techniques.
- f. Should any required recalibrations indicate that insufficient parking was required in the first 50 percent of the buildout of the Specific Plan area, subsequent conditions shall be required to mitigate any deficiencies identified and will affect parking requirements for development applications in the Specific Plan area.
- g. Should a required recalibration indicate that more parking was provided than required in the first 50 percent of the buildout of the Specific Plan, subsequent conditions shall provide credits for excess parking supply and shall adjust parking requirements for future development applications. Parking supply adjustment between subsequent development projects is possible because the project will implement shared parking, providing an environment that is conducive to walking between project areas.

### **C. Parking Requirements for Existing Transit Uses.**

Should development applications in the Specific Plan area include modifications to existing transit parking facilities, a memorandum of understanding, operating agreement or equivalent arrangement for the use, distribution and location of parking facilities shall be executed between the project applicant, METRO, the City of El Monte and other responsible agencies. Any agreement shall be reviewed and approved by the City Attorney.

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### D. Location of Parking.

1. Required parking spaces for commercial or mixed uses shall be located on the same parcel or another parcel not further than 400 feet from the parcel they are intended to serve.
2. Off-street parking for one (1) use shall not be considered as providing required off-street parking for any other use, except as expressly authorized by this section.

### E. Access to Spaces.

1. Parking shall be designed to provide adequate space for access and adequate on-site maneuvering. Loading facilities shall not conflict with or obstruct the proper function of parking facilities.
2. Parking facilities shall maintain adequate access and maneuverability for emergency vehicles.

### F. Joint use of Parking.

The utilization of shared parking facilities within the El Monte Gateway Specific Plan is encouraged. Shared parking standards are based on the assumption that patrons will use a single parking space for more than one (1) destination in certain locations within the Specific Plan area and that one (1) parking space will be open and available for short-term parking to serve different uses which may have different peak hours. Project applicants for non-residential development may provide parking facilities for joint use of parking in compliance with the standards and provisions as set forth in this Section.

### G. On-street and Common Loading.

In addition to the standards prescribed for specific land uses described in this Specific Plan, the following loading requirements apply:

1. Individual developments or leased space occupied by a legal business in mixed use developments comprising less than 10,000 square feet of gross leasable area may utilize on-street loading when demonstrated that the loading activity will not be detrimental to the public health, safety, and welfare, or adversely affect traffic patterns.
2. On-street loading shall not be permitted on Santa Anita Avenue. at any time

## LAND USE AND DEVELOPMENT REGULATIONS

3. Uses part of a mixed use development, inclusive of residential uses, within the Specific Plan area may utilize common loading facilities when demonstrated that the loading activity will not be detrimental to the public health, safety, or welfare, or adversely affect traffic patterns.

### H. Other Requirements.

Refer to Chapter 17.70 (Parking) of the EMMC for additional requirements. When standards conflict between Chapter 17.70 and the El Monte Gateway Specific Plan, the requirements of the Specific Plan shall apply.

## 6.14 LANDSCAPING, ~~WALLS AND FENCES~~

### A. Purpose.

This section shall provide standards and regulations to ensure the quality and appearance of development within the Specific Plan area.

#### ~~Applicability.~~

~~Standards for landscape, walls and fences shall comply with the standards contained in Chapter 17.10 of the EMMC in addition to the following standards.~~

#### ~~Landscaping and Irrigation Required.~~

~~All projects shall provide and maintain landscaping and irrigation in compliance with applicable sections of this Specific Plan and the EMMC. Standards for the provision of landscaping within the public right of way in conjunction with any private development shall be in compliance with the EMMC.~~

### B. Landscaping Standards.

1. Drought-tolerant landscaping required. All landscaping shall be installed and maintained to minimize irrigation demand. Shrubs, trees, vines, perennials, and ground cover shall demonstrate drought-tolerant features consistent with the California Department of Water specifications.
2. Recycled water, including stormwater runoff, shall be utilized to the maximum extent feasible for irrigation. All irrigation and planting on private property shall incorporate an automatic irrigation system. The irrigation system shall be maintained and operated by the project applicant.

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- a. Landscape maintenance shall be performed on a regular basis to ensure the visual quality of the landscaped areas.
  - b. Prior to the issuance of permits, project applicants for projects in excess of 10,000 square feet shall file a maintenance agreement and any necessary easements with the City of El Monte. The agreement shall be approved by the City Attorney and shall run with the land.
    - ~~i. The landscape maintenance agreement shall run with the land.~~
3. Use of approved landscape palette is required. Project applicants shall use landscape materials that are consistent with the requirements of the Specific Plan, as determined by the Deputy City Manager for Community Development. The landscape palette may be modified based upon unique site conditions.

### C. Parking lot landscaping.

Parking lot landscaping shall comply with the following standards:

1. Surface parking lots shall be landscaped in an amount equal to five (5) percent of the total parking lot area.
2. Parking lot trees shall be planted at a minimum ratio of one (1) tree for each ~~10~~ six (6) parking stalls.
3. Parking lot end islands shall be a minimum of five (5) feet in width and provide an appropriate combination of trees, shrubs and turf.
4. Clustering of trees shall be allowed, provided the sum total of trees equals the standards prescribed above.

~~Parking lot landscape planters shall be provided at a ratio of 1 planter per 10 parking stalls. The size of the landscape planter shall not be less than the size of a standard parking stall, exclusive of finished curb width.~~

5. Parking lot planters and end islands shall be irrigated and maintained in proper working order by the property owner.
6. Replacement of dead, diseased or damaged landscaping shall be replaced by material of equal size and maturity.
7. Redwood chips, decomposed granite or other organic material shall not be used as a substitute for required landscaping ~~shall be prohibited.~~

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### D. Other Development Standards.

Refer to Chapters 17.72 (Landscaping) and 17.74 (Water Efficiency) of the EMMC for additional requirements. When standards conflict between Chapters 17.72 and 17.74 and the El Monte Gateway Specific Plan, the requirements of the Specific Plan shall apply.

## 6.15 WALLS AND FENCES

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Walls and fences shall be designed to complement the prevailing architecture and design of a development project.

- A. Walls located along street setbacks shall not exceed a height of 3-½ feet. Where conditions merit, additional wall heights may be required at the discretion of the Community and Economic Development Director. ~~Deputy City Manager for Community Development.~~

~~The use of barbed wire, concertina wire, electronically charged fences, plain exposed concrete block, plastic materials, chain link and grape stakes are prohibited.~~

- B. Walls exceeding 50 feet in length shall provide changes in vertical wall plane to reduce visual impacts. Pilasters, changes in materials or colors, landscaping and other appropriate features shall be incorporated to reduce the appearance of long, unarticulated wall planes.
- C. Refer to Section 17.72.120 (Walls and Fences) of the EMMC for additional requirements. When standards conflict between Section 17.60.120 and the El Monte Gateway Specific Plan, the requirements of the Specific Plan shall apply.

## 6.16 SIGNS

Any development within the El Monte Gateway Specific Plan shall have a Master Sign Program specifying the overall design, configuration and permitted sizes of signs within the development. This shall apply to residential-only, mixed-use and nonresidential projects. Refer to Chapter 17.80 (Signs) for specific regulations. ~~The Master Sign Program shall be subject to the following standards:~~

**6.17 GENERAL OPERATING STANDARDS****A. Air Pollution.**

Sources of air pollution shall comply with rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the California Air Resources Board. No person shall operate a regulated source of air pollution without a valid operation permit issued by the designated regulatory agency.

**B. Exhaust Emissions.**

Construction-related and business activity exhaust emissions shall be minimized by maintaining equipment in good operating condition and in proper tune in compliance with manufacturer's specifications. Equipment shall not be left idling for long periods of time.

**C. Odor Emissions.**

Noxious odorous emissions from a substance or in a volume that is detrimental to or endangers the public health, safety, comfort or welfare is a public nuisance and unlawful, and shall be modified to prevent further emissions release.

**D. Electrical Interference.**

Activities, processes, and uses shall not operate in a manner that produces electric and/or magnetic fields that adversely affect the public health or safety, or the general welfare of the community, including interference with normal radio, telephone, or television reception from off the premises where an activity is located.

**E. Light and Glare.**

Lights, spotlights, floodlights, reflectors, and other means of illumination shall be shielded or equipped with special lenses in such a manner as to prevent any glare or direct illumination on any public street or other property.

**F. Noise.**

Activities, processes, and uses shall not produce noise that may be considered a nuisance or hazard on any adjacent property.

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## LAND USE AND DEVELOPMENT REGULATIONS

### G. Vibrations.

Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent the generation of vibrations.

### H. Outdoor Storage.

Outdoor storage areas for commercial, industrial, and manufacturing uses shall be utilized only for the express purpose of the storage of material or equipment directly related to the use or activity on site. Such outdoor storage shall be fully enclosed by a masonry wall, and the stored material shall be kept below the horizontal plane of the top. Outdoor storage areas shall not be used for manufacturing, assembly, or construction of any equipment or material.

### I. Other Requirements.

Refer to Chapter 17.50 (Performance Standards) of the EMMC for additional requirements. When standards conflict between Chapter 17.50 and the El Monte Gateway Specific Plan, the stricter of the two shall apply.

### ~~J. Parking.~~

~~Parking shall be designed to provide adequate space for access and adequate on-site maneuvering. Loading facilities shall not conflict with or obstruct the proper function of parking facilities.~~

~~Off street parking for one use shall not be considered as providing required off street parking for any other use, except as expressly authorized by this section.~~

~~Parking facilities shall maintain adequate access and maneuverability for emergency vehicles.~~

## 6.18 DEVELOPMENT REVIEW PROCEDURES

### A. Applicability.

The procedures and regulatory provisions necessary to administer development review procedures for applicable properties, structures and uses within the El Monte Gateway Specific Plan shall be subject to the requirements as set forth in Title 17 (Zoning Ordinance) of the EMMC in addition to the provision as set forth in this section.

### B. Conditional and Minor Use Permits.

Refer to Chapter 17.123 (Minor and Conditional Use Permits) of the EMMC for uses listed in Table 6-1 that require a Minor Use Permit or a Conditional Use Permit.

**B. Design and Minor Design Reviews.**

Refer to Chapter 17.122 (Design and Minor Design Reviews) of the EMMC for design review requirements for new, expanded and remodeled buildings.

**C. Site Assessment and Remediation Requirements.**

1. Prior to the submission by an applicant of a development project permit application to the City, the applicant shall conduct intrusive soil testing and sampling (a “Phase II environmental assessment”) of the development project site proposed to be improved under such development project permit application, to preliminarily assess whether contaminating or hazardous substances or petroleum product residual compounds may be present in the soils at concentrations in excess of applicable maximum contamination levels for each such contaminating or hazardous substances or petroleum product compound and the results of such a Phase II environmental assessment shall be delivered to the City by the applicant as part of each development project permit application.
2. Prior to the issuance of any grading or building permit for any portion of the lands included within the Specific Plan area, including lands within the Parks and Open Space Sub District, an applicant shall submit a further written plan to the City for conducting a Phase II environmental assessment of the lands proposed for development consistent with the findings set forth in PEIR Appendix 8 and ASTM guidelines and any specific findings obtained as a result of the initial Phase II environmental assessment described in the first sentence of this Section 6.18.C.
3. The applicant shall be responsible for completing any work of remediation or cleanup in accordance with the approved program of supervised remediation and cleanup.

## **7.0 IMPLEMENTATION AND ADMINISTRATION**

### **7.1 SPECIFIC PLAN PHASING**

Future development and redevelopment in the El Monte Gateway Specific Plan project area will occur over a multiple-year timeline. The land use concept and associated improvements necessary are assumed to have a 20-year horizon. Therefore, future development and/or redevelopment in the Specific Plan area will be responsive to prevailing market conditions at the time of actual development - making forecasts of the timing and extent of future conditions challenging. Although a phasing plan may not be appropriate for this type of land use policy document, the El Monte Gateway Specific Plan will provide basis for more accurate estimates of future Capital Improvement programming and other City and developer-initiated improvements.

### **7.2 APPLICABILITY**

The provisions of this chapter are applicable to the considerations of development activity and land use within the boundary of the El Monte Gateway Specific Plan area.

The regulations, development standards and guidelines as contained in the Specific Plan shall apply in their entirety in the review of new development proposals. However, in the review of proposals involving the modification of existing development, it is recognized that existing site conditions may constrain the extent to which these development standards and guidelines can be met. Acceptable modifications for existing development are noted in their respective sections.

### **7.3 GENERAL PLAN AMENDMENTS**

The City of El Monte General Plan shall be amended concurrent with the adoption of the El Monte Gateway Specific Plan to provide consistency between both documents. The following amendments to the General Plan shall ensure consistency:

General Plan Amendment No. 01-07: amendment of the 1991 El Monte General Plan to: (i) change the General Plan land use designations of parcels of land located near and including the El Monte Busway Terminal from the current General Plan land use designations of “Public Facilities”, “Downtown Core”, and “Industrial/Business Park” to a new General Plan land use designation of “El Monte Gateway Specific Plan”; (ii) amendment of the General Plan Open Space/Conservation Element to provide for future modifications to Pioneer Park; and (iii) amendments of the General Plan Housing Element, Circulation Element and other related conforming amendments to the General Plan and Land Use Map in order that the El Monte Gateway Specific Plan and the City General Plan, as amended, are internally consistent



## IMPLEMENTATION AND ADMINISTRATION

### 7.4 ZONING CODE/MAP AMENDMENTS

The original zoning classifications within the El Monte Gateway Specific Plan area ~~prior to the adoption of this Specific Plan shall be~~ were repealed and replaced with an SP-1 designation ~~when the Specific Plan was adopted~~. The following amendments ~~shall apply~~ applied:

- Specific Plan No. 01-07 (2007): Adopt the El Monte Gateway Specific Plan, thereby establishing the boundary of such specific plan, or transit village planning district area (“Specific Plan area”) and establish land use and development regulations, as well as design guidelines which are applicable solely to the Specific Plan area to guide consideration by the City of individual development project applications for lands located within the Specific Plan area; and
- Zone Change No. 01-07 (2007): Change the current zoning classifications for parcels of land within the Specific Plan area from R-4 (High Density Multiple Family), C-2 (Retail Commercial), C-2D (Retail Commercial – Design Overlay), C-3 (General Commercial), M-1 (Light Manufacturing), and M-2 (General Manufacturing) to the new “SP-1 (El Monte Gateway Specific Plan)” zoning classification.

All land use regulations, development standards and other provisions of the El Monte Gateway Specific Plan in its entirety shall apply as expressly stated in this Specific Plan. For development criteria and regulations that are not amended or superseded by this Specific Plan, the provisions of the EMMC shall apply.

The subsequent Specific Plan Amendments shall also apply:

- Specific Plan No. 01-11 (2011): Changed the name of the Specific Plan from the Transit District Specific Plan to the El Monte Gateway Specific Plan.
- Specific Plan No. 01-XX (20XX): Remove the Conformity Review Committee and its role in reviewing applications. Remove the Gateway Sub-District and incorporate it with the Mixed-Use Sub-District.
- Specific Plan Amendment No. 03-22 (2022): Update the list of permitted uses. Make the Specific Plan consistent with State Law and consistent with the 2022 Comprehensive Zoning Code Updates (Title 17 of the EMMC).

## 7.5 ADMINISTRATION AND ENFORCEMENT

The provisions as set forth in the El Monte Gateway Specific Plan shall be enforced by the Deputy City Manager for Community Development. All officers, employees, and officials of the City of El Monte who are vested with the duty or authority to issue permits or licenses shall conform with the provisions of this Specific Plan, and shall not issue any permit or license, or approve any use or building, which would be in conflict with this Specific Plan. Any permit, license or approval issued that is in conflict with the requirements of this Specific Plan shall be considered null and void.

## 7.6 RELATIONSHIP TO THE ZONING ORDINANCE (TITLE 17 OF THE EMMC)

The provisions contained in this El Monte Gateway Specific Plan constitute the primary land use and development standards for the Specific Plan area. These regulations are applied in addition to the provisions as set forth in the EMMC. As part of the implementation of this Specific Plan, the EMMC shall be amended to include the El Monte Gateway Specific Plan (SP-1) designation, including its associated land use districts.

## 7.7 AMENDMENTS TO THE SPECIFIC PLAN

The El Monte Gateway Specific Plan may be amended ~~utilizing the procedure by which it was originally adopted.~~ ~~In addition,~~ as outlined in Chapter 17.130 (Specific Plans) of the EMMC. The amendment shall demonstrate that it meets the intent of the Specific Plan's policy framework, including its Guiding Principles and Specific Plan Objectives, or provide a finding that the amendment enhances the Plan or is necessary to implement to Plan. ~~All sections or portions of the Specific Plan to be changed or that may be affected by the change must be included in the Specific Plan Amendment.~~ A concurrent amendment to the General Plan would not be required provided the City Council determines that substantive changes would not influence the goals, objectives, policies or programs of the City of El Monte General Plan.

## 7.8 SPECIFIC PLAN EIR AND MITIGATION MONITORING

The El Monte Gateway Specific Plan ~~was~~ will be prepared in conjunction with a program-level EIR, which identifies potential impacts resulting from the proposed development and establishes mitigation measures that reduce them to a less than significant level, where feasible.



## IMPLEMENTATION AND ADMINISTRATION

### 7.9 SEVERABILITY

In the event that any regulation, condition, program, portion or policy of this Specific Plan or the application thereof to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof which can be implemented without the invalid provision or application.

### 7.10 CONSTRUCTION COSTS

Estimated construction costs for infrastructure and other public improvements are provided in Appendix B of this Specific Plan.

### 7.11 CITY FIRE STATION No. 166

In the event that the use or development of the Park and Open Space Sub District by the City or the Agency may require the relocation of the fire suppression and emergency rescue service operations at City Fire Station No. 166 to a new location, either inside the Specific Plan area or outside of the Specific Plan area, no such relocation of fire suppression and emergency rescue service operations and/or a change in the use of the existing fire station building at City Fire Station No. 166 shall occur until such time as both: (i) a new location for City Fire Station No. 166 operations has been approved by the City Council, in consultation with Los Angeles County Consolidated Fire Protection District following a public hearing, and (ii) a new fire suppression and emergency rescue facility for City Fire Station No. 166 is fully operational and available for occupying by the fire department at its new location.

### ~~7.12 CITY PUBLIC WORKS YARD~~

~~The development and use of the Rio Paseo Village within the Mixed Use Sub District for transit-oriented development will require the relocation of the City Public Works Yard from its current location on Santa Anita Avenue to a new location either inside the Specific Plan area or outside of the Specific Plan area. No such relocation shall occur of the City Public Works Yard operations shall occur until such time as both: (i) a new location for the City Public Works Yard operation has been approved by the City Council following a public hearing and (ii) City Public Works Yard operations facilities are available for occupancy by the City at the new location by the City.~~



**Appendix A  
Specifications for ULI Shared Parking Model (Second Edition)**

In conformance with the requirements of the El Monte Gateway Specific Plan, the following specifications shall be used in applying the ULI Shared Parking Model to subsequent parking analysis for this Specific Plan. Full documentation is provided in “Parking Demand for the El Monte Transit Village” (2007) prepared by Richard Willson, Ph. D., AICP as an Appendix to this Specific Plan.

- Model is modified to analyze shared commuter parking, using 2,100 spaces, full non-peak period sharing, and the ITE *Parking Generation*, Third Edition time-of-day distribution from Light Rail Transit Station with Parking, Code 093.
- Daycare/preschool uses 85<sup>th</sup> percentile demand from ITE *Parking Generation*, Third Edition, Day Care Center, Code 565.
- Park space uses 85<sup>th</sup> percentile demand from ITE *Parking Generation*, Third Edition, City Park, Code 411.
- The following mode adjustment and non-captive ratios shall be adopted for this Specific Plan:

Land Use	Mode Adjustment				Non-Captive Ratio			
	Weekday		Weekend		Weekday		Weekend	
	Daytime	Evenin	Daytime	Evening	Daytim	Evening	Dayti	Eve
Community Shopping Center (<400 ksf)	88%	88%	95%	95%	85%	95%	95%	100
	88%	88%	88%	88%	100%	100%	100%	100
Fine/Casual Dining	88%	88%	95%	95%	75%	100%	100%	100
	88%	88%	88%	88%	100%	100%	100%	100
Fa m	88%	88%	88%	88%	75%	100%	100%	100
	88%	88%	88%	88%	100%	100%	100%	100
Fast Food	88%	88%	88%	88%	50%	75%	80%	80%
	88%	88%	88%	88%	100%	100%	100%	100
C i	88%	88%	88%	88%	95%	95%	95%	95%
	88%	88%	88%	88%	100%	100%	100%	100%
Convention Space (>50 sq ft/guest room)	87%	87%	87%	87%	90%	90%	100%	100%
	88%	88%	88%	88%	100%	100%	100%	100%
Residential, Rental, Shared Spaces Reserved	78%	78%	78%	78%	100%	100%	100%	100%
	78%	78%	78%	78%	100%	100%	100%	100%
Residential, Owned, Shared Spaces Reserved	90%	90%	90%	90%	100%	100%	100%	100%
	78%	78%	78%	78%	100%	100%	100%	100%
O f	87%	87%	87%	87%	100%	100%	100%	100%
	87%	87%	87%	87%	100%	100%	100%	100%
Daycare/preschool (added by analyst;	87%	87%	100%	100%	95%	95%	100%	100%
	87%	87%	100%	100%	100%	100%	100%	100%



## APPENDIX

### Appendix A Recommended Parking Ratios - El Monte Gateway Specific Plan

In conformance with the requirements of the El Monte Gateway Specific Plan, the following Parking Generation Ratios shall be used in determining parking requirements for subsequent development applications in the project area. Parking ratios may be amended pursuant to the provisions provided in Chapter 6 of this Specific Plan.

Recommended Parking Ratios					
Spaces required per unit land use					
Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
Community Shopping Center (<400 ksf)	2.90	0.70	3.20	0.80	/ksf GLA
Regional Shopping Center (400 to 600 ksf)	Linear 2.9<x<3.2				/ksf GLA
Super Regional Shopping Center (>600 ksf)	3.20	0.80	3.60	0.90	/ksf GLA
Fine/Casual Dining Restaurant	15.25	2.75	17.00	3.00	/ksf GLA
Family Restaurant	9.00	1.50	12.75	2.25	/ksf GLA
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Nightclub	15.25	1.25	17.50	1.50	/ksf GLA
Cineplex	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Park (added by analyst; ITE Rate 411)	4.10	1.00	4.10	1.00	acre
Pro Football Stadium	0.30	0.01	0.30	0.01	/seat
Pro Baseball Stadium	0.31	0.01	0.34	0.01	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Convention Center	5.50	0.50	5.50	0.50	/ksf GLA
Hotel-Business	1.00	0.25	0.90	0.18	/room
Hotel-Leisure	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr/Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
Residential, Rental, Shared Spaces *	0.15	1.50	0.15	1.50	/unit
Residential, Owned, Shared Spaces *	0.15	1.7	0.15	1.7	/unit
Office <25 ksf	0.30	3.5	0.03	0.35	/unit
Office 25 to 100 ksf	Linear 0.3<x<0.25				/ksf GLA
Office 100 to 500 ksf	Linear 0.25<x<0.2				/ksf GLA
Office >500 ksf	0.20	2.60	0.02	0.26	/ksf GLA
Data Processing Office	0.25	5.75	0.03	0.58	/ksf GLA
Daycare/preschool (added by analyst; ITE rate 140)	2.70	1.00	0.00	0.00	/ksf GLA
Commuter rail parking (added by analyst per Caltrans)	1000.00	0.00	664.00	0.00	/ksf GLA

**Appendix B**  
**Cost Estimates for Infrastructure Improvements**

This Appendix provides an analysis of cost estimates for infrastructure improvements within the Specific Plan area. The cost estimates are based on the most current construction cost data available and calculated by consultants qualified in determining construction costs. Cost estimates should be considered “order of magnitude” estimates to be used as a planning tool for future capital improvement programming and financing.

**Section B-1 Water/Sewer/Storm Drain Improvement Costs**

ITEM NO.	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL COST
1	Off-Site Water Improvements	LF	360	\$ 400	\$ 144,000
2	On-Site Water Improvements	LF	5,730	\$ 100	\$ 573,000
3	Off-Site Sewer Improvements	LF	5,100	\$ 350	\$ 1,785,000
4	On-Site Sewer Improvements	LF	6,360	\$ 125	\$ 797,500
5	Storm Water Improvements	LS	1	\$ 3,024,000	\$ 3,024,000
SUBTOTAL					\$ 6,323,500
20% CONTINGENCY					\$ 1,264,700
TOTAL CONSTRUCTION COST					\$ 7,588,200
25% ENGINEERING & CONSTRUCTION MANAGEMENT					\$ 1,897,050
6	Sewer Connection Fees (County Sanitation District)	LS	1	\$ 5,620,000	\$ 5,620,000
<b>GRAND TOTAL:</b>					<b>\$ 15,200,000</b>

THIS COST ESTIMATE IS AN ESTIMATE ONLY. THESE FIGURES ARE SUPPLIED AS A GUIDE ONLY. TETRA TECH, INC. IS NOT RESPONSIBLE FOR FLUCTUATION IN COST OF MATERIAL, LABOR OR COMPONENTS, OR UNFORESEEN CONTINGENCIES.



**Section B-2  
Roadway System Improvement Costs**

ITEM NO.	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL COST
<b>1</b>	<b>Santa Anita Avenue and Lower Azusa Road</b>				
	Roadway Items	LS	1	\$ 36,700	\$ 36,700
	Pavement Structural Section	LS	1	\$ 45,600	\$ 45,600
	Drainage Items	LS	1	\$ 24,800	\$ 24,800
	Specialty Items	LS	1	\$ 5,000	\$ 5,000
	Traffic Items	LS	1	\$ 55,000	\$ 55,000
	Minor Items	LS	1	\$ 16,700	\$ 16,700
	Roadway Mobilization	LS	1	\$ 18,400	\$ 18,400
	Supplemental Work	LS	1	\$ 20,200	\$ 20,200
	Contingencies	LS	1	\$ 55,600	\$ 55,600
	Utilities	LS	1	\$ 140,000	\$ 140,000
	Total				\$ 420,000
	Project Contribution (47%)				\$ 198,000
<b>2</b>	<b>Valley Blvd and Temple City Blvd</b>				
	Roadway Items				\$ -
	Pavement Structural Section	LS	1		\$ -
	Drainage Items	LS	1		\$ -
	Specialty Items	LS	1		\$ -
	Traffic Items	LS	1	\$ 45,000	\$ 45,000
	Minor Items	LS	1	\$ 4,500	\$ 4,500
	Roadway Mobilization	LS	1	\$ 5,000	\$ 5,000
	Supplemental Work	LS	1	\$ 5,500	\$ 5,500
	Contingencies	LS	1	\$ 15,000	\$ 15,000
	Total				\$ 75,000
	Project Contribution (72%)				\$ 54,000
<b>3</b>	<b>Valley Blvd and Baldwin Avenue</b>				
	Traffic Items	LS	1	\$ 40,000	\$ 40,000
	Minor Items	LS	1	\$ 4,000	\$ 4,000
	Roadway Mobilization	LS	1	\$ 4,500	\$ 4,500
	Supplemental Work	LS	1	\$ 5,000	\$ 5,000
	Contingencies	LS	1	\$ 13,400	\$ 13,400
	Total				\$ 70,000
	Project Contribution (100%)				\$ 70,000
<b>4</b>	<b>Valley Blvd and Ramona Blvd</b>				
	Roadway Items	LS	1	\$ 14,000	\$ 14,000
	Pavement Structural Section	LS	1	\$ 7,700	\$ 7,700
	Specialty Items	LS	1	\$ 15,000	\$ 15,000
	Traffic Items	LS	1	\$ 35,000	\$ 35,000
	Minor Items	LS	1	\$ 7,200	\$ 7,200
	Roadway Mobilization	LS	1	\$ 8,000	\$ 8,000
	Supplemental Work	LS	1	\$ 8,700	\$ 8,700
	Contingencies	LS	1	\$ 23,800	\$ 23,800
	Total				\$ 120,000
	Project Contribution (100%)				\$ 120,000

**Section B-2 (cont'd)  
Roadway System Improvement Costs**

ITEM NO.	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL COST
<b>5</b>	<b>Valley Blvd and Peck Rd</b>				
	Roadway Items	LS	1	\$ 36,700	\$ 36,700
	Pavement Structural Section	LS	1	\$ 25,800	\$ 25,800
	Drainage Items	LS	1	\$ 20,000	\$ 20,000
	Specialty Items	LS	1	\$ 40,000	\$ 40,000
	Traffic Items	LS	1	\$ 110,000	\$ 110,000
	Minor Items	LS	1	\$ 21,800	\$ 21,800
	Roadway Mobilization	LS	1	\$ 25,500	\$ 25,500
	Supplemental Work	LS	1	\$ 28,000	\$ 28,000
	Contingencies	LS	1	\$ 76,900	\$ 76,900
	Utilities	LS	1	\$ 90,800	\$ 90,800
	Right-of-Way Acquisition	SF	1,050	\$ 40	\$ 42,000
	Total				\$ 520,000
	Project Contribution (77%)				\$ 401,000
<b>6</b>	<b>Santa Anita Avenue and Ramona Blvd</b>				
	Roadway Items	LS	1	\$ 104,400	\$ 104,400
	Pavement Structural Section	LS	1	\$ 43,200	\$ 43,200
	Drainage Items	LS	1	\$ 19,600	\$ 19,600
	Specialty Items	LS	1	\$ 5,000	\$ 5,000
	Traffic Items	LS	1	\$ 300,000	\$ 300,000
	Minor Items	LS	1	\$ 47,200	\$ 47,200
	Roadway Mobilization	LS	1	\$ 52,000	\$ 52,000
	Supplemental Work	LS	1	\$ 57,200	\$ 57,200
	Contingencies	LS	1	\$ 143,600	\$ 143,600
	Utilities	LS	1	\$ 25,800	\$ 25,800
	Total				\$ 800,000
	Project Contribution (100%)				\$ 800,000
<b>7</b>	<b>Santa Anita Avenue and MTA Way</b>				
	Roadway Items	LS	1	\$ 97,100	\$ 97,100
	Pavement Structural Section	LS	1	\$ 23,900	\$ 23,900
	Drainage Items	LS	1	\$ 19,600	\$ 19,600
	Specialty Items	LS	1	\$ 5,000	\$ 5,000
	Traffic Items	LS	1	\$ 285,000	\$ 285,000
	Minor Items	LS	1	\$ 41,100	\$ 41,100
	Roadway Mobilization	LS	1	\$ 45,200	\$ 45,200
	Supplemental Work	LS	1	\$ 50,000	\$ 50,000
	Contingencies	LS	1	\$ 136,600	\$ 136,600
	Utilities	LS	1	\$ 75,800	\$ 75,800
	Total				\$ 760,000
	Project Contribution (100%)				\$ 760,000
<b>8</b>	<b>I-10 WB Off-Ramp and Brockway St</b>				
	Traffic Items	LS	1	\$ 200,000	\$ 200,000
	Minor Items	LS	1	\$ 20,000	\$ 20,000
	Roadway Mobilization	LS	1	\$ 22,000	\$ 22,000
	Supplemental Work	LS	1	\$ 24,000	\$ 24,000
	Contingencies	LS	1	\$ 66,600	\$ 66,600
	Total				\$ 340,000
	Project Contribution (100%)				\$ 340,000

**Section B-2 (cont'd)**  
**Roadway System Improvement Costs**

ITEM NO.	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL COST
9	Merced Avenue and Santa Anita Avenue				
	Roadway Items	LS	1	\$ 7,200	\$ 7,200
	Pavement Structural Section	LS	1	\$ 5,200	\$ 5,200
	Drainage Items	LS	1	\$ 9,200	\$ 9,200
	Traffic Items	LS	1	\$ 125,000	\$ 125,000
	Minor Items	LS	1	\$ 14,700	\$ 14,700
	Roadway Mobilization	LS	1	\$ 16,200	\$ 16,200
	Supplemental Work	LS	1	\$ 17,800	\$ 17,800
	Contingencies	LS	1	\$ 48,800	\$ 48,800
	Utilities	LS	1	\$ 30,000	\$ 30,000
	Total				\$ 280,000
	Project Contribution (61%)				\$ 171,000

<b>SUBTOTAL</b>	<b>\$ 2,914,000</b>
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<b>25% ENG &amp; CONST MGMT</b>	<b>\$ 730,000</b>
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<b>GRAND TOTAL:</b>	<b>\$ 3,700,000</b>
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**Section B-2 (cont'd)**  
**Roadway System Improvement Costs**

**Santa Anita Ave and Valley Blvd Improvements**

Construct curb extensions across Santa Anita Ave to reduce required pedestrian crossing time and adjust signal timing. Convert dedicated southbound right turn lane to a shared through/right lane. Add a third northbound lane. Add bus turnout along Valley Blvd.

<b>I. Roadway Items</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Roadway Excavation	CY	700	\$ 45	\$ 31,500
Clearing & Grubbing	LS	1	\$ 50,000	\$ 50,000
Curb & Gutter	LF	570	\$ 15	\$ 8,550
Median Curb	LF	860	\$ 15	\$ 12,900
Sidewalk	SF	4,000	\$ 7	\$ 28,000
<b>II. Pavement Structural Section</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
PCC Pavement	CY	50	\$ 400	\$ 20,000
Asphalt Concrete	TON	300	\$ 90	\$ 27,000
Aggregate Base	CY	360	\$ 45	\$ 16,200
<b>III. Drainage</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Reconstruct Catch Basin	EA	1	\$ 6,000	\$ 6,000
Storm Drain Laterals	LF	30	\$ 150	\$ 4,500
<b>IV. Specialty Items</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Landscaping/Irrigation	LS	1	\$ 30,000	\$ 30,000
Water Pollution Control	LS	1	\$ 20,000	\$ 20,000
Structure Demolition	LS	1	\$ 100,000	\$ 100,000
Hazardous Material Mitigation	LS	1	\$ 50,000	\$ 50,000
<b>V. Traffic Items</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Lighting	EA	1	\$ 25,000	\$ 25,000
Traffic Signals	LS	1	\$ 200,000	\$ 200,000
Traffic Control	LS	1	\$ 15,000	\$ 15,000
Minor Items	LS	1	10%	\$ 62,965
Roadway Mobilization	LS	1	10%	\$ 69,262
Supplemental Work	LS	1	10%	\$ 76,188
Contingencies	LS	1	25%	\$ 209,516
<b>VI. Right of Way Acquisition</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Acquisition	SF	21,703	\$ 40	\$ 1,800,000
Relocation Assistance	LS	1	\$ 600,000	\$ 600,000
Clearance/Demolition	LS	1	\$ -	\$ -
Title and Escrow Fees	LS	1	\$ -	\$ -
<b>VII. Utilities</b>				
<i>Item Description</i>	<i>Unit</i>	<i>Estimated Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Vault Adjustment	EA	1	\$ 5,000	\$ 5,000
Guy Pole Relocation	EA	1	\$ 10,000	\$ 10,000
Miscellaneous Relocations	LS	1	\$ 25,000	\$ 25,000

Intersection Total \$ 3,600,000

*Delete most of 6.16 – Signs*

- ~~6.0~~ ~~Sizes. Sizes of signs shall be reviewed and approved by the Conformity Review Committee, in accordance with the provisions as set forth in this Specific Plan.~~
- ~~6.1~~ ~~Contents. Each Master Sign Program shall contain at a minimum the intended colors, letters, sizes, numbers and locations of signs, accompanied by illustrative examples of color, materials and other components.~~
- ~~6.2~~ ~~Application procedures. A Master Sign Program shall be required as part of any development application. New master sign programs, and amendments to existing programs, shall be reviewed and approved by the Design Review Committee. Minimum application requirements shall be determined by the Director of Community Development or designee.~~
- ~~6.3~~ ~~Notice. For any application involving the revision of or addition to a Master Sign Program, the applicant shall submit a mailing list of current tenants, who shall be notified in writing of the pending amendment no fewer than ten days prior to the scheduled date for consideration of the application.~~

*Delete portions of 6.5 – Permitted Uses*

~~D. Applicable Sections.~~

~~Wherever the last column in the tables ("See Standards in Section") includes a Specific Plan section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Specific Plan or applicable sections of the EMMC may also apply. For uses in the EMTV-T and EMTV-G sub-district, the standards of the existing zoning district prior to the adoption of this Specific Plan shall apply.~~

~~E. Land Use Definitions.~~

~~Definitions for land uses shall correspond to those definitions contained in the EMMC. For those uses not expressly defined in the EMMC, the definitions contained in this section shall prevail. For uses not explicitly defined, the Deputy City Manager for Community Development shall have the authority to interpret the use to determined similarity of compatibility. For the purpose of this Specific Plan, the following definitions apply:~~

- ~~1. "Destination Retail/Entertainment Development" means development project of greater than 20,000 square feet that provides products and services that are unique and marketed to a consumer base that extends beyond the boundaries of the Specific Plan area and the City of El Monte. Destination retail may include "big box" and warehouse-type retail, such as electronics, furniture, appliances, movie theaters, and other similar retail and entertainment uses.~~

*Delete all of 6.6 – Non-Conforming Uses*

~~6.6 NON CONFORMING USES, STRUCTURES AND LOTS~~

~~A. Purpose.~~

~~This section establishes uniform provisions for the regulation of legal nonconforming land uses and structures. Within the land use sub-districts established by this Specific Plan, there may exist legally established land uses and structures that may be prohibited, regulated or restricted differently under the terms of this Specific Plan or subsequent amendments thereof. It is the City's expressed intent to seek the eventual abatement of all non-conformities within the Specific Plan area.~~

~~B. General Provisions for Nonconforming Uses, Structures and Lots.~~

~~Non-conformities shall comply with the requirements as set forth in Chapter 17.14 of the EMMC, as amended.~~

*Delete most of 6.18-D – Conditional Use Permits*

~~Any application for a Conditional Use Permit within the Specific Plan area shall be considered by the El Monte Planning Commission for a specified land use that is allowed within the Specific Plan area with the approval of a Conditional Use Permit in compliance with applicable Sections of this Chapter and Chapter 17.24 of the EMMC.~~

~~Uses requiring a Conditional Use Permit.~~

~~Conditional Use Permits for projects within the boundaries of the Specific Plan project area may be approved for those uses listed in Table 6.1.~~

~~Application filing, processing and review.~~

~~Application filing, processing and review procedures shall be in compliance with the requirements of Chapter 17.24 of the EMMC.  
Run with the land. A Conditional Use Permit approved in compliance with the provisions of this Chapter and the EMMC shall run with the land.~~

ZONING MAP TO BE REMOVED

El Monte Gateway Specific Plan Area (zoning pre 2008)

