



Appendix I

City of Pomona

Zoning & Development Code

DRAFT

July 24, 2023

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PART 1.

INTRODUCTORY PROVISIONS

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Sec. 100. Legal Requirements

100.A. Title

This Zoning & Development Code is be known as the "City of Pomona Zoning & Development Code." It is referred to or cited throughout the ordinance as "the Zoning & Development Code" or "the Code."

100.B. Effective Date

This Zoning & Development Code was adopted on [Month, Day, Year] and became effective on [Month, Day, Year].

100.C. Intent & Purpose

The purpose of the Zoning & Development Code is to protect and promote the public health, safety, comfort, convenience, and welfare, and more particularly to:

1. Implement the General Plan through actions including, but not limited to, the administration of Specific Plans, zoning, and subdivision as set forth in the California Government Code (Sec. 65103.).
2. Endeavor to promote public interest in, discussion of, and understanding of the General Plan, and regulations relating to it as set forth in the California Government Code (Sec. 65103.).
3. Ensure a balanced inventory of sufficient land offering appropriate use designations and development intensities in strategic locations to accommodate future growth as set forth in the General Plan.
4. Promote a balanced mix of uses throughout the City that can be part of an integrated and sustainable local economy that supports harmonious diversity and economic prosperity as set forth in the General Plan.
5. Promote a more efficient pattern of permitted land uses throughout the City. Provide a better balance between permitted land uses and the amount of land available for each use as set forth in the General Plan.
6. Distribute land uses throughout the City in a way that takes advantage of the City assets that add value to those uses as set forth in the General Plan.
7. Provide clear standards and consistent procedures for appropriate and effective public involvement in land use and development decisions.
8. Ensure transparency and fairness through consistent interpretation of development regulations.
9. Promote construction and land development practices that are equitable, environmentally friendly, and economically sustainable.
10. Provide objective design standards that address the public aspects of private development and how building form, placement, and uses contribute to the safety and quality of the public realm, and emphasize connectivity between mobility networks.
11. Promote sustainable building, site, and landscape design practices that advance the livability, function, and beauty of Pomona.
12. Provide opportunities for a diverse range of housing options.

100.D. Authority

This Zoning & Development Code is adopted pursuant to the authority granted to the City by the California Government Code (*Sec. 65000 et seq.*), the California Public Resources Code (*Section 21000 et seq.*), and other applicable Federal, State, and local requirements.

100.E. Applicability

1. Jurisdiction

The regulations of this Zoning & Development Code apply to all land within the incorporated boundaries of the City of Pomona, including land owned by local, county, state, or federal agencies, except where such land is exempt from local zoning regulations under applicable law. Where applicable, Specific Plans override Form, Frontage, and Use Module regulations. Where applicable, historic designations and overlay districts regulate in addition to Form, Frontage, and Use Module regulations.

2. Applicability to New or Altered Land Uses or Structures

Compliance with this Zoning & Development Code is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

3. Applicability to Existing Uses and Structures

An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this Zoning Code. See *Sec. 1120. (Nonconformities)* for more details.

4. Conflicting Land Use Permits

Following the effective date of this Zoning & Development Code or any amendment hereto, any legislative action, discretionary permit or action, or ministerial permit or decision as established in *Sec. XX. (Table of Authority)* must be issued only in full compliance with its provisions. Any approval issued after the effective date of this Zoning & Development Code that is in conflict with its provisions, must be deemed invalid, except as established by *Sec. 100.E.5. (Effect of Zoning Code Changes on Projects in Process)*, below.

5. Effect of Zoning Code Changes on Projects in Process

The effect of Zoning & Development Code adoption, changes, or revisions on projects in process at the time of enactment of Zoning & Development Code adoption, or any changes or revisions thereto, are as follows:

- a. A project for which a legislative action, discretionary permit or action, or ministerial permit or decision, as established in *Sec. XX. (Table of Authority)*, has been approved, must be subject to the Zoning & Development Code regulations in effect on the effective date of the project approval.
- b. A complete building permit application, for which all required City fees have been paid, must be processed under the development regulations in effect on the date that the application was submitted. If the building permit has expired, the project must be subject to the requirements of this Zoning & Development Code.

6. **City Properties**

The provisions of this Zoning & Development Code must not apply to any buildings, improvements, lots, or premises that are owned, leased, operated or controlled by the City, or any project for public purposes initiated by the City.

7. **Internal Inconsistencies**

Where any conflict occurs within the provisions of this Zoning & Development Code, the more restrictive provision must apply; where there is ambiguity, the Director of Development Services must determine the standard to be applied.

8. **External Inconsistencies**

Where any conflict occurs between the provisions of this Zoning & Development Code and provisions of the Pomona City Code, or other regulations adopted by the City, the more restrictive provisions must apply.

9. **Changes in State Law**

Any provision of this Zoning & Development Code referring to or citing a title, article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, or phrase of State law, which is later amended or superseded, must be deemed amended to refer to the provision of State law that most nearly corresponds to the superseded or amended title, article, chapter, section, subsection, paragraph, subparagraph, sentence, or clause.

10. **Changes in State Law**

This Zoning & Development Code must not eliminate the need for obtaining any other permits required by the City, or any permit or approval required by provisions of the Pomona City Code, or the regulations of any City department, or any County, regional, State or Federal agency.

11. **Public Nuisance**

The provisions of this Zoning & Development Code must not authorize the continuation of any public nuisance.

100.F. **Conflicting Requirements**

The provisions of this Zoning & Development Code must not be deemed or construed to repeal, amend, modify, alter, or change any other City ordinance or provision of law not specifically repealed, amended, modified, altered, or changed herein.

100.G. **Consistency with the General Plan**

All land uses, developments, and subdivisions of land must be consistent with the General Plan goals, polices, and land uses. A land use, development, or subdivision is consistent with the General Plan if, upon consideration of all of its aspects, it is found to further the purposes, principals, goals and policies of the General Plan.

100.H. Relationship to Specific Plans

1. In the event of any conflict between the requirements of this Zoning & Development Code and the standards contained within an adopted Specific Plan, the requirements of the Specific Plan must govern.
2. Wherein the provisions of a Specific Plan are silent on a specific matter, the regulations set forth in this Zoning & Development Code must apply.

100.I. Relationship to Development Agreements

In the event of any conflict between the requirements of this Zoning & Development Code and the provisions of an adopted Development Agreement, the requirements of the Development Agreement must govern.

100.J. Relationship to Prior Code

The provisions of the Zoning & Development Code, as they existed prior to the effective date of the Zoning & Development Code, are hereby repealed and superseded in their entirety. No provision of this Zoning & Development Code must be so construed as to validate or legalize any subdivision of land or land use, or structure established, constructed, or maintained in violation of this Zoning & Development Code prior to its adoption.

100.K. Status of Covenants and Agreements

The provisions of this Zoning & Development Code are not intended to abrogate any legally adopted easements, covenants or other agreements which are more restrictive than the provisions of this Zoning & Development Code.

100.L. Severability

1. If any portion of this Zoning & Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination must not affect the validity of the remaining portions of this Zoning & Development Code. Moreover, the decision must not affect, impair, or nullify this Zoning & Development Code, either in whole or in part, and the remainder of this Zoning & Development Code must continue in full force and effect.
2. If the application of any provision of this Zoning & Development Code to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that the effect of the decision must be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered. In addition, the decision must not affect, impair, or nullify this Zoning & Development Code as a whole or in the application of any provision to any other area, property, or site.

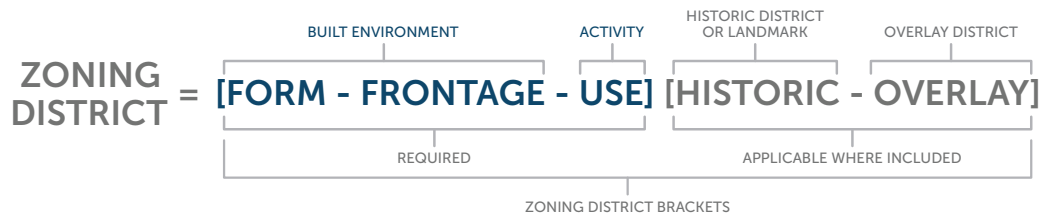
Sec. 110. Orientation

110.A. Zoning District Brackets

The method by which the Zoning & Development Code applies zoning modules to a lot.

1. Zoning District Brackets

- a. A zoning district bracket is comprised of the following zoning modules, as established in Sec. XX. (*Zoning Map*):



- b. To regulate the built environment and activities allowed on a property, land is designated by zoning district brackets—abbreviated as a zoning district—listed in Sec. 110.A.3. (*Zoning Districts*) for zoning purposes.
- c. The first zoning district bracket includes the modules required to establish a zoning district, or is replaced by a Specific Plan. The first bracket contains modules that regulate the built environment and types of activities that are permitted on a lot.
- d. Modules that make up zoning district brackets may refer to, or have standards that are tied to, other modules. However, each module in the zoning district brackets are independent.
- e. Modules included within a second zoning district bracket set are only applicable where included on the zoning map.
- f. Modules are combined into zoning district bracket sets to implement Pomona's General Plan.

2. Zoning Modules

Zoning modules are established and defined in the following Parts:

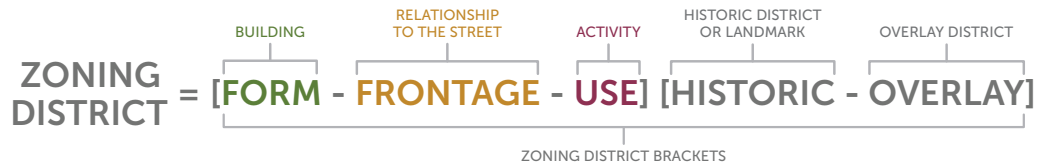
- a. *Part 3 (Form)* regulates the placement, scale, and intensity of buildings and structures on a lot. Form modules ensure that building forms are compatible with their context and promote projects that support the General Plan and community needs.
- b. *Part 4 (Frontage)* regulates portions of a lot and building facades that impact the public realm. Frontage modules ensure that projects respond to the public realm appropriately. Modules range from flexible standards for open space frontages with limited buildings to more robust standards for shopfront frontages where buildings need to support an active and high-quality public realm with strong associations with uses inside buildings.
- c. *Part 5 (Use)* regulates use standards and use definitions which regulate activities on a lot and mitigate potential impacts within and surrounding a property as a result of those activities.

- d. *Part 8 (Historic Preservation, Specific Plans, & Overlay Districts)* details specifications and procedures for implementing provisions related to historic designations, specific plans, and overlay districts that supersede standards defined in underlying zoning districts. Historic designations and overlay districts are represented in a second bracket set, and are separated by a hyphen (-) when more than one is applied. Where a Specific Plan applies, The Specific Plan designation replaces the form, frontage, and use modules.



3. Zoning Districts

A zoning district is an abbreviated name for zoning district brackets, which includes a form module, frontage module, and use module. Where applicable, additional modules in a second bracket set may be included to identify historic designations and overlay districts.



4. Zoning District Naming Convention

a. General

All zoning districts are made of at least 2 components: a zoning district name and a variation number.

1. Where a historic district applies, the zoning district and variation number will be followed by (-H). See *Sec. 800.D.2. (Zoning District)*.
2. Where an overlay district applies, the zoning district and variation number will be followed by one of the letters specified in *Sec. 820.A.3. (Zoning District)*.
3. Where both a historic district and overlay district apply, the zoning district and variation number will be followed by 2 letters. An example of this would be 'NED1-H-T'

b. Zoning District Name

The first component of each zoning district is a zoning district name. Zoning district names match each lot's designated General Plan Place Type, and are named as follows:

1. Residential Neighborhood Districts (RND);
2. Neighborhood Edge Districts (NED);
3. Urban Neighborhood Districts (UND);
4. Activity Center Districts (ACD);
5. Transit Oriented Districts (TOD);
6. Workplace Districts (WD);
7. Special Campus Districts (SCD); and
8. Open Space Districts (OSD).

c. Zoning District Variation Number

The last component of each zoning district is a variation number. All zoning districts are numbered in the order they fall within *Sec. 200. (Zoning Districts)*.

5. Streets

Part 9 (Streets) regulates all street types citywide, as well as how each type is designed to safely accommodate different transportation modes and public realm features within the public right-of-way. This Part also regulates intersection design and defines City departments and other entities responsible for street improvements and maintenance.

110.B. Other Code Components

In addition to the zoning district bracket Parts, other parts in the Zoning & Development Code include:

1. *Part 6 (Site)* regulates site design, including the location and characteristics of access, parking, landscape, and other site features. Site consists of a combination of regulations that are appropriate to a variety of contexts such as transit-oriented centers, special campuses, suburban neighborhoods, and open spaces.
2. *Part 7 (Alternate Typologies)* regulates when and how alternate forms of development are eligible where otherwise prohibited by a zoning district. The zoning districts established in this Zoning & Development Code recognize that the physical form of development generally is not determined by its use. However, where a development form is directly tied to a use, this Part outlines regulatory solutions that override specific regulations applied to a lot by its zoning district. Each Alternate Typology establishes eligibility parameters for each option and which zoning district metrics it supersedes.
3. *Part 10 (Division of Land)* details specifications for the division of land, in accordance with the *California Subdivision Map Act*.
4. *Part 11 (Administration)* defines the procedures for various approvals under this Zoning & Development Code and defines nonconformities. Nonconformities provide relief from the requirements of this Zoning & Development Code for existing lots, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were lawfully established, but do not conform to current district standards or use permissions.
5. *Part 12 (General Rules)* defines general rules that apply consistently throughout the Zoning & Development Code with specific meaning in this Code.

110.C. Zoning Code Maps

1. General

a. Intent

The land use and development regulations outlined in this Zoning & Development Code provide responsive zoning solutions to the City's many planning policy objectives. These provisions apply in a geographically-specific manner through mapped zoning districts. This collection of public right-of-way and parcel-specific maps is referred to as the Zoning Code Maps.

b. Maintenance and Access

1. Adoption and Maintenance of Zoning Code Maps

Zoning Code Maps must be created pursuant to *Sec. 110.C.2. (Zoning Map)* and amended as established for each Zoning Code Map.

i. Zoning Code Maps

The maps established herein, maintained by the Pomona Development Services Department, published as layers of digital files that are part of its Geographic Information Systems database:

- a) Delineate the boundaries of the various zoning districts, historic districts, Specific Plans, street types, and other types of land designations regulated by this Code.
- b) Include all matters, notations, and representations.
- c) Be adopted and approved, incorporated herein and made a part hereof, and collectively constitute the official Zoning Code Maps.

ii. Record of Changes

All changes to Zoning Code Maps must be made by updating the digital file for each change with the date of the change. All amendments to official Zoning Code Maps must be maintained by the Development Services Department, and made available to the public. Zoning Code Maps must be marked pursuant to a system of identification established by the Development Services Department.

iii. Scale of Map

Zoning Code Maps must be maintained in the City's adopted datum, maintained by the Department of Development Services. Where a boundary is not a street, alley or lot line, or where property indicated on the Zoning Code Map is not subdivided into lots and blocks, the boundary on the Zoning Code Map is determined by the scale and projection contained on the map and any data included as part of the Geographic Information Systems database file.

iv. Land Base Dataset

The Department of Development Services is responsible for reviewing identifying, and updating the City's public and private land records, and establishes and maintains the City's land base dataset. The Department of Development Services must make the necessary adjustment to the Zoning Code Maps as updates to the land base dataset are issued.

v. Annexations

If the City's jurisdiction is amended, changes in the Zoning Code Map must be identified by updating the Geographic Information Systems database file with the date of the change.

2. Accessing Zoning Code Maps

Zoning Code Maps can be accessed electronically through the City's website. Hard copies of Zoning Code Maps can be made available by visiting the Planning Division's office at City Hall and making a reproduction request with payment of any applicable fees.

2. Zoning Map

a. Applicability

1. Zoning Districts

In order to regulate the use and development of property, as provided for in this Zoning & Development Code, land is designated with the following modules for zoning purposes. The structure of Pomona's zoning districts are defined in *Sec. 200. (Zoning Districts)*.

2. Alternate Typologies

In certain cases, when a development's physical form is directly tied to a specific use or activity, *Part 7 (Alternate Typologies)* outlines limited regulatory alternatives that may override specific zoning module metrics applied to a lot. Each Alternate Typology establishes eligibility parameters for each option, and which metrics it supersedes.

3. Historic Preservation, Specific Plans, & Overlay Districts

In addition to the provisions of *Sec. 110.A.3. (Zoning Districts)*, additional regulations may be applied as outlined in *Part 8. (Historic Preservation, Specific Plans, & Overlay Districts)*. Historic designations are represented in a second bracket using an abbreviation established for the respective historic district or landmark. A second bracket set may include multiple Overlay Districts separated by a hyphen (-). Specific Plans supersede form, frontage, and use modules. Where a Specific Plan applies, the first two bracket sets are replaced with one which includes an acronym established for the respective Specific Plan.

4. Zoning of Annexed or Unzoned Land

- i. All land or territory annexed to the City after the effective date of this Zoning & Development Code requires a zoning action by the City Council.
- ii. The City Council may establish specific zoning by ordinance for land or territory to be annexed, and may be adopted concurrently with the annexation.

- iii. Any land or territory in the City not indicated on the Zoning Map as being in any zone will be construed as being classified in the most restrictive zone that exists on an adjacent lot on the same side of the street, or a lot on the opposite side of the street or highway of the subject land or territory, and the Zoning Map must be amended to indicate that zone without additional proceedings.

b. Boundaries

1. Street, Alley or Lot Lines

Zoning district boundaries occur at street, alley, or lot lines unless otherwise shown on the Zoning Map, using the land base dataset.

2. Street or Public Right-of-Way

- i. Street and alley rights-of-way are regulated by *Part 9 (Streets)*, and are not included within the zoning district boundaries of adjoining property, unless otherwise indicated.
- ii. Railroad rights-of-way, watercourses, channels, or bodies of water included on the Zoning Map must be, unless otherwise indicated, included within the zoning district boundaries of the adjoining property on either side.
- iii. Where a street, alley, public right-of-way, watercourse, channel, or body of water serves as a boundary between two or more different zones, a line midway in the street, alley, public right-of-way, watercourse, channel, or body of water, and extending in the general direction of its long dimension is the boundary between zoning districts.

3. Vacated Street or Alley

- i. In the event that a dedicated street or alley shown on the Zoning Map is vacated, the property formerly in the street or alley must be included within the zoning district of the adjoining property on either side of the vacated street or alley.
- ii. In the event that the street or alley was a zone boundary between two or more different zoning districts, the new zoning district boundary is the former centerline of the vacated street or alley.

c. Amendments

1. Zone Changes

At the direction of City Council, pursuant to *Sec. 11XX. (Zone Change)*, the Development Services Director is authorized to revise the Zoning Map. At the direction of City Council for the adoption of a Specific Plan, pursuant to *Sec. 8XX. (Specific Plan Adoption/Amendment)*, the Development Services Director is authorized to revise the Zoning Map.

2. Zone Boundary Adjustments

i. Process

Whenever public necessity, convenience, general welfare or good zoning practice justifies the action, the Development Services Director may approve, conditionally approve, or deny a zoning district boundary adjustment, pursuant to Sec. 11XX. (*Adjustment*), and make minor adjustments to the location of a zoning district boundary to carry out the intent of this Section when:

- a) Property as shown on the Zoning Map has been divided or approved for division into parcels or lots and blocks by a final parcel or tract map, and the parcel or lot and block arrangement does not conform to that anticipated when the zoning district boundaries were established;
- b) Property was redivided or approved for subdivision by a final parcel or tract map action into a different arrangement of lots and blocks than indicated on the Zoning Map; or
- c) Where uncertainty exists in applying this Section's provisions or where revision is necessary to correct dimensional or mapping errors, the Development Services Director may determine the location of the zoning district boundary.

ii. Limitation

Zoning district boundary adjustments permitted by this Section are limited to a distance of no more than 50 feet. When the adjustment is requested prior to recordation, the Development Services Director's decision does not become effective until after the parcel map or final tract map has been recorded with the Los Angeles County Registrar-Recorder/County Clerk.

iii. Zoning Map

The Zoning Map must conform with the Development Services Director's decision after the conditions are imposed, if any.

3. Street Types Map

[Reserved]

PART 2.

SUMMARY OF ZONING DISTRICTS

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Sec. 200. Zoning Districts

200.A. Zoning Districts Established

In order to carry out the purposes and intent of this Zoning & Development Code, the following 32 zoning districts are established. These zoning districts do not include Specific Plans, historic designations, or overlay districts.

RESIDENTIAL NEIGHBORHOOD DISTRICTS (RND)

RND1 Residential Neighborhood District 1

RND2 Residential Neighborhood District 2

RND3 Residential Neighborhood District 3

RND4 Residential Neighborhood District 4

RND5 Residential Neighborhood District 5

NEIGHBORHOOD EDGE DISTRICTS (NED)

NED1 Neighborhood Edge District 1

NED2 Neighborhood Edge District 2

NED3 Neighborhood Edge District 3

NED4 Neighborhood Edge District 4

NED5 Neighborhood Edge District 5

URBAN NEIGHBORHOOD DISTRICTS (UND)

UND1 Urban Neighborhood District 1

UND2 Urban Neighborhood District 2

UND3 Urban Neighborhood District 3

ACTIVITY CENTER DISTRICTS (ACD)

ACD1 Activity Center District 1

ACD2 Activity Center District 2

ACD3 Activity Center District 3

TRANSIT ORIENTED DISTRICTS (TOD)

TOD1 Transit Oriented District 1

TOD2 Transit Oriented District 2

TOD3 Transit Oriented District 3

TOD4 Transit Oriented District 4

TOD5 Transit Oriented District 5

TOD6 Transit Oriented District 6

WORKPLACE DISTRICTS (WD)

WD1 Workplace District 1

WD2 Workplace District 2

WD3 Workplace District 3

WD4 Workplace District 4

WD5 Workplace District 5

SPECIAL CAMPUS DISTRICTS (SCD)

SCD1 Special Campus District 1

SCD2 Special Campus District 2

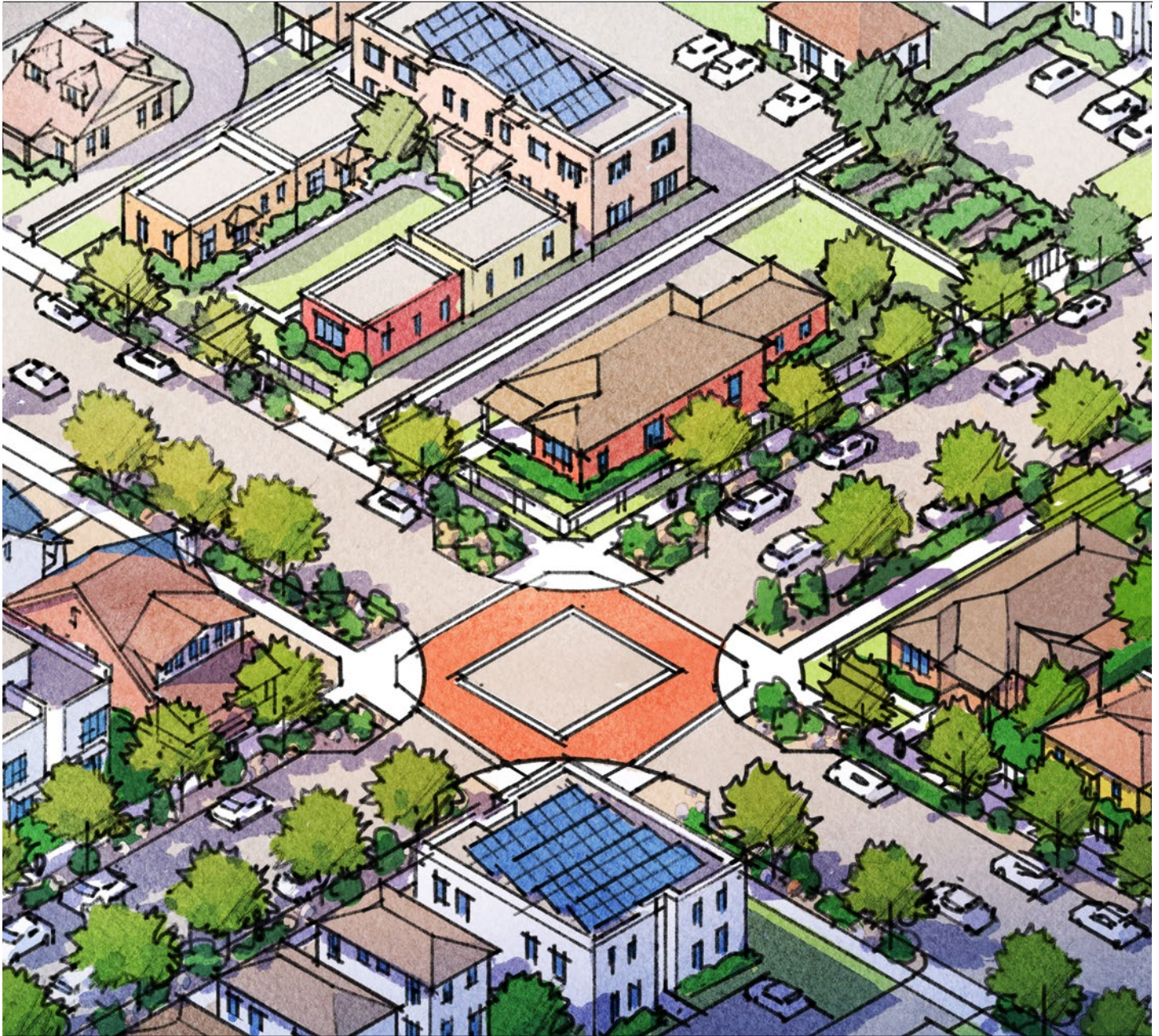
SCD3 Special Campus District 3

PARKLAND DISTRICTS (PLD)

PLD1 Parkland District 1

PLD2 Parkland District 2

200.B. RESIDENTIAL NEIGHBORHOOD DISTRICTS (RND)



1. GENERAL INTENT

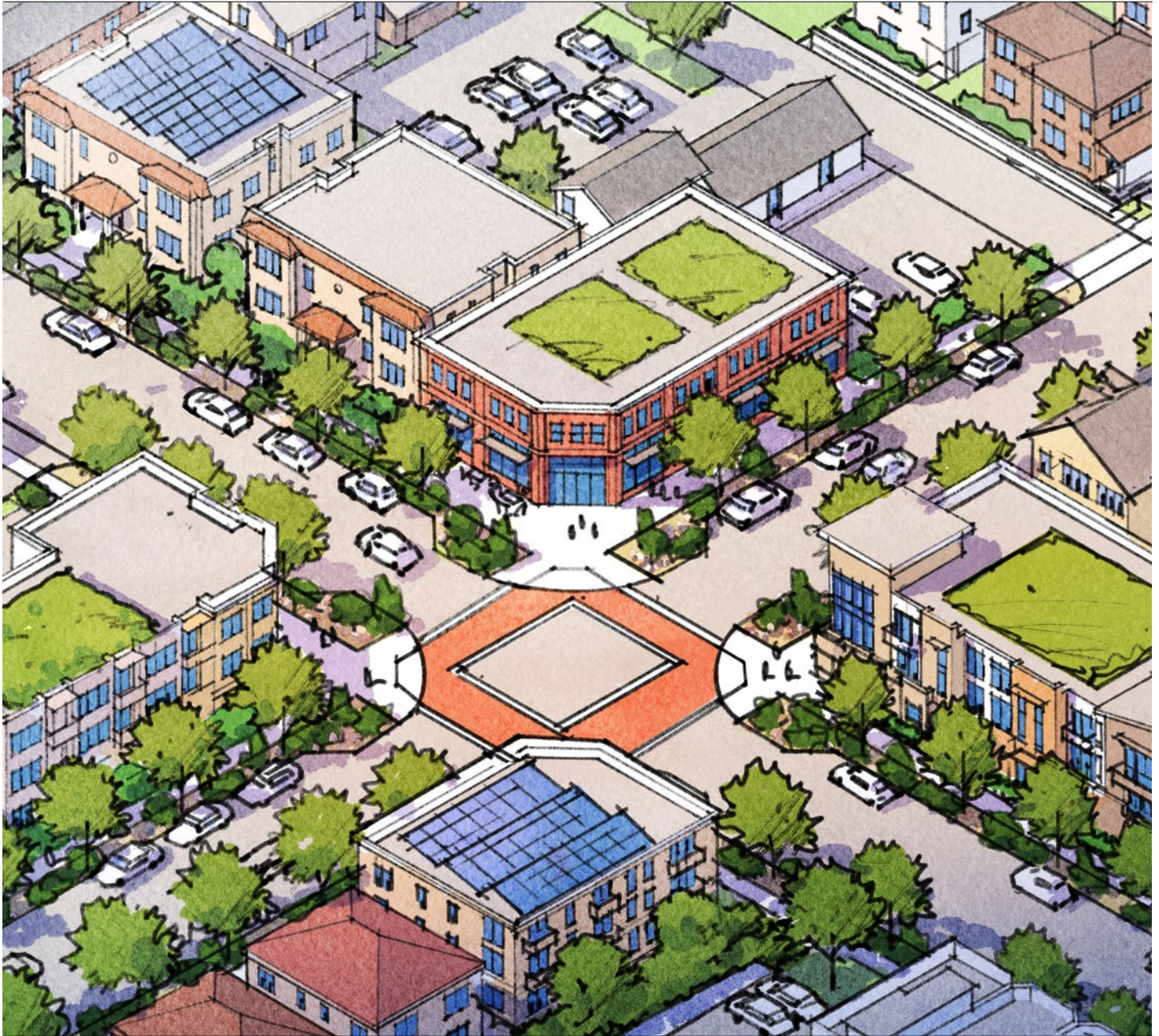
- a. A walkable neighborhood environment intended to accommodate a variety of lower-intensity housing options—up to 2.5 stories tall—including single-unit homes, cottage courts, duplexes, triplexes, fourplexes, and other small multifamily development.
- b. Residential Neighborhood Districts (RND) implement the Residential Neighborhood Place Type established in the *General Plan*.

2. DISTRICTS

There are 5 Residential Neighborhood Districts (RNDs). The first bracket set [] of each RND zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description
Residential Neighborhood District 1 (RND1)	[House Medium 1 (HM1) Sec. 320.C - Neighborhood Yard 1 (N1) Sec. 420.A - Residential 1 (R1) Sec. 520.C]	Sites with house-scale buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 2 (RND2)	[House Narrow 1 (HN1) Sec. 320.A - Neighborhood Yard 2 (N2) Sec. 420.B - Residential 1 (R1) Sec. 520.C]	Sites with narrow house-scale buildings up to 2.5 stories tall, shallow frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 3 (RND3)	[Low-Rise Medium 1 (LM1) Sec. 330.A - Neighborhood Yard 1 (N1) Sec. 420.A - Residential 1 (R1) Sec. 520.C]	Sites with low-rise buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 4 (RND4)	[House Broad 1 (HB1) Sec. 320.D - Neighborhood Yard 1 (N1) Sec. 420.A - Residential 1 (R1) Sec. 520.C]	Sites with wide house-scale buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 5 (RND5)	[House Medium 1 (HM1) Sec. 320.C - Neighborhood Yard 1 (N1) Sec. 420.A - Residential Mixed 1 (RX1) Sec. 520.C]	Sites with house-scale buildings up to 2.5 stories tall, frontyards, and residential and limited nonresidential primary uses.

200.C. NEIGHBORHOOD EDGE DISTRICTS (NED)



1. GENERAL INTENT

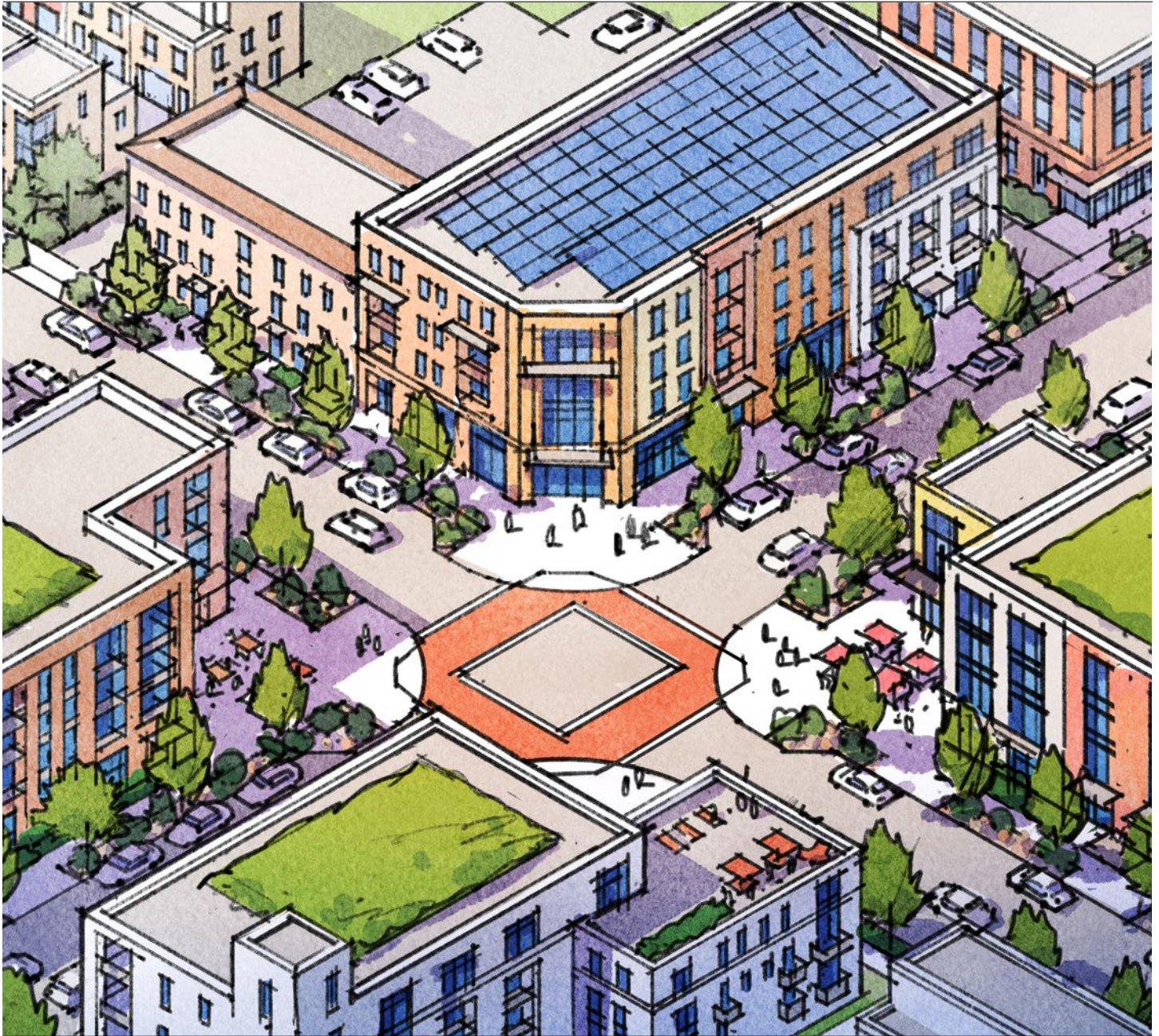
- a. Medium scale development intended to accommodate a variety of housing options—up to 3 stories tall—including a mixture of townhouses, live-work units and small scale multifamily with flexible ground floors for a variety of smaller scale commercial uses. Neighborhood Edge Districts (NED) typically transition to Residential Neighborhood Districts (RND) from zoning districts with more intense development.
- b. Neighborhood Edge Districts (NED) implement the Neighborhood Edge Place Type established in the *General Plan*.

2. DISTRICTS

There are 5 Neighborhood Edge Districts (NED). The first bracket set [] of each NED zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description
Neighborhood Edge District 1 (NED1)	[Low-Rise Medium 2 (LM2) Sec. 330.B - General 1 (G1) Sec. 440.A - Commercial Mixed 1 (CX1) Sec. 520.C]	Sites with low-rise buildings up to 3 stories tall, located close to the street with somewhat active ground floors, and residential and minimal commercial primary uses.
Neighborhood Edge District 2 (NED2)	[Low-Rise Medium 2 (LM2) Sec. 330.B - General 1 (G1) Sec. 440.A - Commercial Mixed 2 (CX2) Sec. 520.C]	Sites with low-rise buildings up to 3 stories tall, located close to the street with somewhat active ground floors, and residential and small commercial primary uses.
Neighborhood Edge District 3 (NED3)	[Low-Rise Medium 2 (LM2) Sec. 330.B - Multi-Unit 1 (MU1) Sec. 430.A - Residential 1 (R1) Sec. 520.C]	Sites with low-rise buildings up to 3 stories tall, located close to the street with residential ground floors, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Neighborhood Edge District 4 (NED4)	[Low-Rise Medium 2 (LM2) Sec. 330.B - General 1 (G1) Sec. 440.A - Commercial Mixed 3 (CX3) Sec. 520.C]	Sites with low-rise buildings up to 3 stories tall, located close to the street with somewhat active ground floors, and residential and moderate commercial primary uses.
Neighborhood Edge District 5 (NED5)	[House Narrow 2 (HN2) Sec. 320.B - Neighborhood Yard 2 (N2) Sec. 420.B - Residential 1 (R1) Sec. 520.C]	Sites with narrow house-scale buildings up to 3 stories tall, shallow frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.

200.D. URBAN NEIGHBORHOOD DISTRICTS (UND)



1. GENERAL INTENT

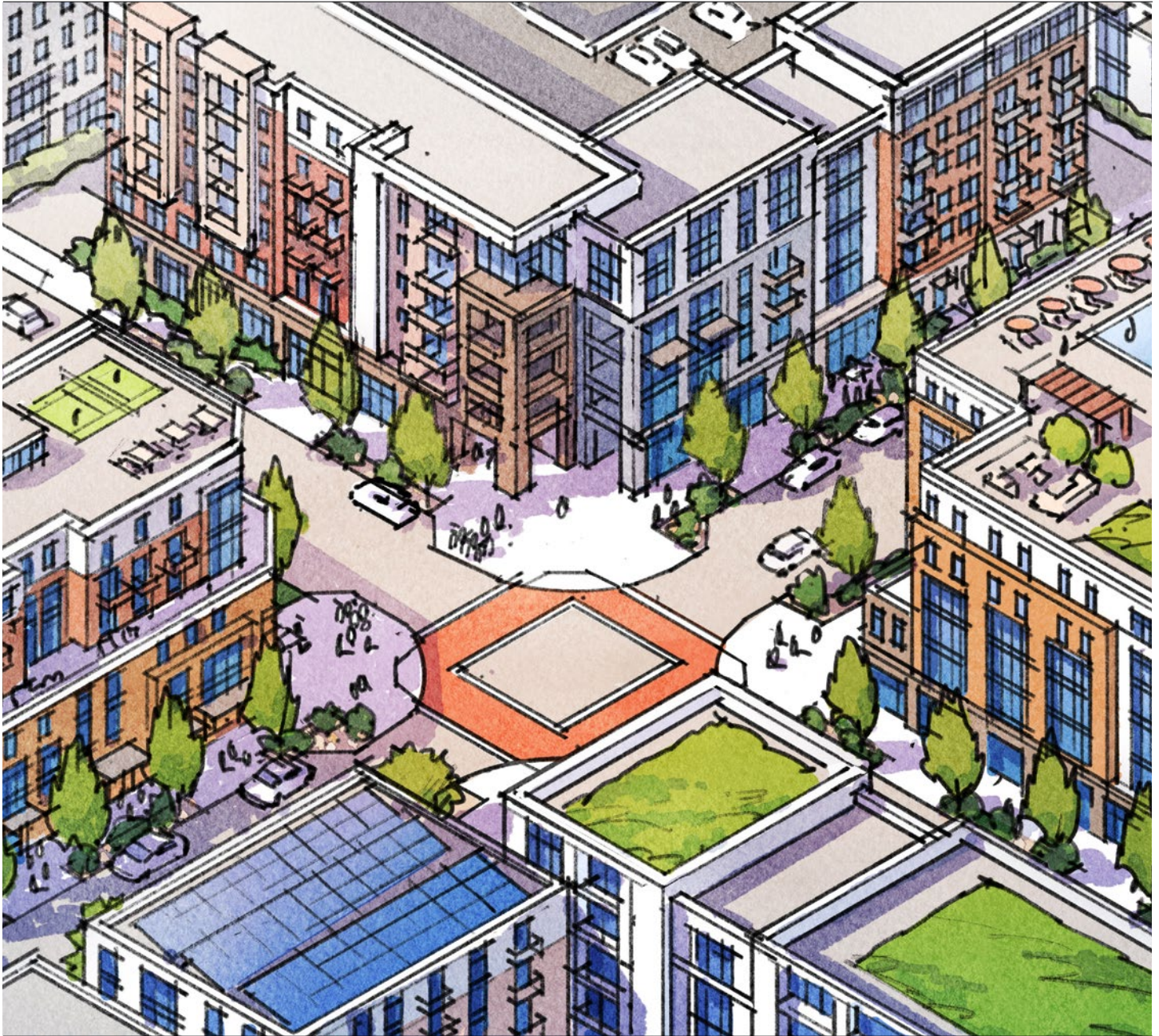
- a. Moderately scaled development primarily intended to accommodate a variety of medium intensity multi-unit housing options—up to 4 stories tall—in addition to office, commercial, and limited industrial uses that are compatible with adjacent development. While buildings may contain exclusively residential or nonresidential uses, the vertical mixing of uses is encouraged.
- b. Urban Neighborhood Districts (UND) implement the Urban Neighborhood Place Type established in the *General Plan*.

2. DISTRICTS

There are 3 Urban Neighborhood Districts (UND). The first bracket set [] of each UND zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	First Bracket Set	Zoning District Description	
Urban Neighborhood District 1 (UND1)	[Low-Rise Medium 3 (LM3) Sec. 330.C	- General 1 (G1) Sec. 440.A	- Commercial Mixed 1 (CX1) Sec. 520.C	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground floors, and residential and minimal commercial primary uses.
Urban Neighborhood District 2 (UND2)	[Low-Rise Medium 3 (LM3) Sec. 330.C	- Multi-Unit 1 (MU1) Sec. 430.A	- Residential 1 (R1) Sec. 520.C	Sites with low-rise buildings up to 4 stories tall, located close to the street with residential ground floors, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Urban Neighborhood District 3 (UND3)	[Low-Rise Medium 3 (LM3) Sec. 330.C	- General 1 (G1) Sec. 440.A	- Industrial Mixed 1 (IX1) Sec. 520.C	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground floors, and residential and small industrial primary uses.

200.E. ACTIVITY CENTER DISTRICTS (ACD)



1. GENERAL INTENT

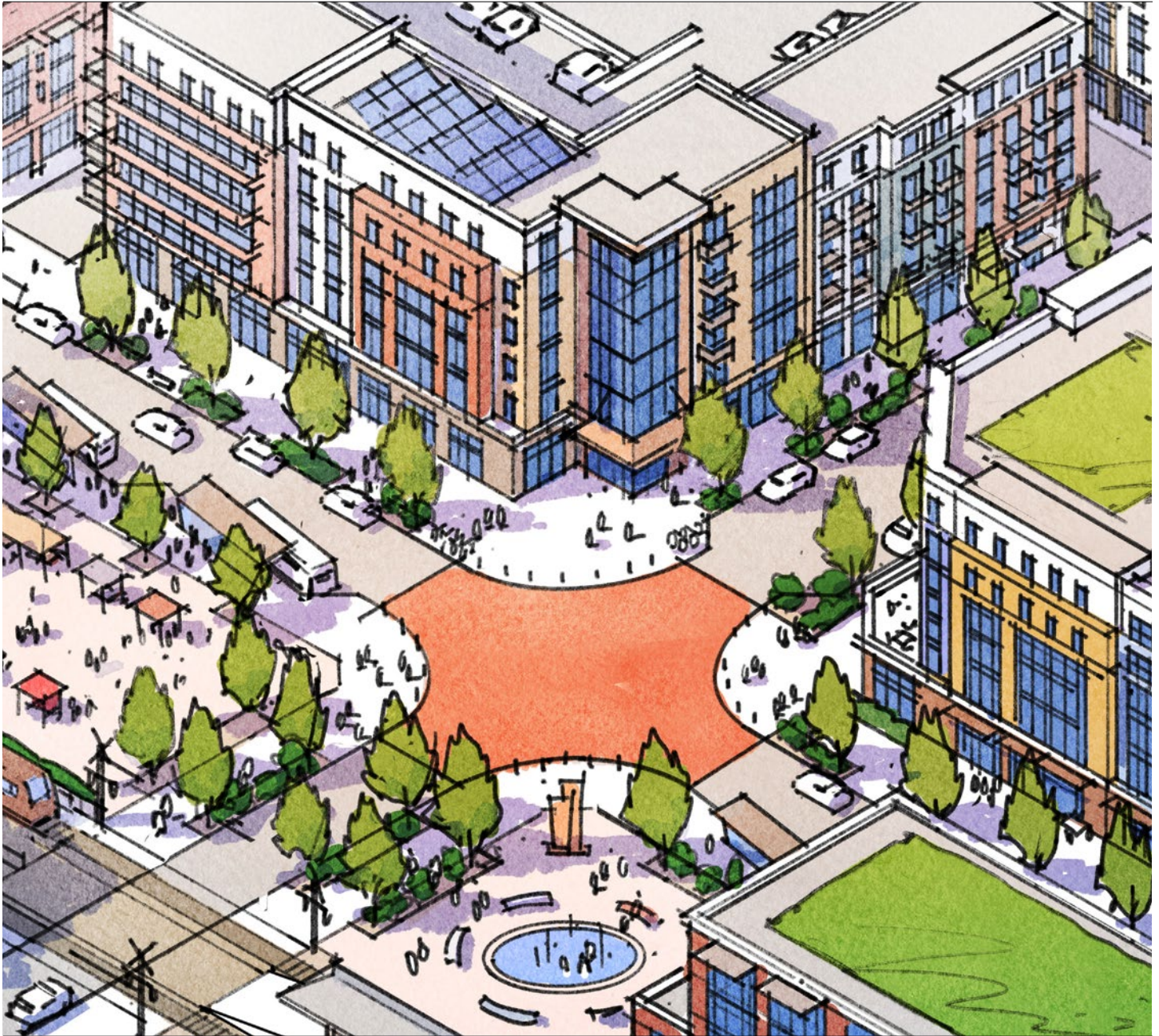
- a. Medium to large scale development within neighborhood centers and regional destinations catalyzed by a variety of residential, retail, service and commercial building forms and uses—up to 6 stories tall—in a pedestrian-friendly environment. While buildings may contain exclusively residential or nonresidential uses, the vertical mixing of uses is strongly encouraged. Activity Center Districts (ACD) typically transition to districts with less intense development.
- b. Activity Center Districts (ACD) implement the Activity Center Place Type established in the *General Plan*.

2. DISTRICTS

There are 3 Activity Center Districts (ACD). The first bracket set [] of each ACD zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description															
Activity Center District 1 (ACD1)	<table border="1"> <tr> <td>Mid-Rise Medium 1</td> <td>-</td> <td>General 1</td> <td>-</td> <td>Commercial Mixed 4</td> </tr> <tr> <td>(MM1)</td> <td></td> <td>(G1)</td> <td></td> <td>(CX4)</td> </tr> <tr> <td>Sec. 340.A</td> <td></td> <td>Sec. 440.A</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Mid-Rise Medium 1	-	General 1	-	Commercial Mixed 4	(MM1)		(G1)		(CX4)	Sec. 340.A		Sec. 440.A		Sec. 520.C	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground floors, and residential and large commercial primary uses.
Mid-Rise Medium 1	-	General 1	-	Commercial Mixed 4													
(MM1)		(G1)		(CX4)													
Sec. 340.A		Sec. 440.A		Sec. 520.C													
Activity Center District 2 (ACD2)	<table border="1"> <tr> <td>Mid-Rise Broad 1</td> <td>-</td> <td>Shopfront 1</td> <td>-</td> <td>Commercial Mixed 4</td> </tr> <tr> <td>(MB1)</td> <td></td> <td>(SH1)</td> <td></td> <td>(CX4)</td> </tr> <tr> <td>Sec. 340.C</td> <td></td> <td>Sec. 450.A</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Mid-Rise Broad 1	-	Shopfront 1	-	Commercial Mixed 4	(MB1)		(SH1)		(CX4)	Sec. 340.C		Sec. 450.A		Sec. 520.C	Sites with wide mid-rise buildings up to 6 stories tall, located close to the street with active ground floors, and residential and large commercial primary uses.
Mid-Rise Broad 1	-	Shopfront 1	-	Commercial Mixed 4													
(MB1)		(SH1)		(CX4)													
Sec. 340.C		Sec. 450.A		Sec. 520.C													
Activity Center District 3 (ACD3)	<table border="1"> <tr> <td>Mid-Rise Broad 1</td> <td>-</td> <td>Shopfront 1</td> <td>-</td> <td>Commercial Mixed 5</td> </tr> <tr> <td>(MB1)</td> <td></td> <td>(SH1)</td> <td></td> <td>(CX5)</td> </tr> <tr> <td>Sec. 340.C</td> <td></td> <td>Sec. 450.A</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Mid-Rise Broad 1	-	Shopfront 1	-	Commercial Mixed 5	(MB1)		(SH1)		(CX5)	Sec. 340.C		Sec. 450.A		Sec. 520.C	Sites with wide mid-rise buildings up to 6 stories tall, located close to the street with active ground floors, and residential and very large commercial primary uses.
Mid-Rise Broad 1	-	Shopfront 1	-	Commercial Mixed 5													
(MB1)		(SH1)		(CX5)													
Sec. 340.C		Sec. 450.A		Sec. 520.C													

200.F. TRANSIT ORIENTED DISTRICTS (TOD)



1. GENERAL INTENT

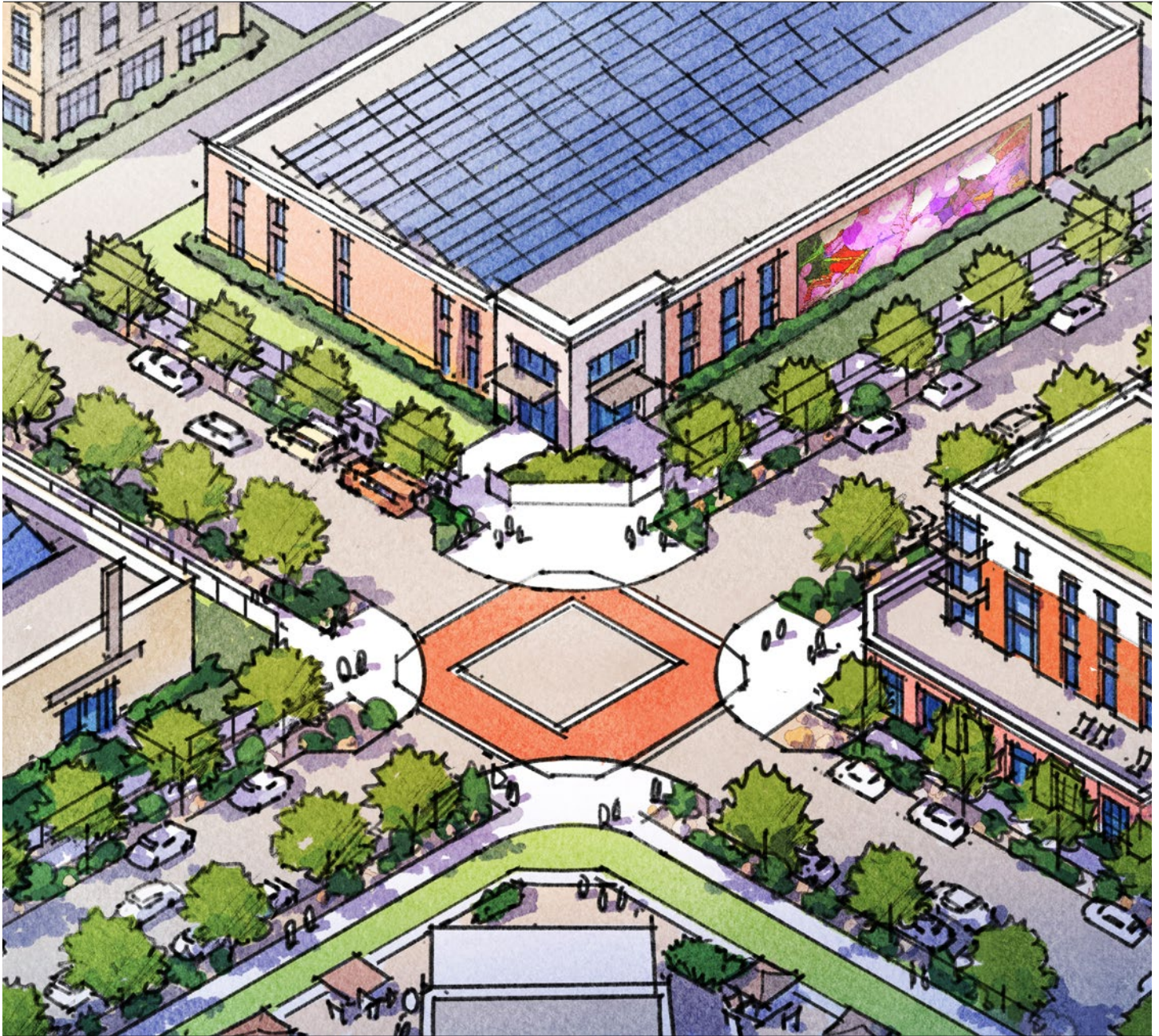
- a. Transit Oriented Districts (TOD) are the most active and walkable zoning districts in the city and feature development types of medium to large scale development—up to 6 stories tall. While buildings may contain exclusively residential uses, these districts encourage buildings with a mix of uses—horizontally and vertically—with retail, commercial and civic activity on the ground floor and housing or workplace uses above.
- b. Transit Oriented Districts (TOD) implement the Transit Oriented District Place Type established in the *General Plan*.

2. DISTRICTS

There are 6 Transit Oriented Districts (TOD). The first bracket set [] of each TOD zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description
Transit Oriented District 1 (TOD1)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Mid-Rise Medium 1 (MM1)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Commercial Mixed 1 (CX1)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 340.A Sec. 440.A Sec. 520.C </div>	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground floors, and residential and minimal commercial primary uses.
Transit Oriented District 2 (TOD2)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Low-Rise Medium 3 (LM3)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Commercial Mixed 4 (CX4)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 330.C Sec. 440.A Sec. 520.C </div>	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground floors, and residential and large commercial primary uses.
Transit Oriented District 3 (TOD3)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Low-Rise Medium 3 (LM3)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">Multi-Unit 1 (MU1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Residential 1 (R1)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 330.C Sec. 430.A Sec. 520.C </div>	Sites with low-rise buildings up to 4 stories tall, located close to the street with residential ground floors, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Transit Oriented District 4 (TOD4)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Mid-Rise Medium 1 (MM1)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Commercial Mixed 4 (CX4)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 340.A Sec. 440.A Sec. 520.C </div>	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground floors, and residential and large commercial primary uses.
Transit Oriented District 5 (TOD5)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Mid-Rise Medium 1 (MM1)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">Shopfront 1 (SH1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Commercial Mixed 4 (CX4)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 340.A Sec. 450.A Sec. 520.C </div>	Sites with mid-rise buildings up to 6 stories tall, located close to the street with active ground floors, and residential and large commercial primary uses.
Transit Oriented District 6 (TOD6)	<div style="display: flex; align-items: center;"> <div style="background-color: #c8e6c9; padding: 5px; margin-right: 5px;">Low-Rise Medium 3 (LM3)</div> - <div style="background-color: #ffe0b2; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="background-color: #e1bee7; padding: 5px;">Commercial Mixed 1 (CX1)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Sec. 330.C Sec. 440.A Sec. 520.C </div>	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground floors, and residential and minimal commercial primary uses.

200.G. WORKPLACE DISTRICTS (WD)



1. GENERAL INTENT

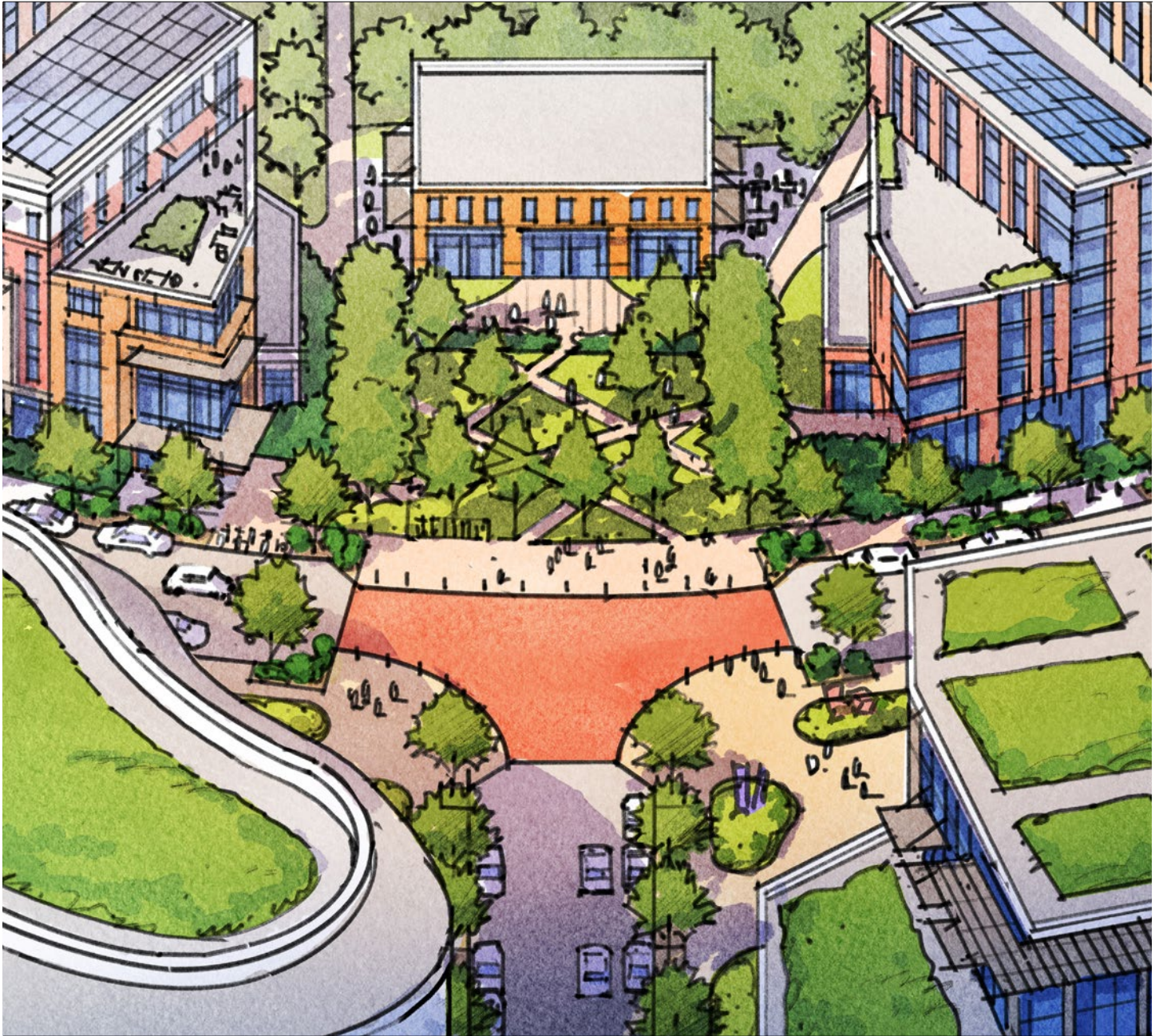
- a. Medium scale development primarily intended to accommodate a variety of low-impact industrial and clean manufacturing activities that are pedestrian-oriented with distinctive building types—up to 6 stories tall—and a safe relationship to the public street and open space network. The majority of industrial activity in Workplace Districts (WD) are intended to be conducted indoors with limited accessory outdoor storage. Workplace Districts (WD) also allow residential and limited commercial uses where screened for safety.
- b. Workplace Districts (WD) implement the Workplace District and Workplace District Edge Place Types established in the *General Plan*.

2. DISTRICTS

There are 5 Workplace Districts (WD). The first bracket set [] of each WD zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description
Workplace District 1 (WD1)	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Low-Rise Medium 4 (LM4)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Industrial Mixed 1 (IX1)</div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 330.D</div> - <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 440.A</div> - <div style="border: 1px solid black; padding: 2px 5px;">Sec. 520.C</div> </div>	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground floors, and residential and small industrial primary uses.
Workplace District 2 (WD2)	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Low-Rise Medium 4 (LM4)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">General 2 (G2)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Industrial 3 (I3)</div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 330.D</div> - <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 440.B</div> - <div style="border: 1px solid black; padding: 2px 5px;">Sec. 520.C</div> </div>	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground floors, and large industrial primary uses.
Workplace District 3 (WD3)	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Low-Rise Medium 4 (LM4)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">General 2 (G2)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Industrial 2 (I2)</div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 330.D</div> - <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 440.B</div> - <div style="border: 1px solid black; padding: 2px 5px;">Sec. 520.C</div> </div>	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground floors, and medium industrial primary uses.
Workplace District 4 (WD4)	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Low-Rise Medium 4 (LM4)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">General 2 (G2)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Industrial 1 (I1)</div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 330.D</div> - <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 440.B</div> - <div style="border: 1px solid black; padding: 2px 5px;">Sec. 520.C</div> </div>	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground floors, and moderate industrial primary uses.
Workplace District 5 (WD5)	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Mid-Rise Medium 2 (MM2)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">General 1 (G1)</div> - <div style="border: 1px solid black; padding: 5px; margin-right: 5px;">Industrial Mixed 1 (IX1)</div> </div> <div style="display: flex; align-items: center; justify-content: center; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 340.B</div> - <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">Sec. 440.A</div> - <div style="border: 1px solid black; padding: 2px 5px;">Sec. 520.C</div> </div>	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground floors, and residential and small industrial primary uses.

200.H. SPECIAL CAMPUS DISTRICTS (SCD)



1. GENERAL INTENT

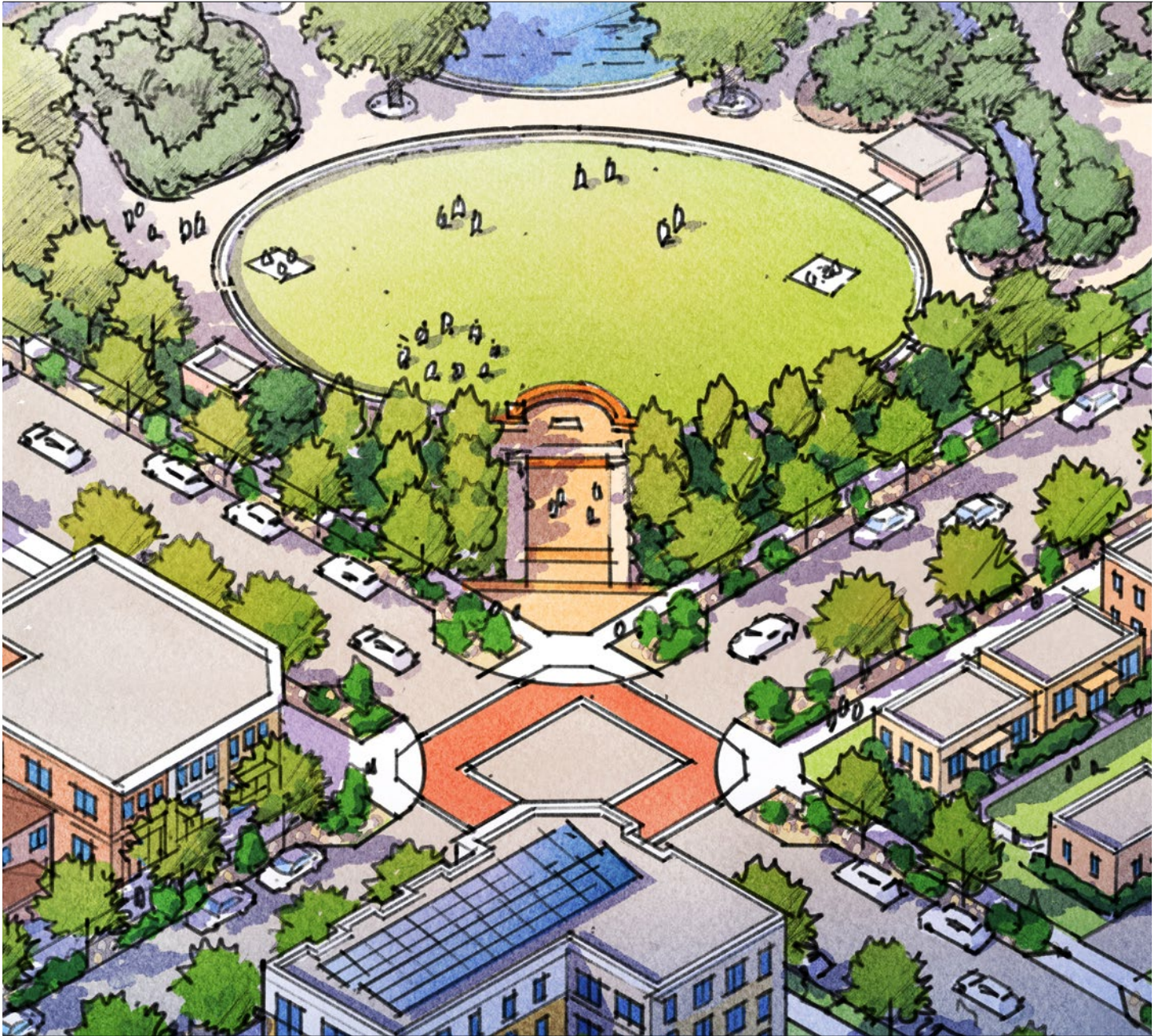
- a. Areas with unique forms intended to accommodate public, civic and institutional uses and buildings—up to 8 stories tall—that serve the city and region but do not readily assimilate into other zoning districts. Most Special Campus Districts (SCD) apply to the Pomona Civic Center and land associated with Cal Poly Pomona and Fairplex.
- b. Special Campus Districts (SCD) implement the Special Campus Place Type established in the *General Plan*.

2. DISTRICTS

There are 2 Special Campus Districts (SCD). The first bracket set [] of each SCD zoning district is summarized below:

Zoning District	[Form Module - Frontage Module - Use Module]	Zoning District Description															
Special Campus District 1 (SCD1)	<table border="1"> <tr> <td>Special 2</td> <td>-</td> <td>Civic 2</td> <td>-</td> <td>Public 1</td> </tr> <tr> <td>(S2)</td> <td></td> <td>(CV2)</td> <td></td> <td>(P1)</td> </tr> <tr> <td>Sec. 350.B</td> <td></td> <td>Sec. 460.B</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Special 2	-	Civic 2	-	Public 1	(S2)		(CV2)		(P1)	Sec. 350.B		Sec. 460.B		Sec. 520.C	Intended for sites related to Cal Poly Pomona. Allows for buildings up to 8 stories tall.
Special 2	-	Civic 2	-	Public 1													
(S2)		(CV2)		(P1)													
Sec. 350.B		Sec. 460.B		Sec. 520.C													
Special Campus District 2 (SCD2)	<table border="1"> <tr> <td>Special 1</td> <td>-</td> <td>Civic 1</td> <td>-</td> <td>Public 1</td> </tr> <tr> <td>(S1)</td> <td></td> <td>(CV1)</td> <td></td> <td>(P1)</td> </tr> <tr> <td>Sec. 350.A</td> <td></td> <td>Sec. 460.A</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Special 1	-	Civic 1	-	Public 1	(S1)		(CV1)		(P1)	Sec. 350.A		Sec. 460.A		Sec. 520.C	Intended for sites related to the Pomona Civic Center. Allows for buildings up to 4 stories tall.
Special 1	-	Civic 1	-	Public 1													
(S1)		(CV1)		(P1)													
Sec. 350.A		Sec. 460.A		Sec. 520.C													
Special Campus District 3 (SCD3)	<table border="1"> <tr> <td>Special 4</td> <td>-</td> <td>Civic 3</td> <td>-</td> <td>Public 2</td> </tr> <tr> <td>(S4)</td> <td></td> <td>(CV3)</td> <td></td> <td>(P2)</td> </tr> <tr> <td>Sec. 350.D</td> <td></td> <td>Sec. 460.C</td> <td></td> <td>Sec. 520.C</td> </tr> </table>	Special 4	-	Civic 3	-	Public 2	(S4)		(CV3)		(P2)	Sec. 350.D		Sec. 460.C		Sec. 520.C	Intended for sites related to Fairplex. Building heights regulated by the Fairplex Overlay District.
Special 4	-	Civic 3	-	Public 2													
(S4)		(CV3)		(P2)													
Sec. 350.D		Sec. 460.C		Sec. 520.C													

200.I. PARKLAND DISTRICTS (PLD)



1. GENERAL INTENT

- a. Areas intended to create, preserve and enhance parkland to meet the active and recreational needs of residents and visitors. Allows for small buildings up to 2.5 stories tall.
- b. Parkland Districts (PLD) implement the Open Space Place Type established in the *General Plan*.

2. DISTRICTS

There are 2 Parkland Districts (PLD). The first bracket set [] of each PLD zoning district is summarized below:

Zoning District	[Form Module	- Frontage Module	- Use Module] Zoning District Description
Parkland District 1 (PLD1)	Special 3 (S3) Sec. 350.C	- Park 1 (PK1) Sec. 460.D	- Open Space 1 (OS1) Sec. 520.C] Intended for publicly-owned parkland with small buildings up to 2.5 stories tall.
Parkland District 2 (PLD2)	Special 3 (S3) Sec. 350.C	- Park 1 (PK1) Sec. 460.D	- Open Space 2 (OS2) Sec. 520.C] Intended for privately-owned parkland with small buildings up to 2.5 stories tall.

PART 3.

FORM

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PART. 3A. FORM INTRODUCTION

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Sec. 300. Orientation

300.A. Relationship to Zoning District Brackets

The first zoning district bracket is composed of the following modules:



The Form Module is a separate and independent component of each zoning district.

300.B. How to Use Part 3

1. Identify the Applied Form Module

The first component in the first zoning district bracket identifies the Form Module applied to a property.

2. Form Module Standards

Form Module standards are established in *Part 3B. (Form Modules)*. Each Form Module establishes applicable form standards.

3. Interpreting Form Module Standards

Standards listed in Part 3B reference *Part 3C. (Form Rules)* where the standard is defined.

300.C. Form Module Naming Convention

There are 3 types of naming conventions for Form Modules. Each Form Module name is composed of a variety of components that are specific to that module.

1. House Form Modules

House Form Modules regulate building forms that resemble the form of a house, must not exceed 2.5 stories in height, and are composed of two components:

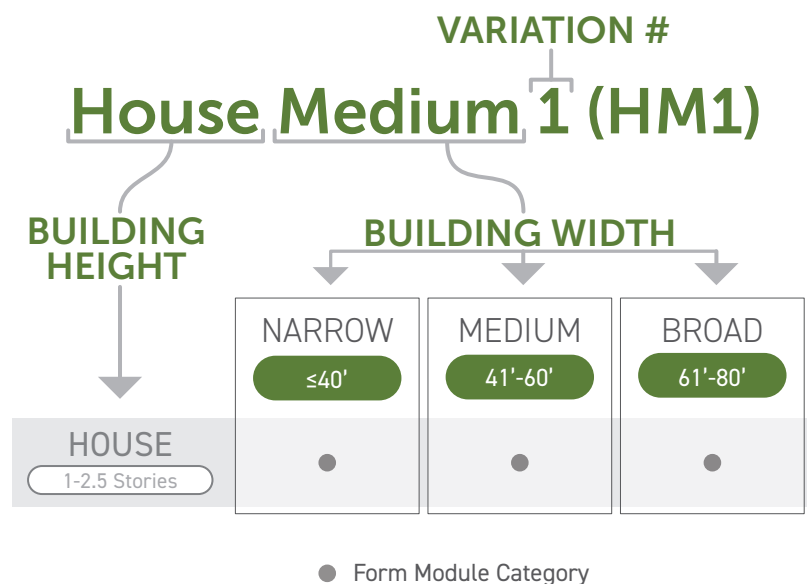
a. Building Width Category

Building width categories group all modules within a range of maximum allowed building width. House Form Module building width categories are organized as follows:

1. Narrow ($\leq 40'$)
2. Medium (41'-60')
3. Broad (61'-80')

b. Variation Number

The last component of each House Form Module is a variation number. All House Form Modules are numbered in the order they fall within *Part 3B (Form Modules)*.



2. Dimension-Based Form Modules

Dimension-based Form Module names are composed of three components:

a. Building Height Category

The first component of each Dimension-based Form Module name is a building height category. Building height categories group all modules within a range of maximum allowed building height. Building height categories are organized as follows:

1. Low-Rise (2.5-4 stories)
2. Mid-Rise (5-12 stories)

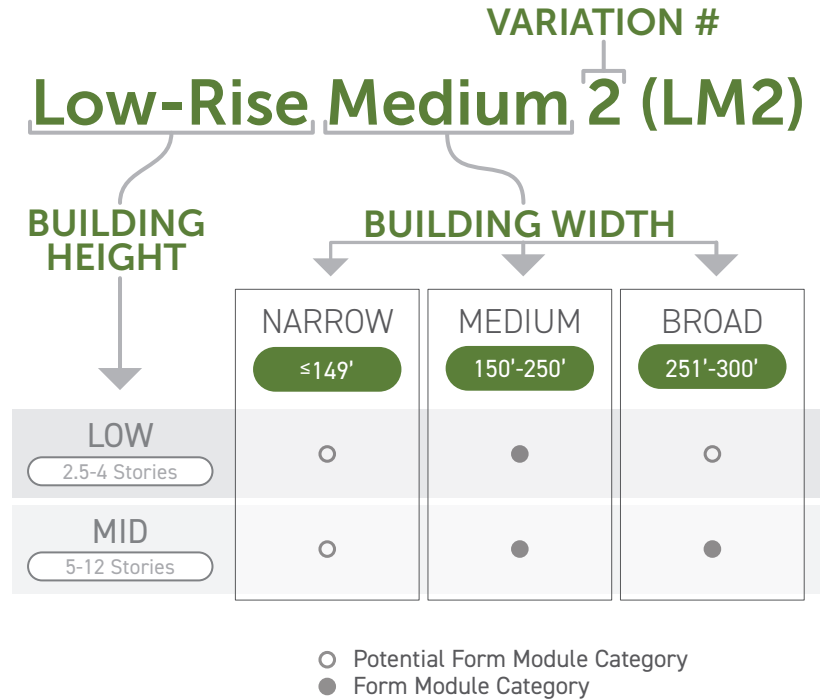
b. Building Width Category

The second component of each Dimension-based Form Module name is a building width category. Building width categories group all modules within a range of maximum allowed building width. Building width categories are organized as follows:

1. Narrow (≤149')
2. Medium (150'-250')
3. Broad (251'-300')

c. Variation Number

The last component of each Dimension-based Form Module is a variation number. All Dimension-based Form Module are numbered in the order they fall within *Part 3B (Form Modules)*.



3. Special Form Modules

Special Form Modules regulate building forms where more flexibility is necessary to achieve more unique building designs. All Special Form Module are numbered in the order they fall within *Part 3B (Form Modules)*.

Sec. 310. General Provisions

310.A. Form Intent

The intent of Part 3 is to regulate the placement, scale, and intensity of buildings and structures on a lot in order to ensure building forms are compatible with their context and promote projects that support community goals.

310.B. Form Applicability

1. General

All projects filed after the effective date of this Zoning & Development Code must comply with the Form Module standards in Part 3, as further specified below. For vested rights, see *Sec. 13.X (Vested Rights)*, and for continuance of existing development, see *Sec. 13.X (Continuance of Existing Development)*.

2. Project Activities

- a. Categories of Form rules apply to a project based on what types of project activities are proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an addition that expands an existing use includes both new construction and a use modification).

Form Rule Categories		Project Activities						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 360.	Lot Size	●	○	●	○	○	○	○
Sec. 370.	Coverage	●	●	○	○	○	○	○
Sec. 380.	Amenity	●	●	●	○	●	○	○
Sec. 390.	Building	●	●	○	○	○	○	○
Sec. 620.E.	Fences & Walls	●	●	●	○	○	○	○
Sec. 610.C.	Required Parking	●	●	○	○	○	○	○

● = Standards may apply ○ = Standards are not applicable

- b. Project activities are defined in *Sec. 1400.X (Project Activities)*.

- c. Where a category of Form rules are listed as generally applicable in the table above, and the applied Form Module (*Part 3B*) provides standards in that Form rule category, the project activity must meet all applicable Form standards within that section. This general applicability may be further specified for each standard in the applicability provisions in *Part 3C (Form Rules)*. Project applicability may also be modified by *Sec 13.X. (Nonconformity)*. Where a category of Form rules is listed as not applicable in the table above, no standards from that Form rule category apply to the project activity.

3. **Applicable Components of Lots, Buildings, and Structures**

- a. Form Modules apply to all portions of a lot.
- b. Form Modules apply to all portions of buildings and structures on a lot.
- c. Specific form standards and rules may further limit which components of buildings, structures and lots are required to comply with the rules in *Part 3C. (Form Rules)*.

4. **Nonconformity**

Sec. 13.X. (Nonconformity) provides relief from the requirements of *Part 3 (Form)* for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. No project activity may decrease conformance with any Form standard unless otherwise specified by *Sec. 13.X. (Form Exceptions)*. Consider the following examples:

- a. An addition to the side of an existing building: Where a proposed addition increases the total building width beyond the maximum building width allowed by the applied Form Module, the addition is not allowed.
- b. An addition to the top of an existing building: Where the height of the existing structure does not meet the building setback standard specified by the applied Form Module, all additional floor area must be located behind the minimum building setback, but no modifications to the existing upper stories are required.

PART. 3B.

FORM MODULES

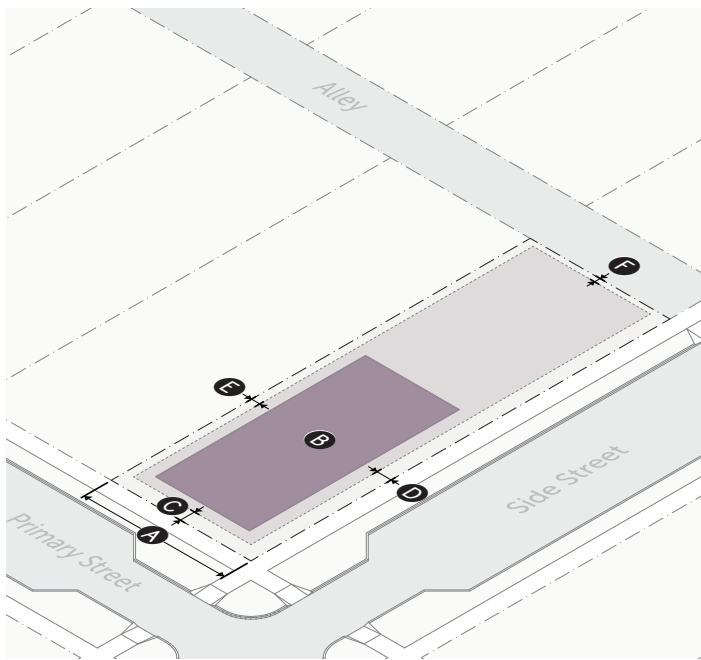
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Sec. 320. **House Form Modules**

House Form Modules regulate building forms in ways that ensure a building character consistent with a house. Each house Form Module is primarily defined by its maximum building width and height.

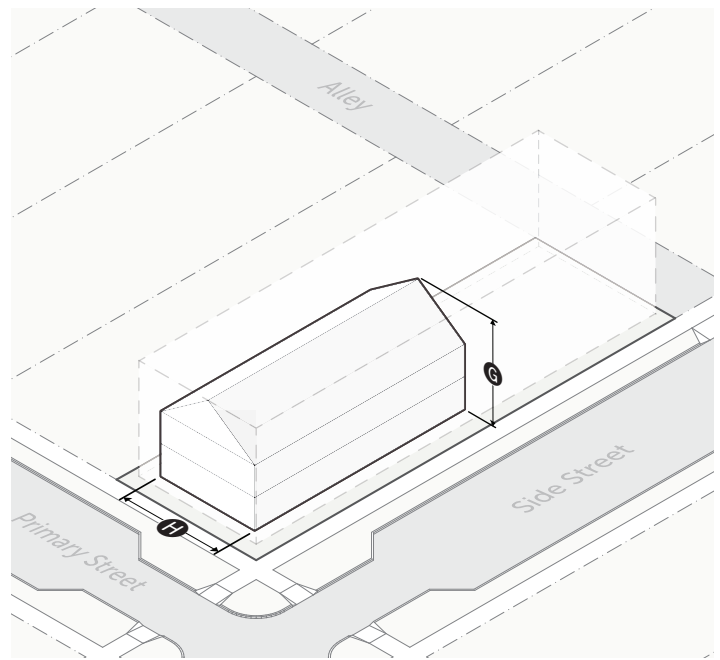
320.A. House Narrow 1 (HN1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	40'
Side/alley access (min)	20'
COVERAGE	Sec. 370.
Impervious coverage (max)	75%
B Building coverage (max)	45%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
Outdoor amenity space (min)	n/a

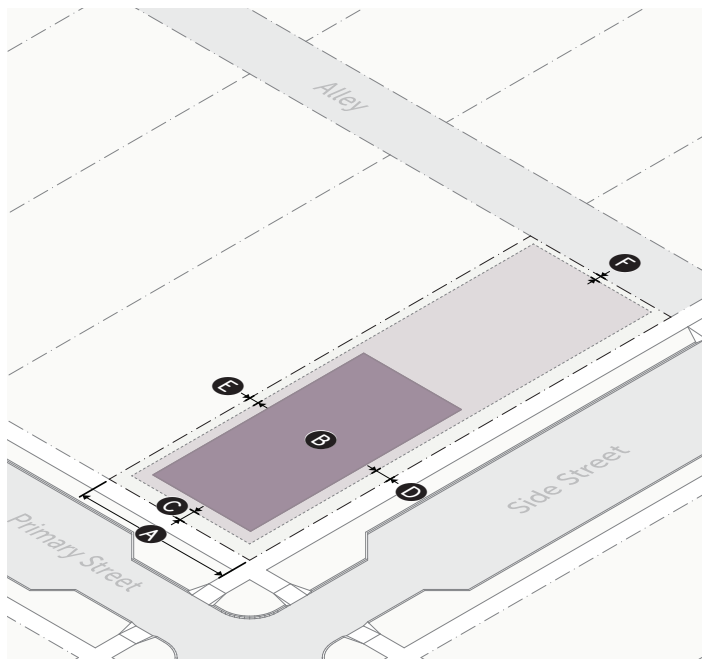
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	40'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 620.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

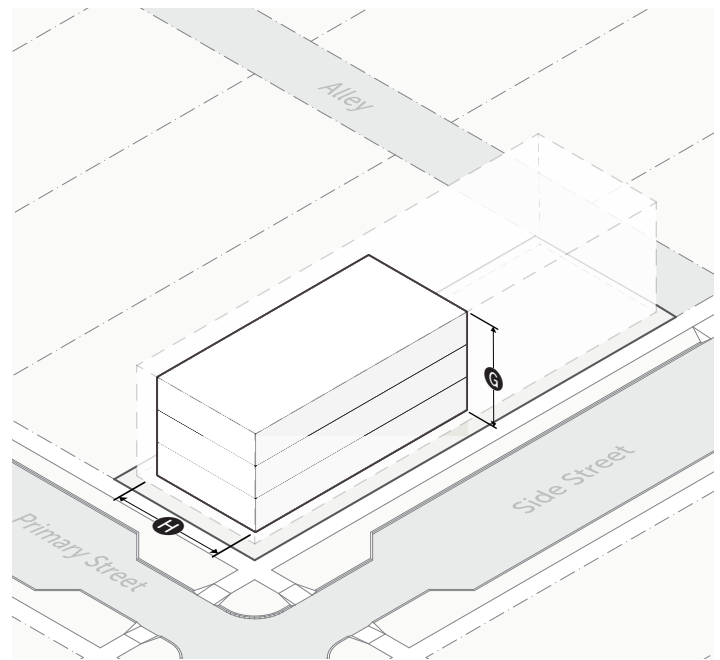
320.B. House Narrow 2 (HN2)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	40'
Side/alley access (min)	20'
COVERAGE	Sec. 370.
Impervious coverage (max)	75%
B Building coverage (max)	55%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
Outdoor amenity space (min)	n/a

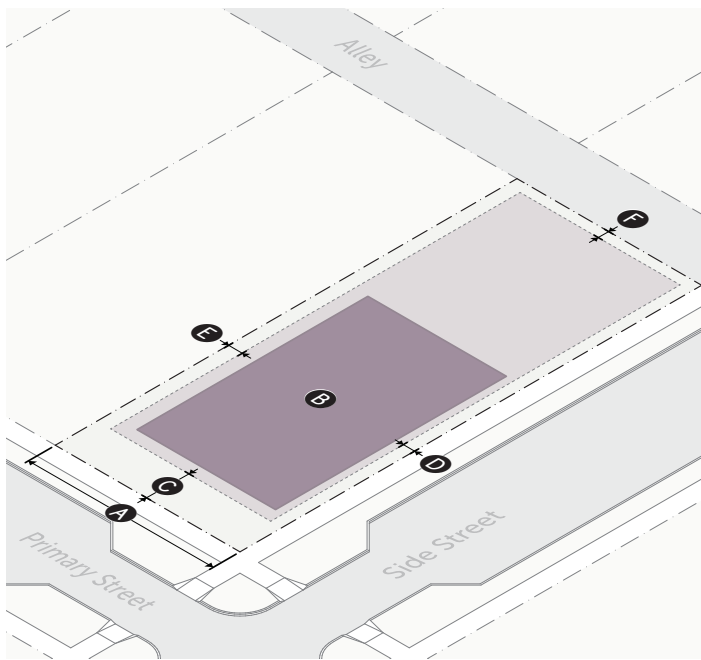
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	3/42'
H Building width (max)	40'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

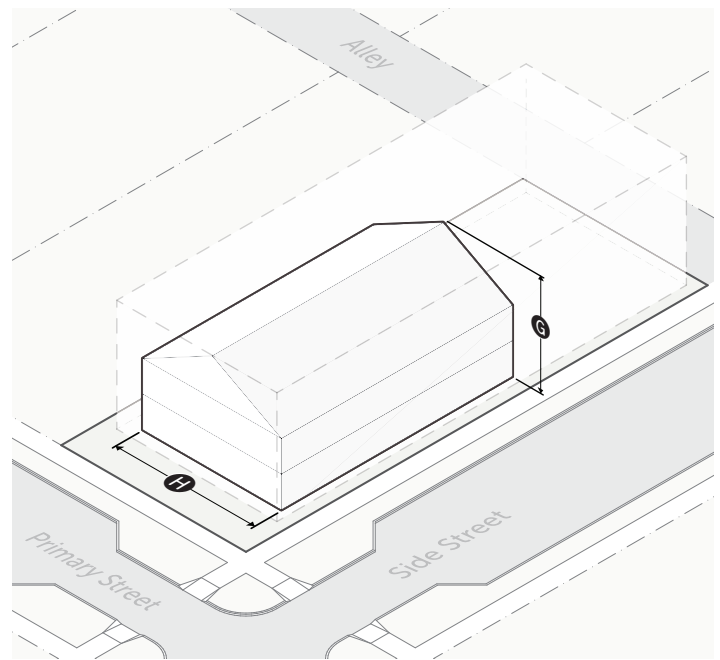
320.C. House Medium 1 (HM1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	45'
Side/alley access (min)	30'
COVERAGE	Sec. 370.
Impervious coverage (max)	75%
B Building coverage (max)	40%
Building setbacks	
C Primary street lot line (min)	15'
D Side street lot line (min)	5'
E Side lot line (min)	5'
Rear lot line (min)	10'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
Outdoor amenity space (min)	n/a

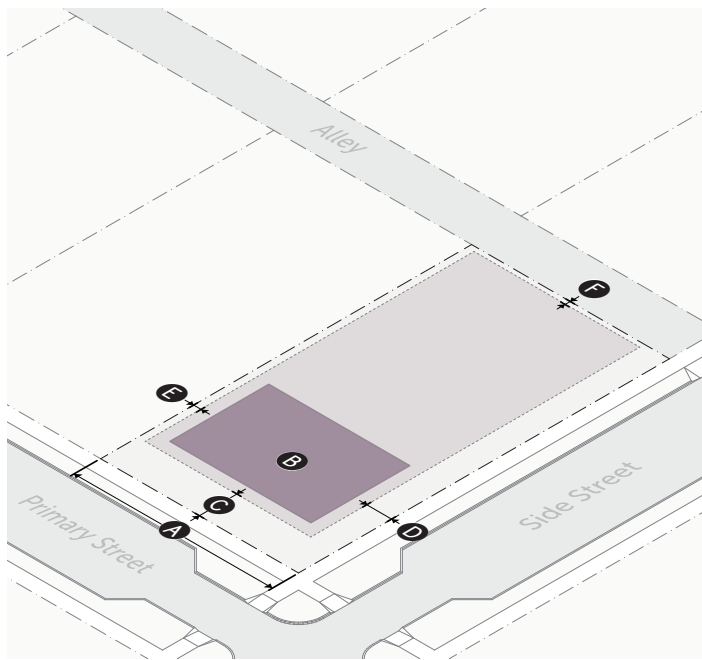
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	60'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

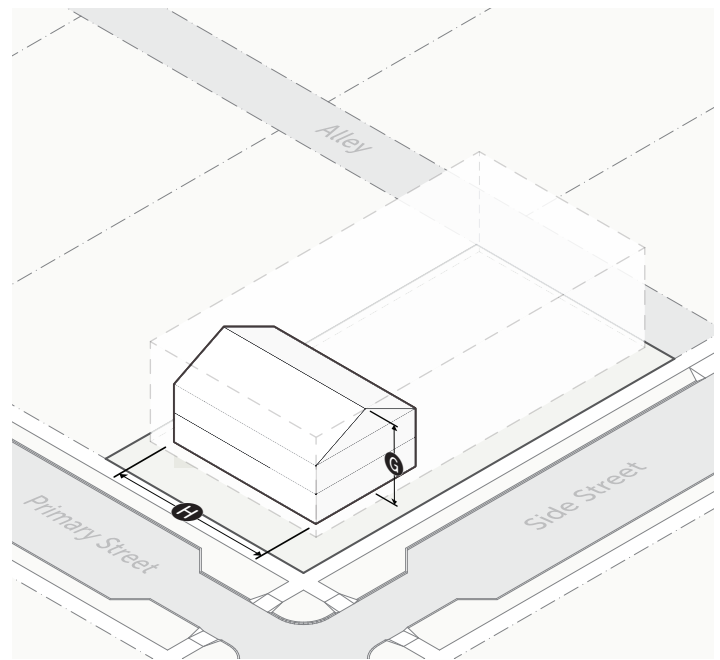
320.D. House Broad 1 (HB1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	55'
Side/alley access (min)	40'
COVERAGE	Sec. 370.
Impervious coverage (max)	70%
B Building coverage (max)	30%
Building setbacks	
C Primary street lot line (min)	15'
D Side street lot line (min)	10'
E Side lot line (min)	5'
Rear lot line (min)	15'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
Outdoor amenity space (min)	n/a

2. BUILDING FORM



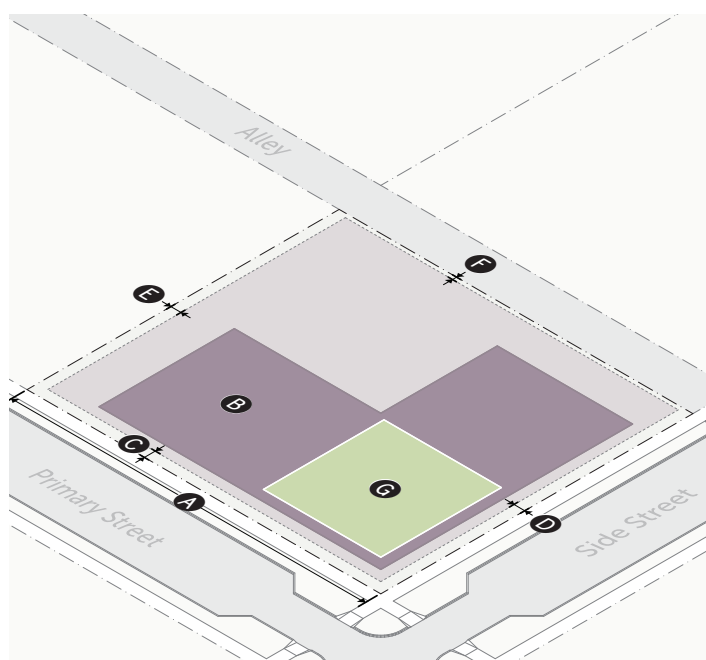
BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	80'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

Sec. 330. **Low-Rise Form Modules**

Low-rise Form Modules regulate building forms in ways that ensure a building character consistent with a low-rise building. Each low-rise Form Module is primarily defined by its maximum building width and height.

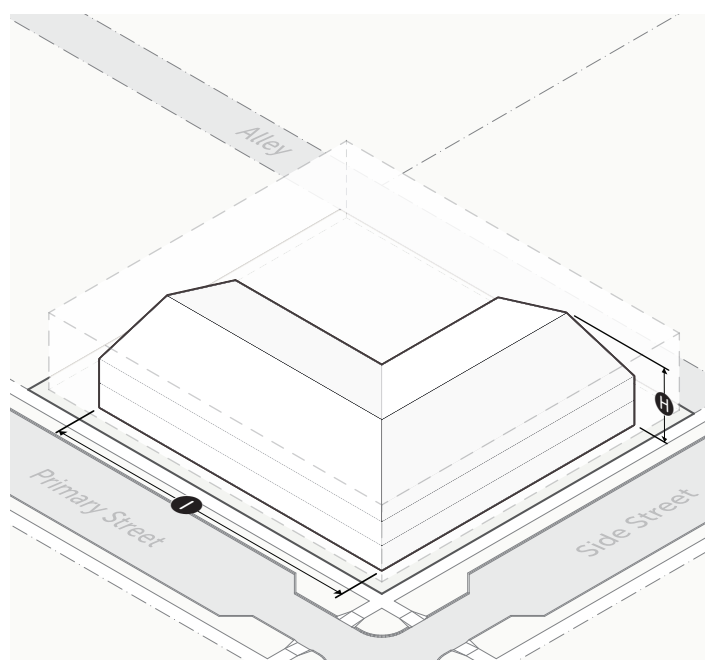
330.A. Low-Rise Medium 1 (LM1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	60'
Side/alley access (min)	40'
COVERAGE	Sec. 370.
Impervious coverage (max)	80%
B Building coverage (max)	65%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	20'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
G Outdoor amenity space (min)	15%

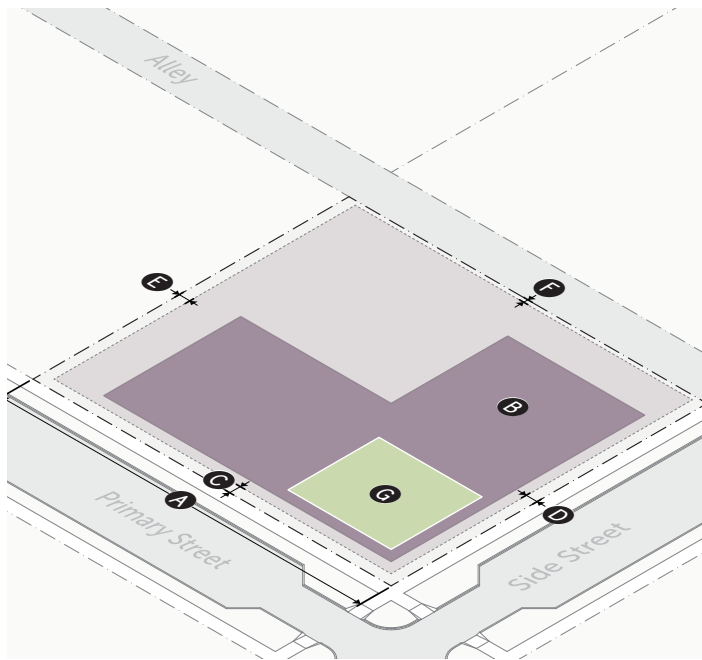
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	2.5/32'
I Building width (max)	150'
Building break (min)	n/a
J Building depth (max)	150'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

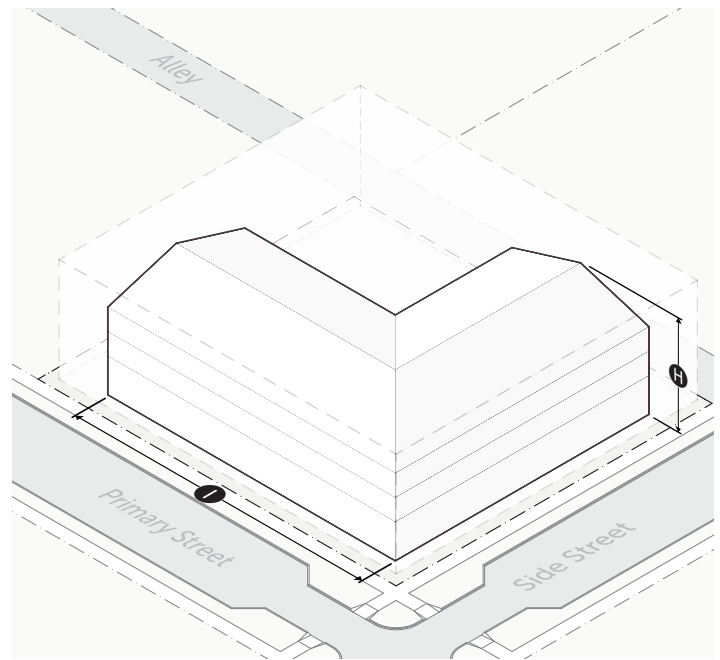
330.B. Low-Rise Medium 2 (LM2)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	60'
Side/alley access (min)	40'
COVERAGE	Sec. 370.
Impervious coverage (max)	70%
B Building coverage (max)	65%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	20'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
G Outdoor amenity space (min)	15%

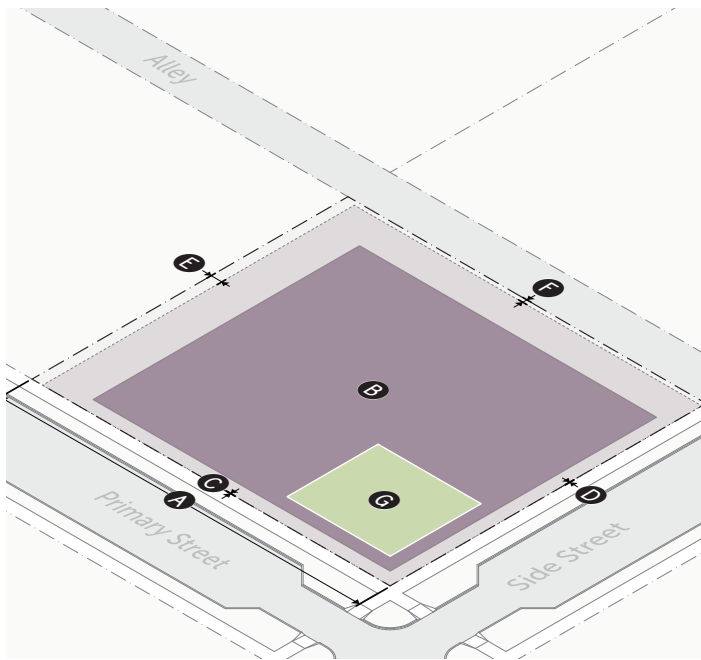
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	3/42'
I Building width (max)	150'
Building break (min)	10'
J Building depth (max)	150'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

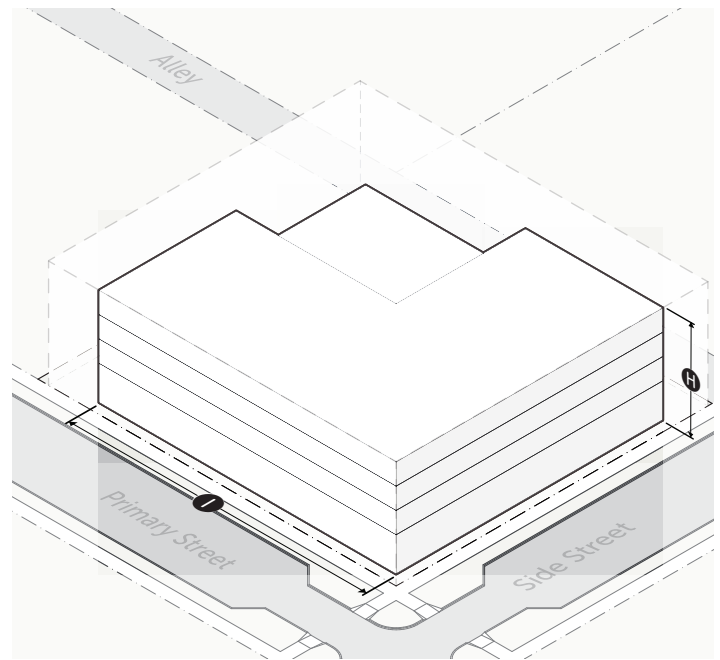
330.C. Low-Rise Medium 3 (LM3)

1. BUILDING PLACEMENT



LOT SIZE		Sec. 360.
Lot Area (min)		n/a
A Lot Width		
Front access (min)		100'
Side/alley access (min)		80'
COVERAGE		Sec. 370.
Impervious coverage (max)		80%
B Building coverage (max)		70%
Building setbacks		
C Primary street lot line (min)		0'
D Side street lot line (min)		0'
E Side lot line (min)		0' or 5'
Rear lot line (min)		20'
Alley setbacks		
F Alley lot line (min)		3' or 20'
Alley centerline (min)		13' or 30'
AMENITY		Sec. 380.
G Outdoor amenity space (min)		15%

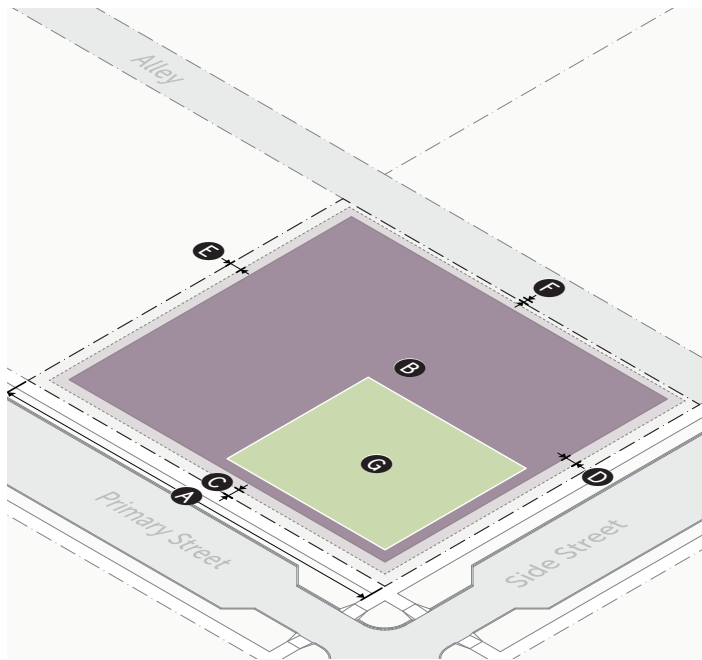
2. BUILDING FORM



BUILDING		Sec. 390.
H Building height (max stories/feet)		4/55'
I Building width (max)		250'
Building break (min)		10'
J Building depth (max)		250'
FENCES & WALLS		Sec. 620.E.
Front yard type		See Frontage Module
Side/rear yard type		Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
1-3 dwelling units (min)		Not required
4+ dwelling units (min)		1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
<15,000 square feet (min)		Not required
≥15,000 square feet (min)		Parking study required

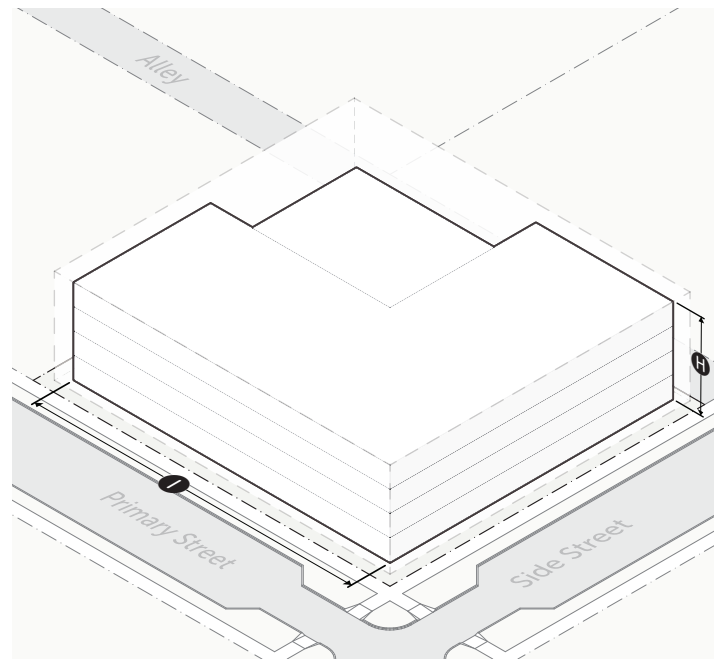
330.D. Low-Rise Medium 4 (LM4)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	100'
Side/alley access (min)	80'
COVERAGE	Sec. 370.
Impervious coverage (max)	80%
B Building coverage (max)	75%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	20'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
G Outdoor amenity space (min)	20%

2. BUILDING FORM



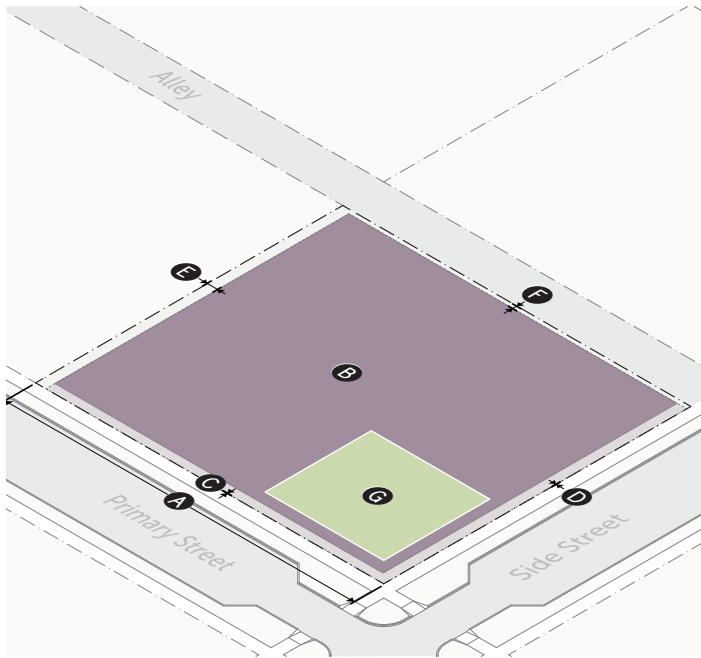
BUILDING	Sec. 390.
H Building height (max stories/feet)	4/55'
Bonus (max stories/feet)	n/a
I Building width (max)	250'
Building break (min)	n/a
J Building depth (max)	250'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

Sec. 340. **Mid-Rise Form Modules**

Mid-rise Form Modules regulate building forms in ways that ensure a building character consistent with a mid-rise building. Each mid-rise Form Module is primarily defined by its maximum building width and height.

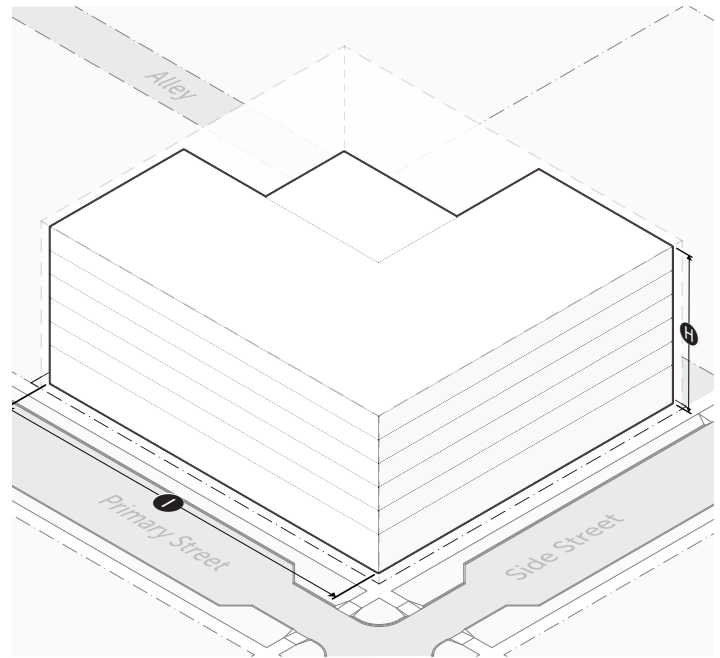
340.A. Mid-Rise Medium 1 (MM1)

1. BUILDING PLACEMENT



LOT SIZE		Sec. 360.
Lot Area (min)		10,000 SF
A Lot Width		
Front access (min)		100'
Side/alley access (min)		80'
COVERAGE		Sec. 370.
Impervious coverage (max)		80%
B Building coverage (max)		75%
Building setbacks		
C Primary street lot line (min)		0'
D Side street lot line (min)		0'
E Side lot line (min)		0' or 5'
Rear lot line (min)		20'
Alley setbacks		
F Alley lot line (min)		3' or 20'
Alley centerline (min)		13' or 30'
AMENITY		Sec. 380.
G Outdoor amenity space (min)		20%

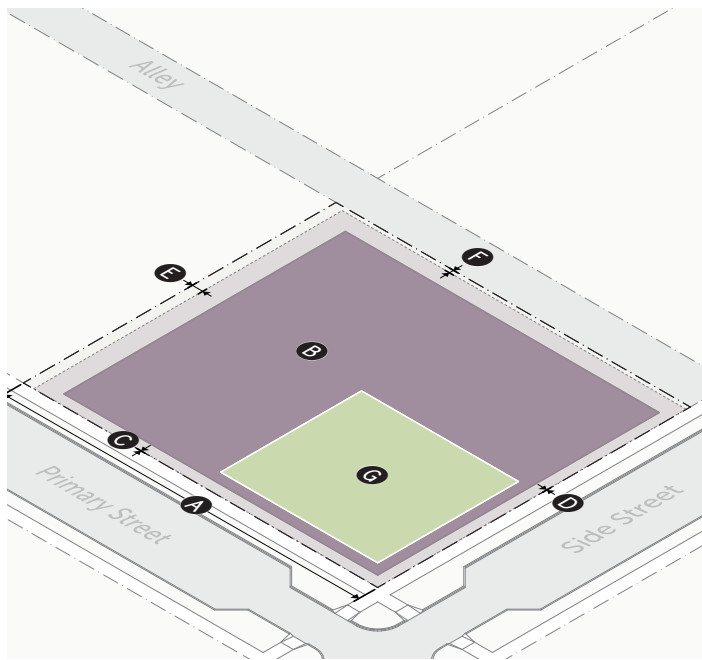
2. BUILDING FORM



BUILDING		Sec. 390.
H Building height (max stories/feet)		6/82'
I Building width (max)		150'
Building break (min)		10'
J Building depth (max)		150'
FENCES & WALLS		Sec. 620.E.
Front yard type		See Frontage Module
Side/rear yard type		Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
1-3 dwelling units (min)		Not required
4+ dwelling units (min)		1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
<15,000 square feet (min)		Not required
≥15,000 square feet (min)		Parking study required

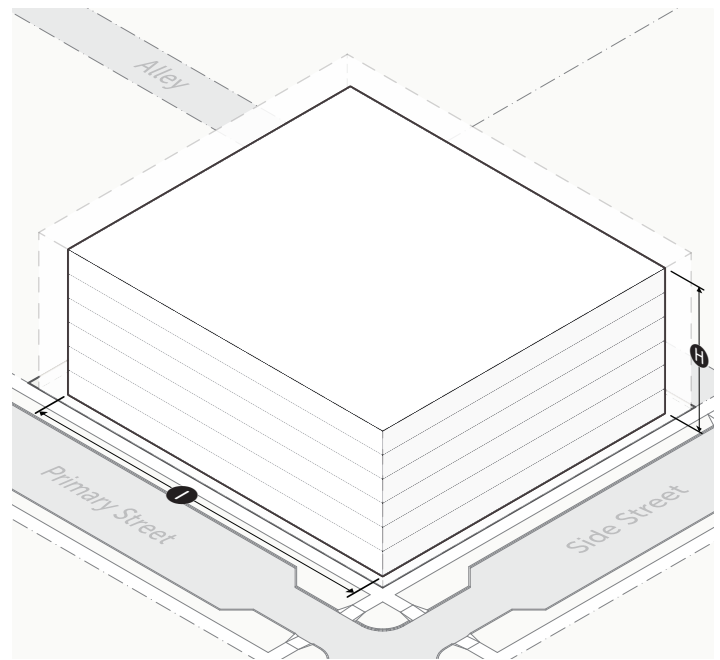
340.B. Mid-Rise Medium 2 (MM2)

1. BUILDING PLACEMENT



LOT SIZE		Sec. 360.
Lot Area (min)		10,000 SF
A Lot Width		
Front access (min)		100'
Side/alley access (min)		80'
COVERAGE		Sec. 370.
Impervious coverage (max)		80%
B Building coverage (max)		75%
Building setbacks		
C Primary street lot line (min)		0'
D Side street lot line (min)		0'
E Side lot line (min)		0' or 5'
Rear lot line (min)		20'
Alley setbacks		
F Alley lot line (min)		3' or 20'
Alley centerline (min)		13' or 30'
AMENITY		Sec. 380.
G Outdoor amenity space (min)		20%

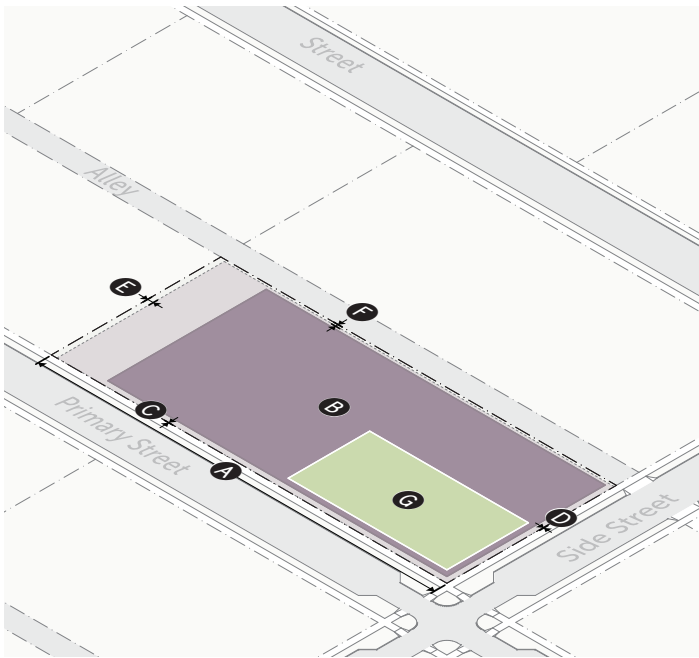
2. BUILDING FORM



BUILDING		Sec. 390.
H Building height (max stories/feet)		6/82'
I Building width (max)		250'
Building break (min)		10'
J Building depth (max)		250'
FENCES & WALLS		Sec. 620.E.
Front yard type		See Frontage Module
Side/rear yard type		Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
1-3 dwelling units (min)		Not required
4+ dwelling units (min)		1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
<15,000 square feet (min)		Not required
≥15,000 square feet (min)		Parking study required

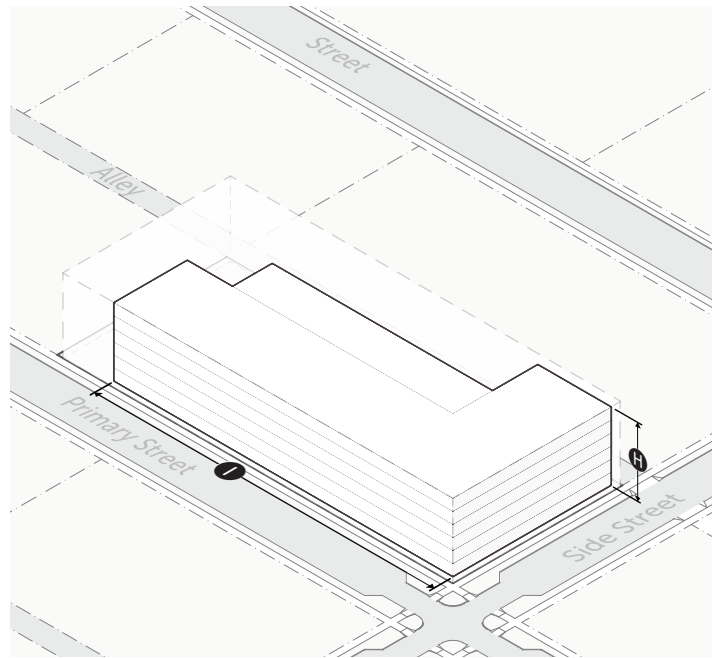
340.C. Mid-Rise Broad 1 (MB1)

1. BUILDING PLACEMENT



LOT SIZE		Sec. 360.
Lot Area (min)		10,000 SF
A Lot Width		
Front access (min)		100'
Side/alley access (min)		80'
COVERAGE		Sec. 370.
Impervious coverage (max)		80%
B Building coverage (max)		75%
Building setbacks		
C Primary street lot line (min)		0'
D Side street lot line (min)		0'
E Side lot line (min)		0' or 5'
Rear lot line (min)		20'
Alley setbacks		
F Alley lot line (min)		3' or 20'
Alley centerline (min)		13' or 30'
AMENITY		Sec. 380.
G Outdoor amenity space (min)		20%

2. BUILDING FORM



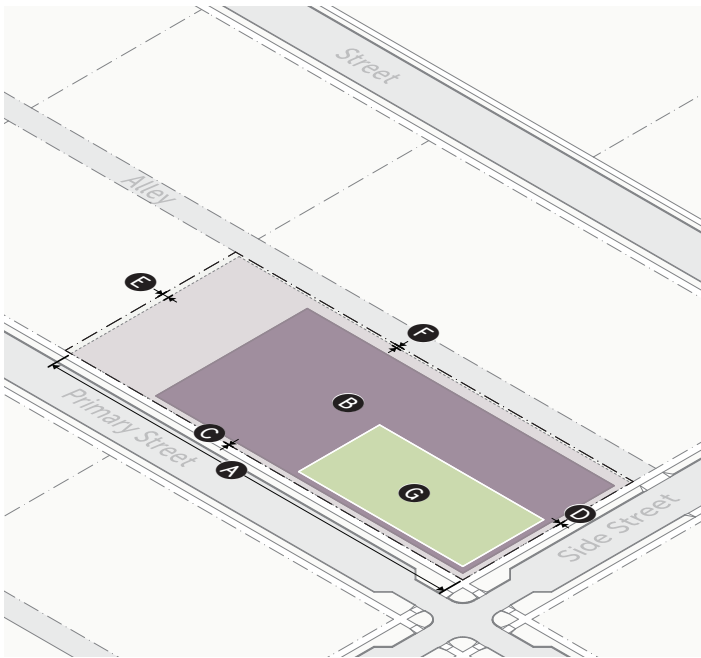
BUILDING		Sec. 390.
H Building height (max stories/feet)		6/82'
I Building width (max)		300'
Building break (min)		15'
J Building depth (max)		300'
FENCES & WALLS		Sec. 620.E.
Front yard type		See Frontage Module
Side/rear yard type		Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
1-3 dwelling units (min)		Not required
4+ dwelling units (min)		1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
<15,000 square feet (min)		Not required
≥15,000 square feet (min)		Parking study required

Sec. 350. **Special Form Modules**

Special Form Modules regulate building forms in parks and campus settings where more flexibility is necessary to achieve more unique building designs. Each special Form Modules is primarily defined by its maximum building width and height.

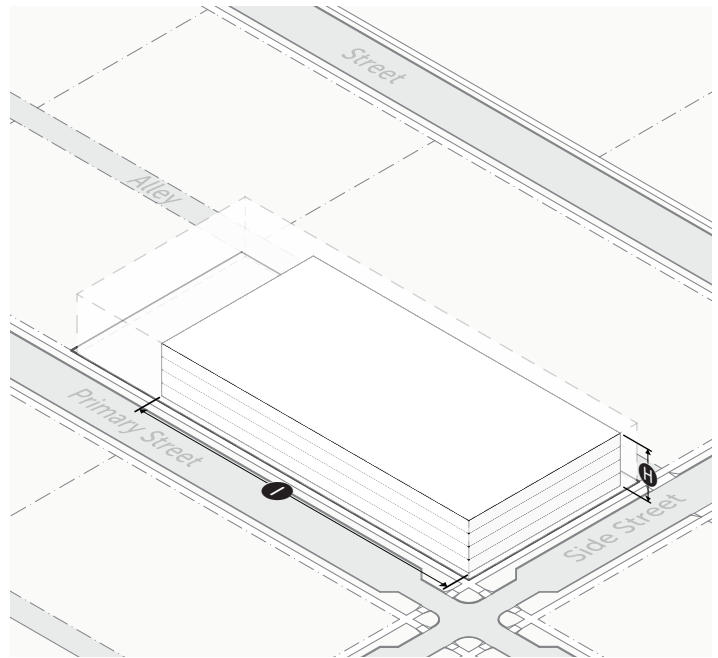
350.A. Special 1 (S1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	n/a
Side/alley access (min)	n/a
COVERAGE	Sec. 370.
Impervious coverage (max)	80%
B Building coverage (max)	70%
Building setbacks	
C Primary street lot line (min)	0'
D Side street lot line (min)	0'
E Side lot line (min)	0' or 5'
Rear lot line (min)	20'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
G Outdoor amenity space (min)	20%

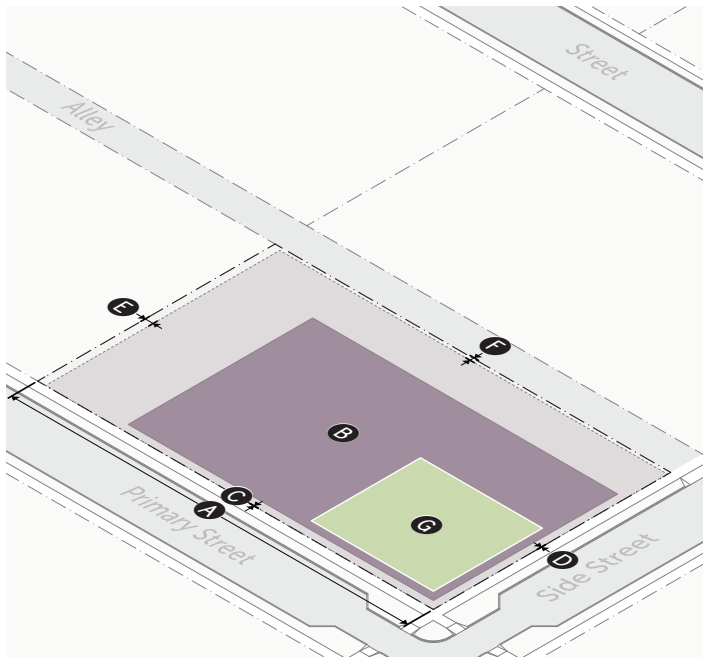
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	4/55'
I Building width (max)	300'
Building break (min)	n/a
J Building depth (max)	300'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

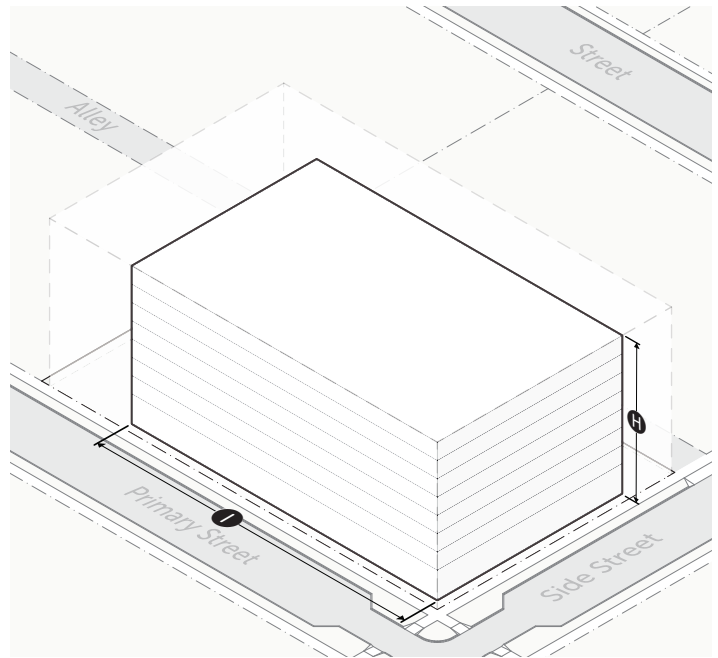
350.B. Special 2 (S2)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	n/a
Side/alley access (min)	n/a
COVERAGE	Sec. 370.
Impervious coverage (max)	75%
B Building coverage (max)	60%
Building setbacks	
C Primary street lot line (min)	0'
D Side street lot line (min)	0'
E Side lot line (min)	0' or 5'
Rear lot line (min)	20'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
G Outdoor amenity space (min)	20%

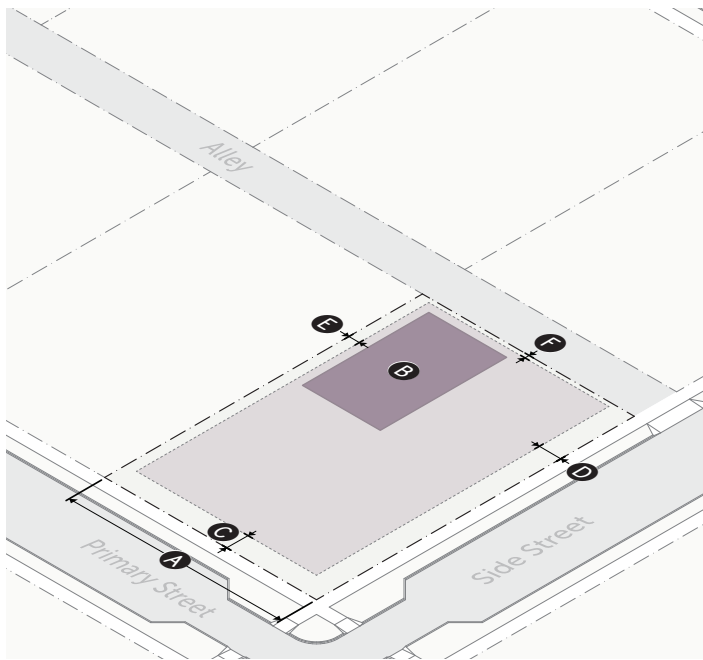
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	8/106'
I Building width (max)	200'
Building break (min)	n/a
J Building depth (max)	200'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

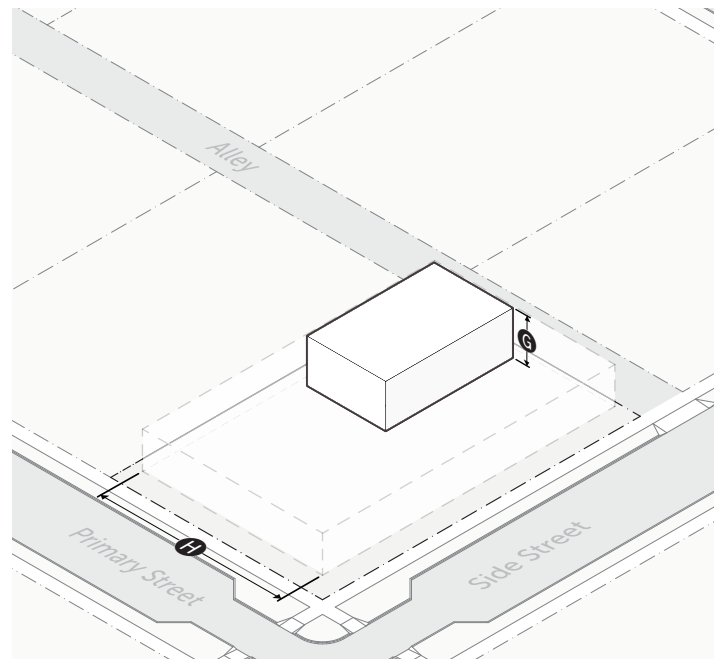
350.C. Special 3 (S3)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	n/a
Side/alley access (min)	n/a
COVERAGE	Sec. 370.
Impervious coverage (max)	50%
B Building coverage (max)	15%
Building setbacks	
C Primary street lot line (min)	10'
D Side street lot line (min)	10'
E Side lot line (min)	0' or 5'
Rear lot line (min)	0' or 5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	Sec. 380.
Outdoor amenity space (min)	n/a

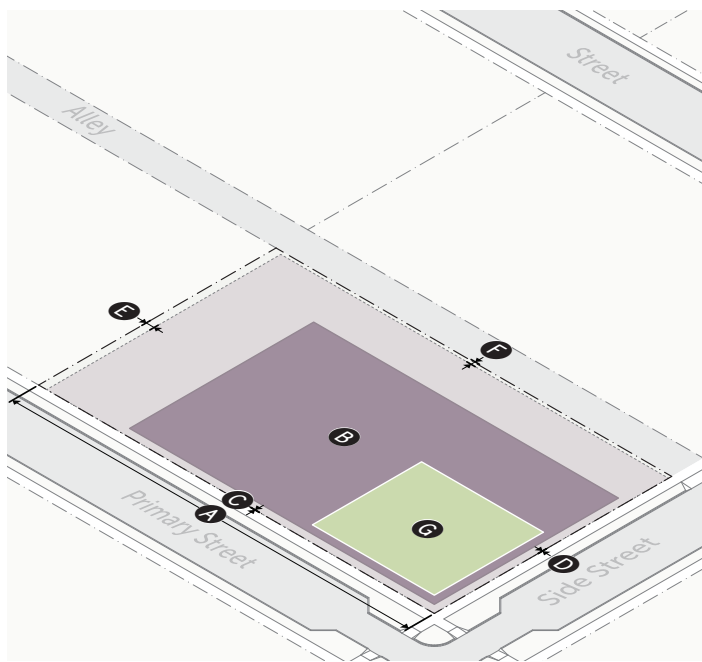
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	80'
Building break (min)	n/a
I Building depth (max)	80'
FENCES & WALLS	Sec. 620.E.
Front yard type	See Frontage Module
Side/rear yard type	Type VI
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	Not required
4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential	
<15,000 square feet (min)	Not required
≥15,000 square feet (min)	Parking study required

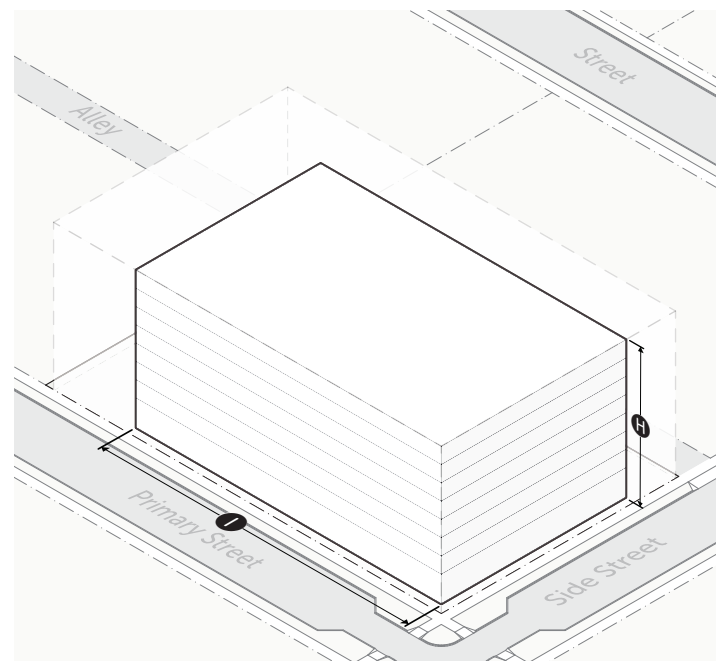
350.D. Special 4 (S4)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	n/a
Side/alley access (min)	n/a
COVERAGE	Sec. 370.
Impervious coverage (max)	n/a
B Building coverage (max)	n/a
Building setbacks	
C Primary street lot line (min)	n/a
D Side street lot line (min)	n/a
E Side lot line (min)	n/a
Rear lot line (min)	n/a
Alley setbacks	
F Alley lot line (min)	n/a
Alley centerline (min)	n/a
AMENITY	Sec. 380.
G Outdoor amenity space (min)	n/a

2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	n/a
I Building width (max)	n/a
Building break (min)	n/a
J Building depth (max)	n/a
FENCES & WALLS	Sec. 620.E.
Front yard type	n/a
Side/rear yard type	n/a
REQUIRED PARKING	Sec. 610.C.
Residential	
1-3 dwelling units (min)	n/a
4+ dwelling units (min)	n/a
Nonresidential	
<15,000 square feet (min)	n/a
≥15,000 square feet (min)	n/a

PART. 3C.

FORM RULES

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Sec. 360. **Lot Size**

360.A. **Lot Area**

The total area within the boundaries of a lot.

1. **Intent**

To ensure that newly established lots are consistent in size with surrounding lots.

2. **Applicability**

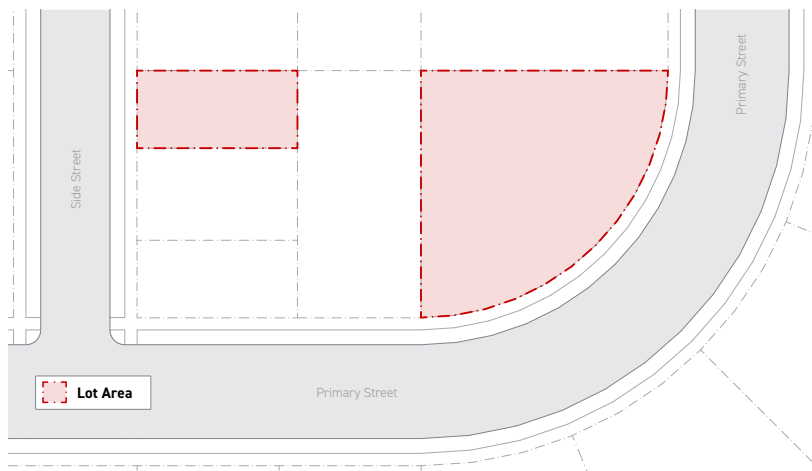
Minimum lot area requirements apply to all lots.

3. **Standards**

- a. No lot may have an area less than the minimum specified in the applied Form Module (*Part 3B*).
- b. For the purpose of meeting minimum lot size standards, multiple lots may be grouped together as a lot when a lot tie affidavit is filed and approved by the Department of Development Services.

4. **Measurement**

- a. Lot area is measured as the total area within the boundary of a lot, measured horizontally.
- b. Lot area includes all portions of a lot allocated for required easements.



5. **Relief**

- a. A reduction in required lot area of 10% or less may be requested in accordance with Sec. 13.X. (*Adjustments*).
- b. A reduction in required lot area may be requested as a variance in accordance with Sec. 13.X. (*Variance*).

360.B. Lot Width

The length of primary street lot lines bounding a lot.

1. Intent

To ensure that newly established lots are consistent in width with surrounding lots.

2. Applicability

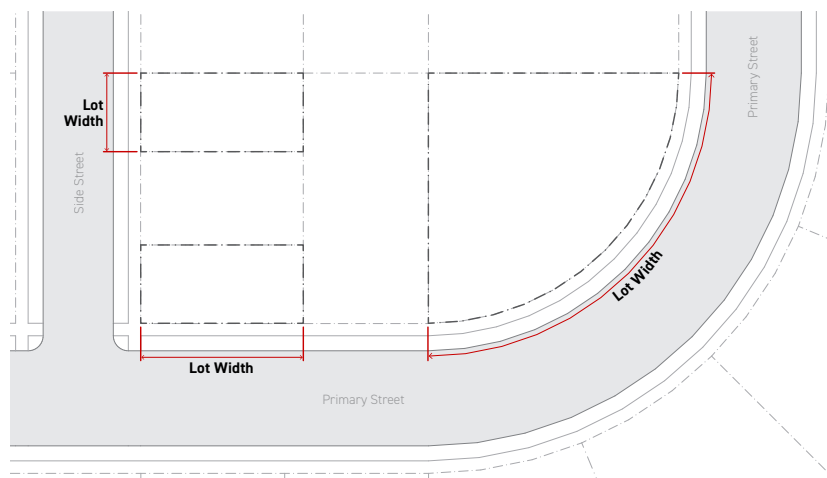
Minimum lot width requirements apply to all lots.

3. Standards

- No lot may have a width less than the minimum specified by the applied Form Module (*Part 3B*).
- For the purpose of meeting minimum lot width standards, multiple lots may be grouped together as a lot when a lot tie affidavit is filed and approved by the Department of Building and Safety.

4. Measurement

- Lot width is measured following the geometry of all primary street lot lines that bound the lot.
- Lots that take vehicular access from a primary street must meet the minimum width requirement for lots with front access.
- Lots that take vehicular access from either a side street, side, rear or alley lot line can meet the minimum width requirement for lots with side/alley access.
- Where a lot has two or more primary street lot lines facing different streets, both primary street lot lines must meet the minimum lot width standard.



5. Relief

- A reduction in required lot width of 10% or less may be requested in accordance with Sec. 13.X. (*Adjustments*).
- A reduction in required lot width may be requested as a variance in accordance with Sec. 13.X. (*Variance*).

Sec. 370. **Coverage**

370.A. **Impervious Coverage**

The percentage of lot area that is covered by buildings, structures and impervious pavement.

1. **Intent**

To ensure that the amount of impervious ground coverage on a lot is limited to minimize stormwater runoff during extreme flooding events and improve the overall environmental health of the City.

2. **Applicability**

The maximum impervious coverage requirements apply to all lots.

3. **Standards**

A lot must have no more than the maximum impervious coverage specified by the applied Form Module (*Part 3B*).

4. **Measurement**

- a. Impervious coverage is calculated by dividing the cumulative area of all impervious surfaces by the lot area, and is represented as a percentage of the lot area.
- b. Impervious surfaces, for the purpose of impervious coverage calculation include, but are not limited to, the following:
 1. Roads;
 2. Buildings, sheds, and similar structures;
 3. Flatwork including concrete slabs, sidewalks, patios, parking areas, pool coping and driveways;
 4. Mechanical equipment;
 5. Impermeable construction covering the natural land surface; and
 6. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50% of the horizontal area of the deck.

5. Relief

- a. Up to a 10% increase to the total allowed area of impervious surfaces on a lot may be requested in accordance with *Sec. 13.X. (Adjustments)*.
- b. Increased impervious coverage may be requested as a variance in accordance with *Sec. 13.X. (Variance)*.

370.B. Building Coverage

The percentage of lot area that is covered by buildings or structures.

1. Intent

To preserve open area and reduce the bulk of buildings on a lot by limiting the amount of buildings or structures that cover a lot.

2. Applicability

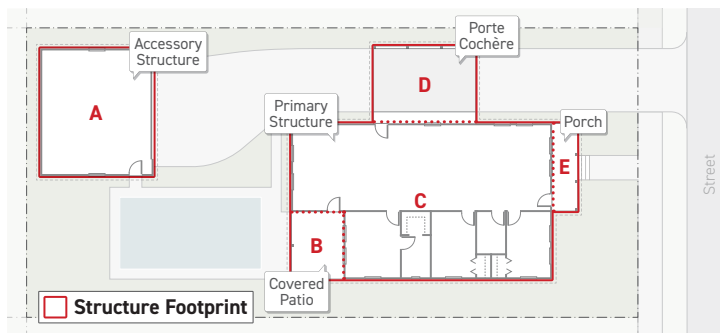
The maximum building coverage requirements apply to all lots.

3. Standards

Covered structures on a lot must not have a cumulative area in excess of the maximum building coverage specified by the applied Form Module (*Part 3B*).

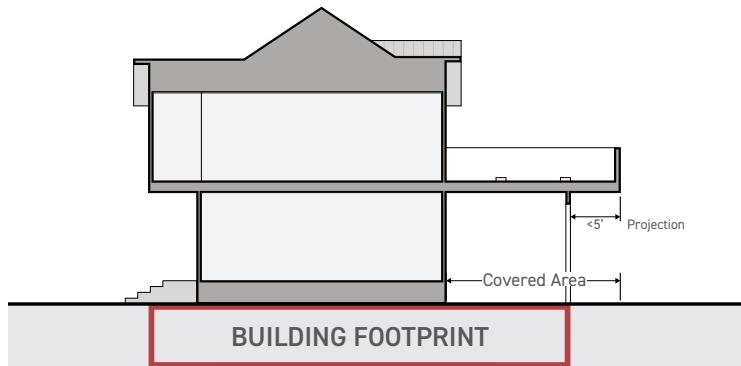
4. Measurement

- a. Building coverage is measured by dividing the cumulative area of all buildings and roofed structures on the lot by the lot area.



$$\begin{array}{r}
 \text{Area A} \\
 + \text{Area B} \\
 + \text{Area C} \\
 + \text{Area D} \\
 + \text{Area E} \\
 \hline
 \text{Cumulative Structure Footprint}
 \end{array}
 \begin{array}{r}
 \text{(Cumulative Structure Footprint)} \\
 \div \\
 \text{(Total Site Area)} \\
 \hline
 \text{Building Coverage}
 \end{array}$$

- b. Building coverage does not include portions of architectural projections (including roof overhangs and projecting balconies) that are less than 5 feet from the nearest wall, column, spanning beam, or other structural element carrying gravity loads to the ground.



5. Relief

- a. Up to a 10% increase to the total allowed area of covered structures on a lot may be requested in accordance with *Sec. 13.X (Adjustments)*.
- b. Increased building coverage may be requested as a variance in accordance with *Sec. 13.X. (Variance)*.

370.C. Building Setbacks

The area on a lot not intended for buildings and structures. Includes primary street setbacks, side street setbacks, side setbacks, rear setbacks, alley setbacks, and special lot line setbacks.

1. Intent

To provide open areas on the lot and help reduce the impact of buildings or structures on abutting sidewalks and neighboring development.

2. Applicability

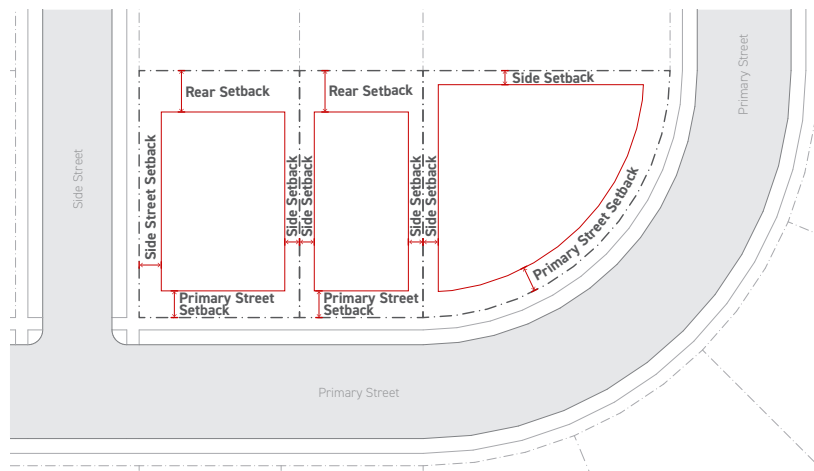
- a. The building setback requirements apply to all buildings and structures on a lot unless listed as an exception in Sec. 3C.370.C.5. (*Exceptions*).
- b. Building setbacks apply only to the perimeter edges of a lot. Building setbacks do not apply to individual lots that are part of a larger lot.

3. Standards

All buildings and structures on the lot must be located on or behind a minimum building setback, except where allowed in Sec. 3C.370.C.5. (*Exceptions*).

4. Measurement

All building setbacks are measured perpendicular to the applicable lot line. To determine street and lot line designations, see Sec. 1400 (*General Standards & Measurement*).



- a. A primary street setback is measure from the primary street lot line.
- b. A side street setback is measured from the side street lot line.
- c. A side setback is measured from the side lot line.
- d. A rear setback is measured from the rear lot line.
 1. For the purpose of measuring rear setback on triangular or gore-shaped lots, the rear lot line is determined based on a line 10 feet wide, parallel to the primary street lot line that intersects two lot lines at its endpoints.

- 2. Where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.
- e. An alley setback is measured from the alley lot line.

5. Exceptions

The following are allowed to encroach beyond the building setback up to the minimum distance from the lot line specified below:

HORIZONTAL ENCROACHMENTS ALLOWED INTO SETBACKS			
	Lot Lines		
	Primary/Side Street	Side/Rear	Alley
Architectural Details (Sec. XX)			
Encroachment (max)	2'	2'	2'
Distance from lot line (min)	0'	2.5'	0'
Roof Projections (Sec. XX)			
Encroachment (max)	2.5'	2.5'	2.5'
Distance from lot line (min)	0'	2.5'	0'
Unenclosed Structures: Ground story (Sec. XX)			
Encroachment (max)	7'	5'	5'
Distance from lot line (min)	0'	2.5'	2.5'
Unenclosed Structures: Above ground story (Sec. XX)			
Encroachment (max)	5'	3'	3'
Distance from lot line (min)	0'	5'	2.5'
Enclosed Structures: Projecting (Sec. XX)			
Encroachment (max)	2.5'	1.5'	2.5'
Distance from lot line (min)	0'	2.5'	2.5'
Mechanical/Electrical Equipment: Ground mounted (Sec. XX)			
Encroachment (max)	1.5'	2.5'	2.5'
Distance from lot line (min)	15'	2.5'	0'
Mechanical/Electrical Equipment: Wall mounted (Sec. XX)			
Encroachment (max)	1.5'	1.5'	1.5'
Distance from lot line (min)	15'	2.5'	0'
Waste Enclosures (Sec. XX)			
Encroachment (max)	0'	unlimited	unlimited
Distance from lot line (min)	15'	2.5'	0'
Utility Equipment, Underground Structures, Flatwork, Fences and Walls, Vegetation, Outdoor Furniture (Sec. XX)			
Encroachment (max)	unlimited	unlimited	unlimited
Distance from lot line (min)	0'	0'	0'

6. Relief

- a. A reduction in required setback of 10% or less may be requested in accordance with Sec. 13.X (*Adjustments*), provided the resulting setback is at least 3 feet.
- b. A setback reduction may be requested as a variance in accordance with Sec. 13.X. (*Variance*).

Sec. 380. Amenity

380.A. Outdoor Amenity Space

An area on a lot designated to be used for active or passive recreation.

1. Intent

To help provide adequate recreation and open space areas for residents and tenants, and to ensure such spaces are accessible, usable, and safe to persons with varying abilities and ages.

2. Applicability

- a. The outdoor amenity space requirements apply to all lots unless specified as "n/a" by the Form Module (*Part 3B*).
- b. Where the calculation of outdoor amenity space requires less than 400 square feet, no outdoor amenity space is required.

3. Standards

- a. The cumulative area of outdoor amenity space provided on a lot cannot be less than required by the zoning district.
- b. Required outdoor amenity space must meet the design standards in Sec. 3C.380.B. (*Outdoor Amenity Space Design Standards*).



4. Measurement

- Outdoor amenity space is a percentage calculated by dividing the cumulative area of all outdoor amenity spaces by the lot area.
- The minimum required outdoor amenity space is calculated by multiplying the required minimum outdoor amenity percentage by the lot area.
- Private outdoor balconies with a minimum area of 50 square feet, and no depth dimension less than 6 feet may be counted as outdoor amenity space.
- As a bonus for providing public space, outdoor amenity space area meeting *Sec. 3C.380.B.4. (Privately-Owned Public Space)*, counts as 1.25 square feet of outdoor amenity space for every 1 square foot of provided outdoor amenity space area.

5. Relief

- A reduction of up to 10% of the total required area of outdoor amenity space may be requested in accordance with *Sec. 13.X (Adjustments)*.
- A reduction beyond 10% may be requested as a variance in accordance with *Sec. 13.X. (Variance)*.

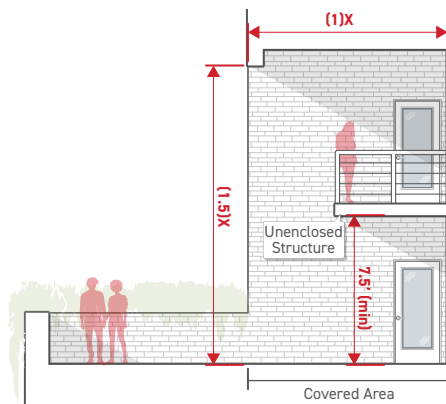
380.B. Outdoor Amenity Space Design Standards

1. Intent

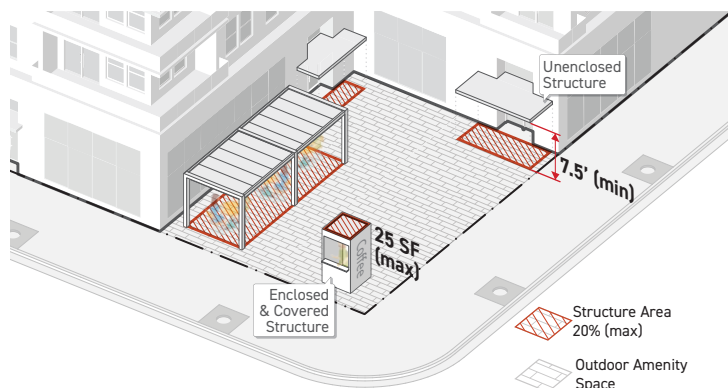
To ensure that amenity spaces provided by projects are sufficient enough to provide spaces which are accessible, usable, and safe to persons of all ages and abilities, and provide adequate access to open space, recreation, and shared amenities.

2. General

- Outdoor amenity space cannot be fully enclosed.
- No portion of an outdoor amenity space can have a clear height of less than 7.5 feet.
- Outdoor amenity space that is roofed must have a minimum clear height of 1.5 times the depth of the roofed area.



- d. The following are exempt from the outdoor amenity space standards above, provided all exemptions have a cumulative area no greater than 20% of the contiguous outdoor amenity space area.
1. Roofed structures having a clear height of at least 7.5 feet; and
 2. A small building providing goods or services to tenants of the project or the public, having an area of no more than 25 square feet.



3. Common Outdoor Amenity Space

- a. Common outdoor amenity space must be made available to all tenants of a building, at no cost, from sunrise to sunset daily or during the hours of operation of the building, whichever results in a longer period of time. The space may not be reserved or in any way exclude any tenant during the time it is required to be made available to all tenants.
- b. Common outdoor amenity space must have a minimum area of 400 square feet, and no horizontal dimension less than 15 feet, measured perpendicular to any boundary of the space.
- c. Building facades adjacent to common outdoor amenity space must have a minimum transparency of 15% for each story.
- d. A minimum of 15% of the total area of the common outdoor amenity space must be planting area - see *Sec. 7B.720.F.3.c. (Planting Areas)*.
- e. For every 400 square feet of common outdoor amenity space, two permanent or movable seats must be provided. Two linear feet of bench or seat wall are counted as 1 seat.
- f. Mechanical and utility equipment cannot be located in a pedestrian amenity space, or between a pedestrian amenity space and the adjacent building facade.
- g. All mechanical exhaust outlets must be located a minimum horizontal distance of 10 feet and a minimum vertical distance of 15 feet from a pedestrian amenity space.

4. Privately Owned Public Space

Privately owned public space must be made permanently available to the general public, at no cost, at minimum between sunrise and sunset daily.

5. Relief

- a. A change of up to 10% from an amenity design dimensional standard may be requested in accordance with *Sec. 13.X (Adjustments)*.
- b. A change beyond 10% may be requested as a variance in accordance with *Sec. 13.X. (Variance)*.

Sec. 390. Building

390.A. Building Height

The vertical dimension of a building or structure measured from average grade in feet and stories.

1. Intent

To provide adequate light, air, safety, and to protect the character of an area and the interests of the general public.

2. Applicability

The height limitations apply to all lots.

3. Standards

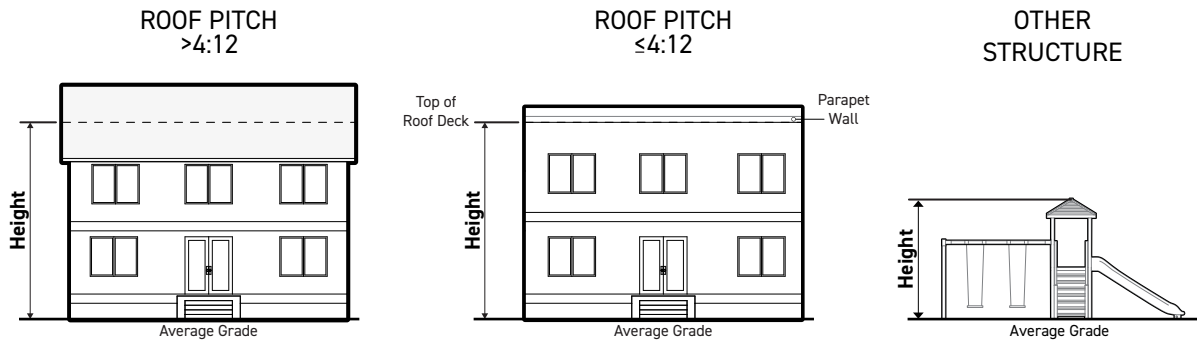
No building, portion of a building or structure can exceed the maximum height in number of feet or stories allowed in the zoning district, unless listed as an exception in *Sec. 3C.390.A.5. (Exceptions)*.

4. Measurement

a. Height in Feet

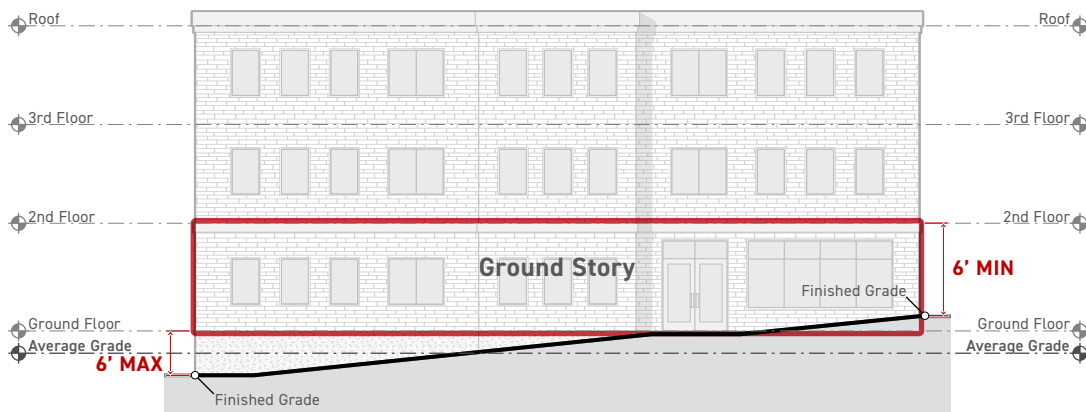
Height in feet is the number of feet from average grade to:

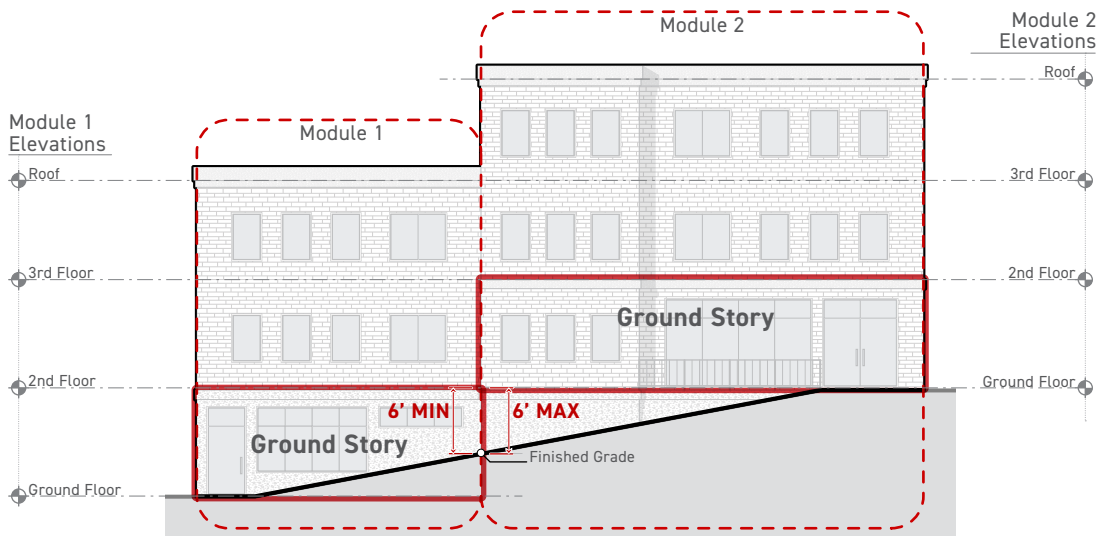
1. The mid-point of the roof, for a building with a roof having a pitch greater than 4:12;
2. The top of the roof deck, for a building with roof having a pitch of 4:12 and less; and
3. The topmost point of the structure, for all other structures.



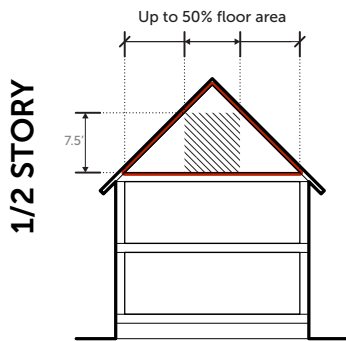
b. Height in Stories

1. Height in stories is measured as the number of stories above finished grade. The ground story and all upper stories are included in the calculation of maximum height in stories.
2. A story is the part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A mezzanine does not count as a story.
3. The ground story (or first story) of a building is determined as follows:
 - i. The first (facade) story that is exposed a minimum of 6 feet above finished grade along the full width of the applicable building facade.
 - ii. The finished floor of a ground story can be no higher than 6 feet above finished grade for any portion of the building perimeter. This may mean the ground story may change within the same building.

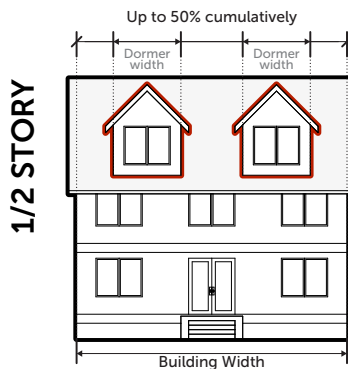




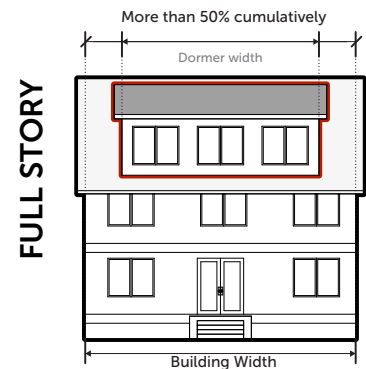
4. An occupiable space in a building located below the ground story is a basement. Basements are not included in the calculation of maximum height in stories.
5. Any story located above the ground story is an upper story. The topmost story of a building is not counted as a full story and is counted as a half story when:
 - i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finished ceiling; or
 - ii. Dormers do not exceed more than 50% of the front, rear or side building length.



1/2 STORY



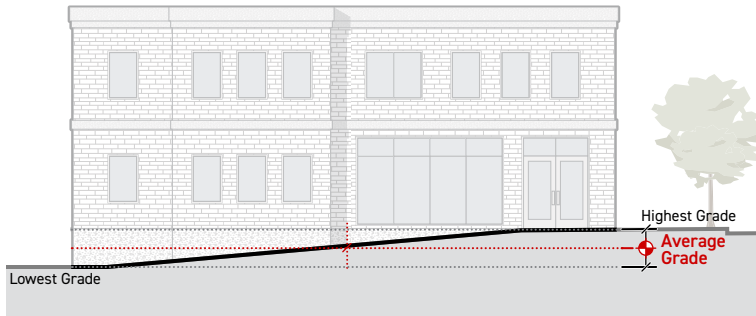
1/2 STORY



FULL STORY

c. Average Grade

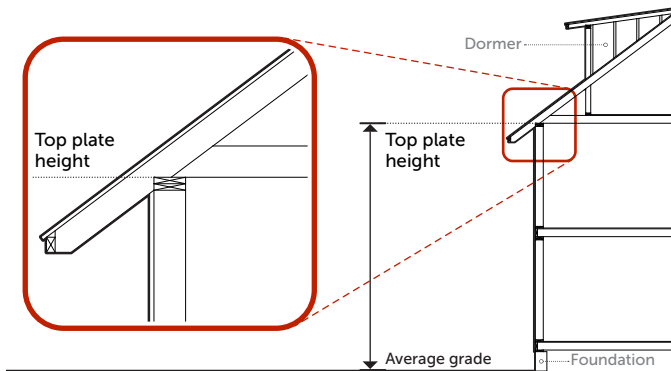
1. Average grade is calculated by averaging the highest and lowest elevation of the sidewalk in front of the primary street-facing building facade.



2. Where the sidewalk is more than 5 feet from the primary street-facing building facade, average grade is calculated by averaging of the highest and lowest elevation within 5 feet of the primary street-facing building facade.
3. Large buildings and those developed on sites with significant topographic variation may calculate average grade independently for each building module that steps up or down the slope.

d. Top Plate Height

Top plate height cannot exceed the maximum height in feet required by the zoning district and is measured from average grade to the top plate of the building.



5. Exceptions

The following encroachments are allowed beyond the maximum height limit, as specified below:

ALLOWED VERTICAL ENCROACHMENTS			
	Form Module Height (max)		
	45' or less	> 45' to 75'	> 75'
Mechanical/Electrical Equipment (Sec. XX)			
Encroachment (max)	3'	5'	10'
Setback from roof edge (min)	3'	3'	5'
Architectural Elements (Sec. XX)			
Encroachment (max)	5'	5'	10'
Setback from roof edge (min)	3'	3'	5'
Vertical Circulation (Sec. XX)			
Encroachment (max)	10'	10'	10'
Setback from roof edge (min)	5'	5'	5'
Safety Barriers (Sec. XX)			
Encroachment (max)	6'	6'	6'
Setback from roof edge (min)	0'	0'	0'
Unenclosed Structures (Sec. XX)			
Encroachment (max)	8	8	8'
Setback from roof edge (min)	5'	5'	5'
Flatwork (Sec. XX)			
Encroachment (max)	2.5'	2.5'	2.5
Setback from roof edge (min)	1'	1'	1'
Plants (Sec. XX)			
Encroachment (max)	unlimited	unlimited	unlimited
Setback from roof edge (min)	1'	1'	1'
Signs	Sec. XX (Signs)		

6. Relief

- An increase in maximum building or structure height in feet of up to 10% may be requested in accordance with *Sec. 13.X (Adjustments)*.
- An increase to an encroachment dimension of up to 10% may be requested in accordance with *Sec. Sec. 13.X (Adjustments)*.
- Any increase beyond 10% or an increase in maximum height in stories may be requested as a variance in accordance with *Sec. 13.X. (Variance)*.

390.B. Building Width

The horizontal dimension of a building on a lot.

1. Intent

- a. To promote fine-grained patterns of development and prevent buildings that are significantly out of context with traditional patterns by breaking wide buildings into multiple, clearly distinguished, building widths.
- b. To encourage larger projects to provide open space for pedestrians and recreation.

2. Applicability

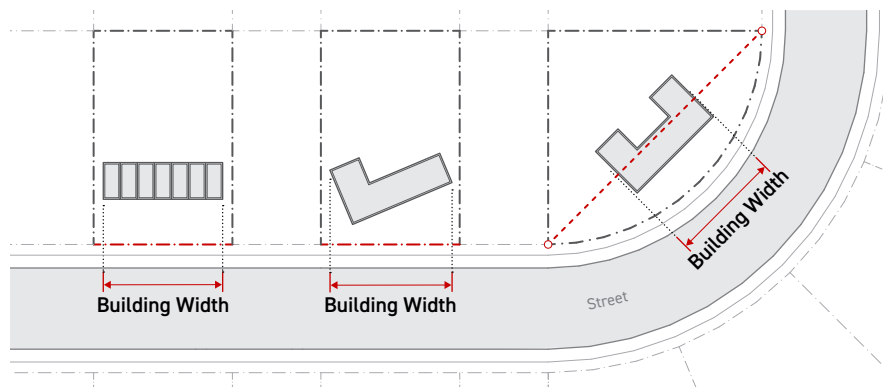
- a. Building width requirements apply to all street-facing building facades.
- b. Building width requirements do not apply to the exceptions listed in *Sec. 390.C.5. (Exceptions)*.

3. Standards

- a. No building located on the same lot can be wider than the maximum building width allowed by the zoning district.
- b. Two buildings can abut one another provided that they have no shared components and are structurally independent from one another.

4. Measurement

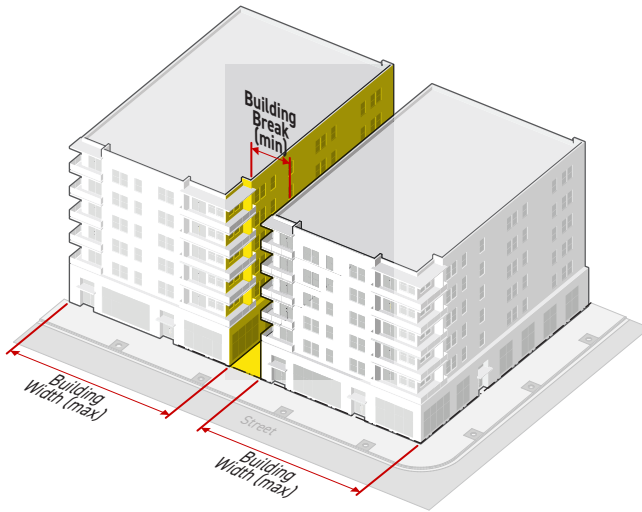
Building width is measured horizontally and parallel to each abutting primary street or side street lot line from one end of a building to the opposite end.



5. Building Break

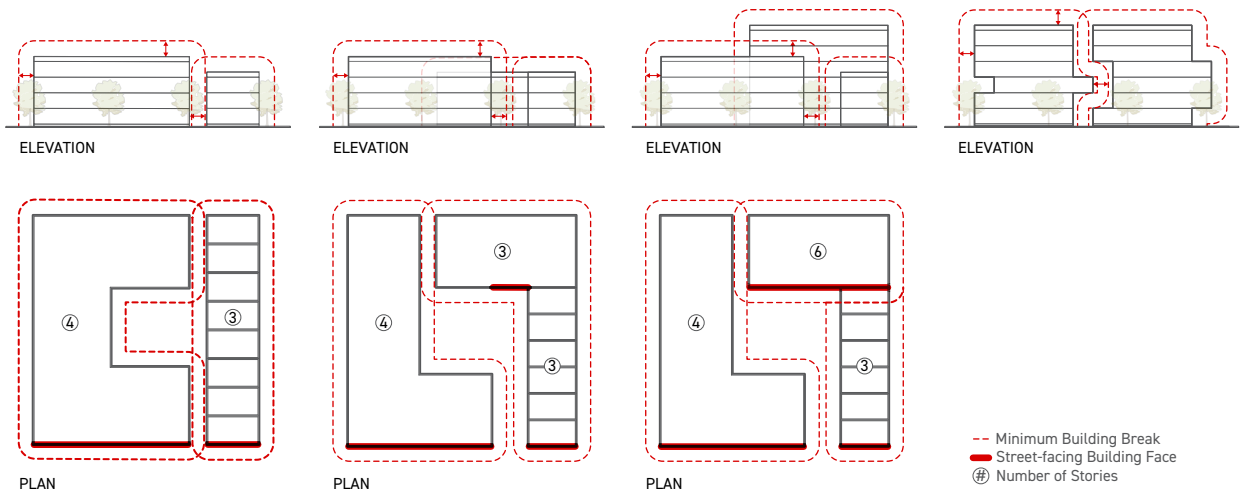
a. Standards

1. All buildings and collections of abutting buildings located on the same lot must be separated by at least the minimum building break dimension in order to establish them as separate buildings for the purpose of measuring building width.
2. No building or structure is permitted to encroach into the building break, except where allowed in *Sec. 390.B.5.X (Exceptions)*.



b. Measurement

A building break is measured perpendicular to the outermost surface of each applicable portion of a building both vertically and horizontally.



6. Exceptions

a. Encroachments

The following are allowed to encroach into the building break, as listed below:

ALLOWED HORIZONTAL ENCROACHMENTS	
Architectural Elements (Sec. XX)	
Encroachment (max)	2'
Clear width (min)	3'
Roof Projections (Sec. XX)	
Encroachment (max)	2.5'
Clear width (min)	3'
Unenclosed Structures (Sec. XX)	
Encroachment (max)	1.5'
Clear width (min)	3'

b. Building Break Outdoor Amenity Space Alternative

An open space meeting the following standards may be used to establish a continuous structure as separate buildings for the purpose of meeting a maximum building width requirement:

1. The width of the open space can be no more than 1/2 the width of the widest adjacent building width provided and no less than 1/4 the width of widest adjacent building width provided.
2. The depth of the open space must be at least 1.5 times the width of the open space.
3. A maximum of 1 open space exception can be used for each building.
4. The open space must meet Sec. 3C.380.B. (*Outdoor Amenity Space Design Standards*).

7. Relief

- a. Increased building width of up to 10% may be requested in accordance with Sec. 13.X (*Adjustments*).
- b. Increased building width beyond 10% may be requested in accordance with Sec. 13.X. (*Variance*).

390.C. Building Depth

The horizontal depth dimension of a building on a lot.

1. Intent

- a. To promote fine-grained patterns of development within a site and prevent buildings that are significantly out of context with traditional patterns by breaking buildings into multiple, clearly distinguished buildings.
- b. To encourage larger projects to provide open space and outdoor circulation for pedestrians and recreation within a site.

2. Applicability

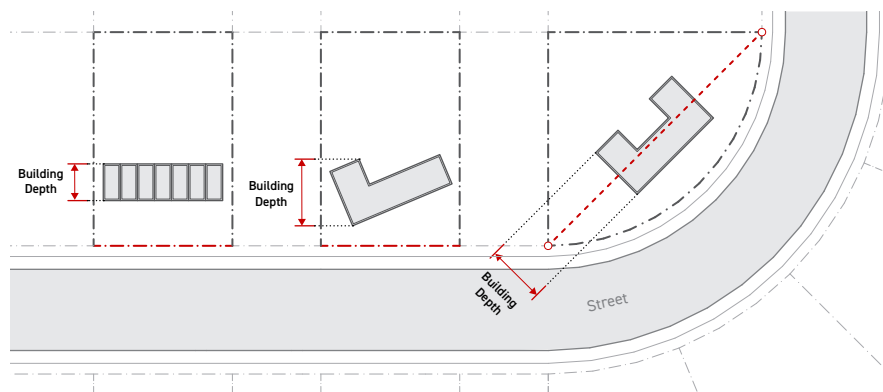
- a. Building width requirements apply to any building facade that does not face a street.
- b. Building depth requirements do not apply to the exceptions listed in Sec. 390.C.5. (*Exceptions*).

3. Standards

- a. No building located on the same lot can be deeper than the maximum building depth allowed by the zoning district.
- b. Two buildings can abut one another provided that they have no shared components and are structurally independent from one another.

4. Measurement

Building width is measured horizontally and perpendicularly to each abutting primary street or side street lot line from one end of a building to the opposite end.



PART 4.

FRONTAGE

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PART. 4A.

FRONTAGE INTRODUCTION

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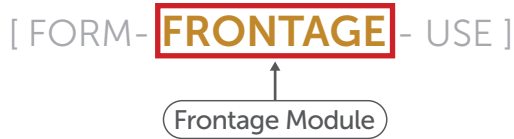
 410.A. Frontage Intent 4-5

 410.B. Frontage Applicability 4-5

Sec. 400. Orientation

400.A. Relationship to Zoning District Brackets

The first zoning district bracket is composed of the following modules:



The Frontage Module is a separate and independent component of each zoning district.

400.B. How to Use Part 4

1. Identify the Applied Frontage Module

The second component in the first zoning district bracket identifies the Frontage Module applied to a property.

2. Frontage Module Standards

Frontage Module standards are established in *Part 4B. (Frontage Modules)*. Each Frontage Module establishes applicable frontage standards.

3. Interpreting Frontage Module Standards

Standards listed in Part 4B reference to *Part 4C. (Frontage Rules)* where the standards are defined.

400.C. Frontage Module Naming Convention

All Frontage Module names are composed of two components: frontage category and variation number.

1. Frontage Category

The first component of each Frontage Module is a frontage category. Frontage categories group all districts with similar characteristics. Frontage categories are organized as follows:

- a. Neighborhood Yard
- b. Multi-Unit
- c. General
- d. Shopfront
- e. Special

2. Variation Number

The last component of each Frontage Module is a variation number. All Frontage Modules are numbered in the order they fall within Part 4.

Sec. 410. General Provisions

410.A. Frontage Intent

Frontage Modules regulate the portions of a lot and exterior building facades that impact the public realm to ensure that projects respond to the public realm appropriately. Modules range from minimal standards for Park Frontages to more robust standards for Shopfront Frontages which require projects to support a high-quality public realm that is active, comfortable, safe, and visually interesting, with strong connections between the public realm and uses inside buildings.

410.B. Frontage Applicability

1. Project Applicability

All projects filed after the effective date of this Zoning & Development Code must comply with the Frontage Module standards and rules in Part 4, as further specified below. For vested rights, see *Sec. XX (Vested Rights)*, and for continuance of existing development, see *Sec. 13.X (Continuance of Existing Development)*.

2. Project Activities

- a. Categories of Frontage rules apply to a project based on what types of project activities are proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, a street-facing addition concealing a portion of an existing building facade includes both new construction and a facade modification).
- b. For all Frontage Modules, Frontage rule categories apply to project activities as shown in the table below:

Frontage Rule Categories		Project Activities						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 470.	Build-To	●	●	○	○	○	○	○
Sec. 480.	Parking Location	●	●	●	○	○	○	○
Sec. 490.	Landscaping	●	●	●	●	○	○	○
Sec. 4100.	Transparency	●	●	○	●	○	○	○
Sec. 4110.	Entrances	●	●	○	●	○	○	○
Sec. 4120.	Ground Story	●	●	○	○	○	○	○

● = Standards may apply ○ = Standards are not applicable

- c. Project activities are defined in *Sec. 1400.X. (Project Activities)*.

3. Applicable Components of Lots, Buildings, and Structures

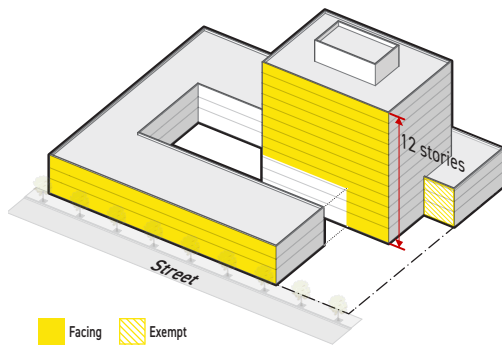
a. General

Frontage standards apply only to the applicable facades, applicable portions of a lot, and applicable building depth, as specified in the following examples in *Sec. 4A.400.B.3.b. (Frontage Applicable Facades)*. Specific Frontage Module standards or rules may further limit which components of buildings and lots are required to comply with the standard within *Part 4C. (Frontage Rules)*.

b. Frontage Applicable Facades

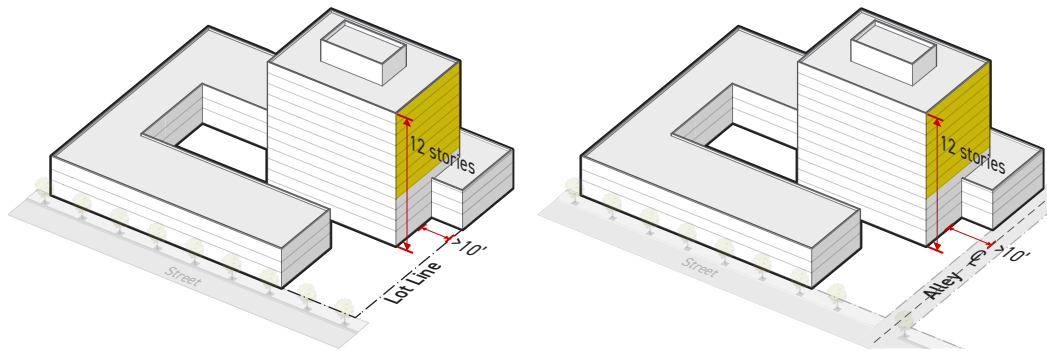
Frontage standards apply to the following facades up to the top of the 12th story:

1. Street Lot Line-Facing Facades (Street-Facing Facades)



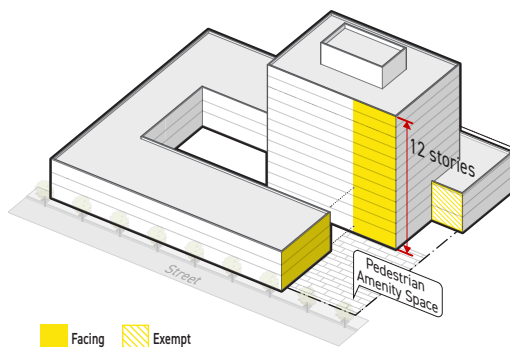
- i. Facades that face a primary or side street lot line. For more details about street-facing facades, see *Sec. 1400 (General Standards & Measurement)*.
- ii. These facades must meet the standards specified by the applied Frontage Module (*Part 4B*) for the frontage lot line that the facade faces (primary street lot line or side street lot line).

2. Lot Line-Facing Facades (Non Street-Facing Facades)



- i. Lot line-facing facades that do not face a street lot line and are:
 - a) Located vertically above the top of the 4th story; and
 - b) Located 10 feet or more from a common lot line or centerline of an alley, measured horizontally.
- ii. Lot Line-Facing Facades (Non-Street Lot Line) facades must meet the standards specified by the applied Frontage Module (*Part 4B*) for the side street lot line.

3. Pedestrian Amenity Space-Facing Facades

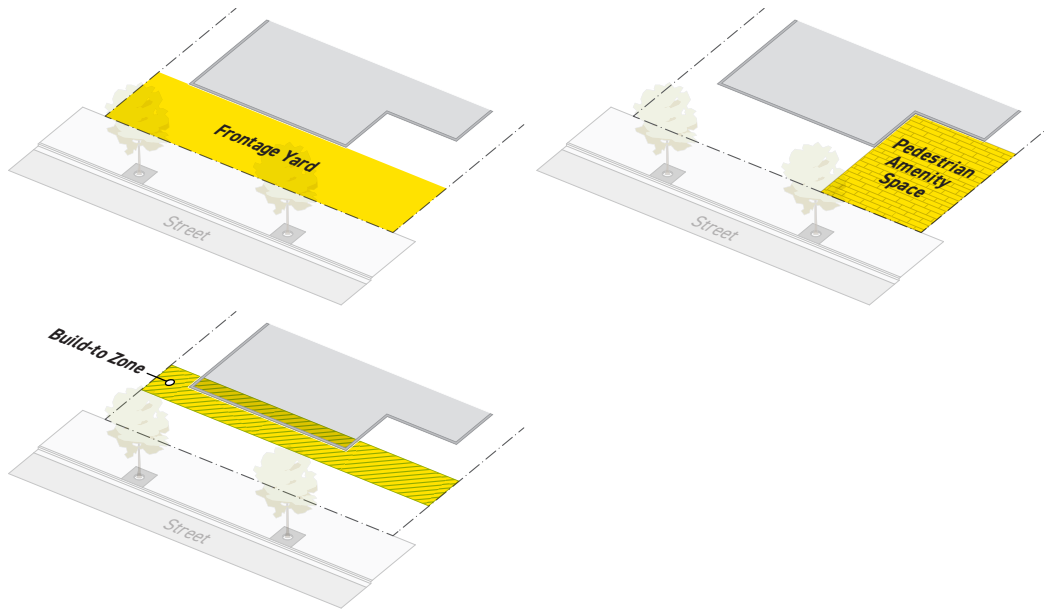


Facades that face a pedestrian amenity space must meet the standards specified by the applied Frontage Module (*Part 4B*) for the street lot line that the pedestrian amenity space abuts. Where the pedestrian amenity space abuts multiple street lot lines, the standards specified for the frontage lot line that abuts the pedestrian amenity space for the greatest length applies.

c. Frontage Applicable Facades

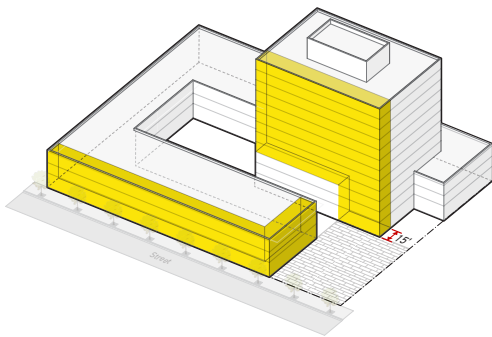
Frontage Module standards apply to the following portions of a lot:

1. Frontage yards (Sec. 14.1400.H.1.);
2. Pedestrian amenity spaces (Sec. XX); and
3. Build-to zones (Sec. XX)



d. Frontage Applicable Building Depth

Frontage Module standards apply to portions of a building interior within 15 feet of a street lot line-facing (Sec. XX) or pedestrian amenity space-facing (Sec. XX) frontage applicable facade.



4. Nonconformity

Sec XX. (*Nonconformity*) provides relief from the requirements of Part 4. (*Frontage*) for existing lots, site improvements, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. No project activity may decrease conformance with any Frontage standard unless otherwise specified by Sec. XX (*Frontage Exceptions*). Consider the following examples:

- a. Closing an existing window opening: Where the proposed facade modification reduces ground story transparency below the minimum required by the applied Frontage Module (*Part 4B*), the facade alteration is not allowed.
- b. An addition or new detached structure to the side of a building: Where the applicable facades on the existing structure do not meet the Frontage Module transparency standards, all applicable facades of the addition or new detached structure are required to meet the transparency standards, but no alteration of existing facades is required.

PART. 4B.

FRONTAGE MODULES

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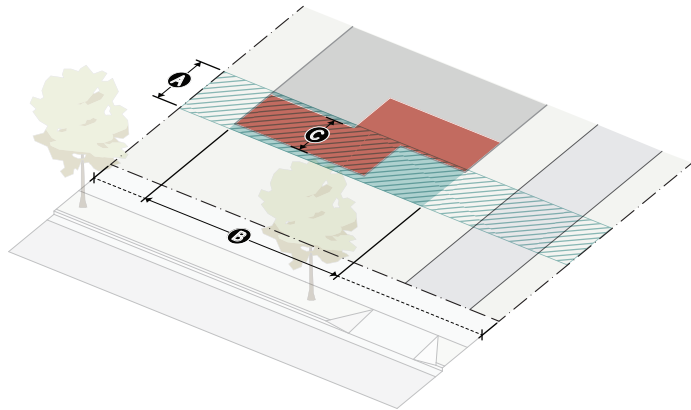
460.D. Park (PK1) 4-28

Sec. 420. **Neighborhood Yard Frontage Modules**

Neighborhood Yard Frontage Modules control the location of vehicular access, require planted front yards, and provide flexible provisions for privacy through a combination of build-to, landscaping, frontage yard fence and wall standards, in addition to building facade activation standards.

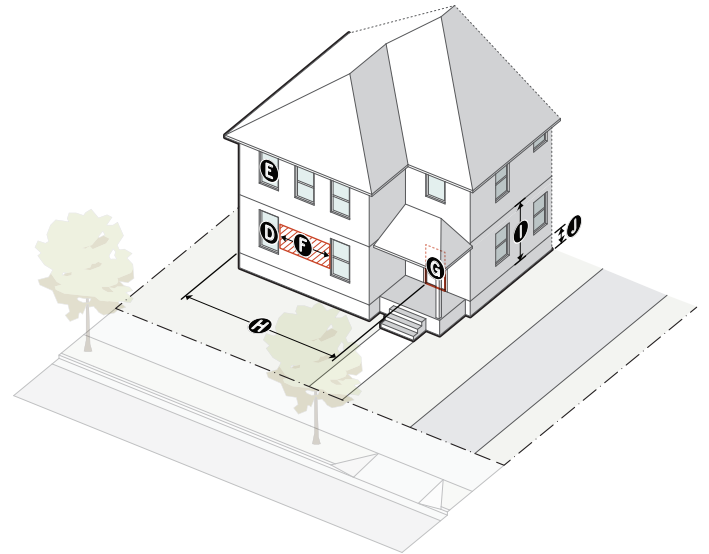
420.A. Neighborhood Yard 1 (N1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	All	All
A Build-to depth (max)	25'	20'
B Build-to width (min)	50%	30%
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	9'	5'
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A3	Type A3

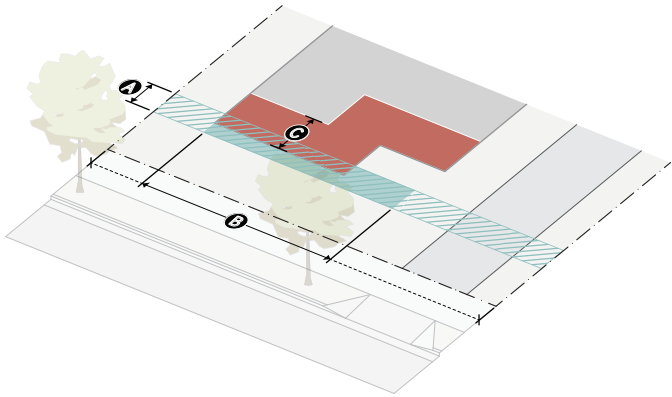
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
D Ground story transparency	20%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	<i>Sec. 4110.</i>	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Porch • Stoop • Forecourt 	
GROUND STORY	<i>Sec. 4120.</i>	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

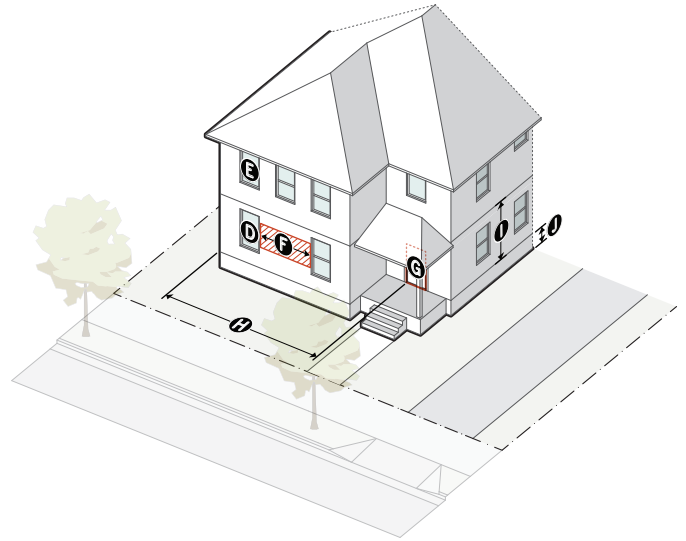
420.B. Neighborhood Yard 2 (N2)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	All	All
A Build-to depth (max)	15'	10'
B Build-to width (min)	60%	30%
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	9'	5'
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A3	Type A3

2. STREET-FACING FACADE



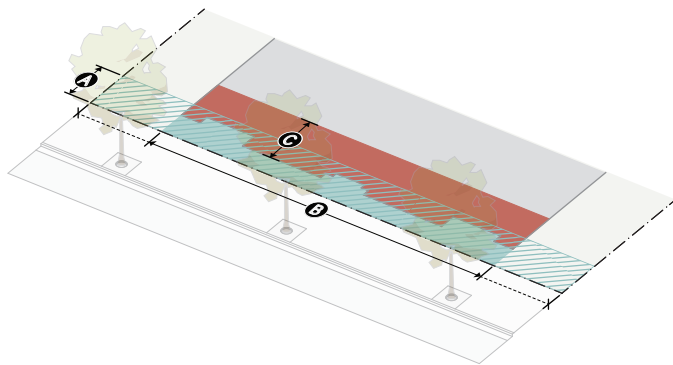
	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
D Ground story transparency	20%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	<i>Sec. 4110.</i>	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Porch • Stoop • Forecourt 	
GROUND STORY	<i>Sec. 4120.</i>	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 430. **Multi-Unit Frontage Modules**

Multi-Unit Frontage Modules require higher ground floor elevation, relatively low transparency, and frequent entrance spacing. This allows for greater privacy for tenants located on the ground story while retaining an interplay between the private and public realms. Frequent entrances activate the public realm with pedestrian activity and visual interest.

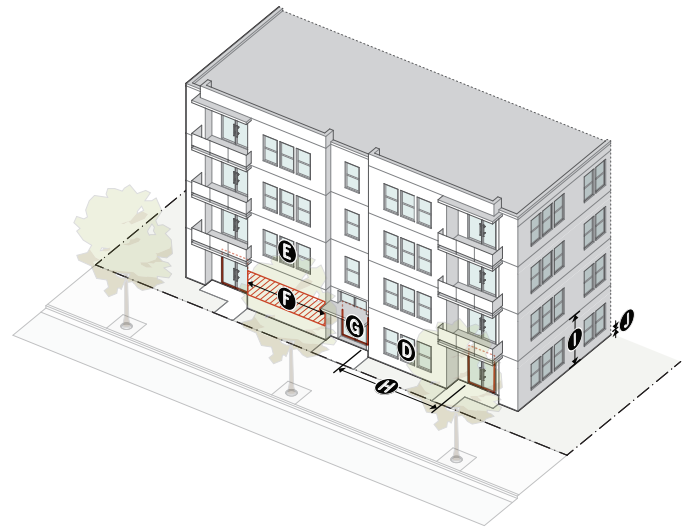
430.A. Multi-Unit 1 (MU1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	Sec. 470.	
Applicable stories (min)	All	All
A Build-to depth (max)	10'	5'
B Build-to width (min)	70%	40%
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	10'	5'
PARKING LOCATION	Sec. 480.	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	Sec. 490.	
Frontage planting area (min)	30%	30%
Frontage yard fence & wall type allowed	Type A2	Type A2

2. STREET-FACING FACADE



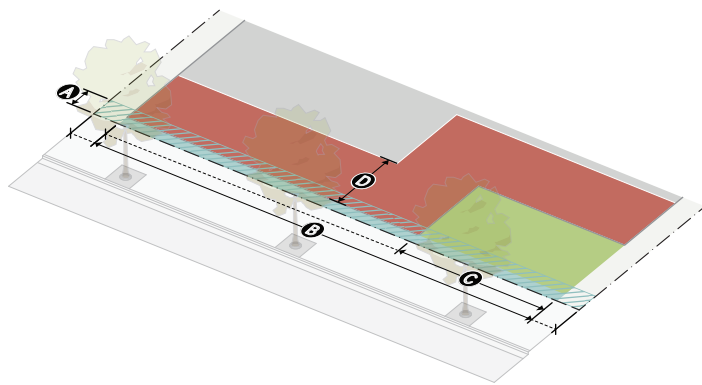
	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
D Ground story transparency	30%	30%
E Upper story transparency	20%	20%
F Active wall spacing (max)	30'	40'
ENTRANCES	Sec. 4110.	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	50'	100'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Porch • Stoop • Forecourt • Recessed Entry • Covered Entry 	
GROUND STORY	Sec. 4120.	
I Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 440. **General Frontage Modules**

General Frontage Modules require moderate to high build-to widths while allowing a wide range of modifications for pedestrian amenity spaces. These Frontage Modules have a moderate transparency requirement with flexible entrance spacing standards while ensuring a high-quality pedestrian environment and providing flexibility for a variety of ground story tenants.

440.A. General 1 (G1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	Sec. 470.	
Applicable stories (min)	All	All
A Build-to depth (max)	10'	10'
B Build-to width (min)	80%	50%
C Pedestrian amenity allowance	30%	20%
D Active depth (min)	15'	10'
PARKING LOCATION	Sec. 480.	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	Sec. 490.	
Frontage planting area (min)	30%	30%
Frontage yard fence & wall type allowed	Type A1	Type A2

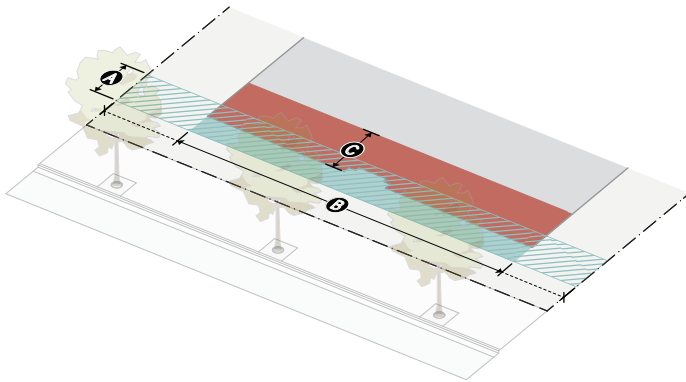
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
E Ground story transparency	50%	35%
F Upper story transparency	25%	25%
G Active wall spacing (max)	25'	25'
ENTRANCES	Sec. 4110.	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	75'	100'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Stoop • Forecourt • Recessed Entry • Covered Entry • Storefront Bay • Market Stall 	
GROUND STORY	Sec. 4120.	
J Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

440.B. General 2 (G2)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	1	1
A Build-to depth (max)	25'	n/a
B Build-to width (min)	50%	n/a
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	10'	n/a
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Not allowed	Allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A4	Type A5

2. STREET-FACING FACADE



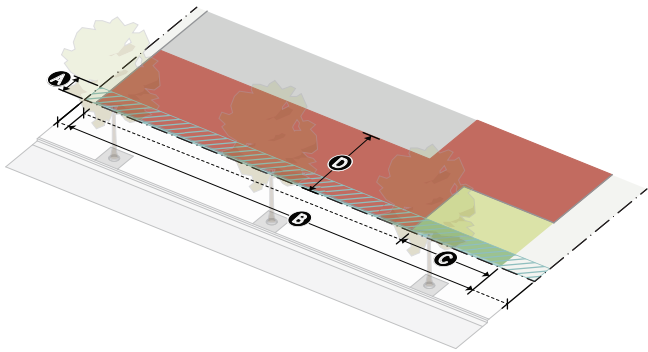
	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
D Ground story transparency	25%	n/a
Upper story transparency	n/a	n/a
Active wall spacing (max)	n/a	n/a
ENTRANCES	<i>Sec. 4110.</i>	
E Street-facing entrance	Required	n/a
F Entrance spacing (max)	100'	n/a
Required Entry feature	No	No
GROUND STORY	<i>Sec. 4120.</i>	
G Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
Ground-story elevation		
Residential (min/max)	n/a	n/a
Non-residential (min/max)	n/a	n/a

Sec. 450. **Shopfront Frontage Modules**

Shopfront Frontage Modules require high build-to widths, high levels of transparency, frequent entrance spacing, and ground floor elevation at or near sidewalk grade. This promotes a legible street wall and activates the public realm with pedestrian activity and visual interest. The at-grade ground floor elevation allows for an increased connection between the interior uses and the pedestrian space.

450.A. Shopfront 1 (SH1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	Sec. 470.	
Applicable stories (min)	All	All
A Build-to depth (max)	5'	10'
B Build-to width (min)	90%	60%
C Pedestrian amenity allowance	20%	10%
D Active depth (min)	20'	15'
PARKING LOCATION	Sec. 480.	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	Sec. 490.	
Frontage planting area (min)	30%	30%
Frontage yard fence & wall type allowed	Type A1	Type A1

2. STREET-FACING FACADE



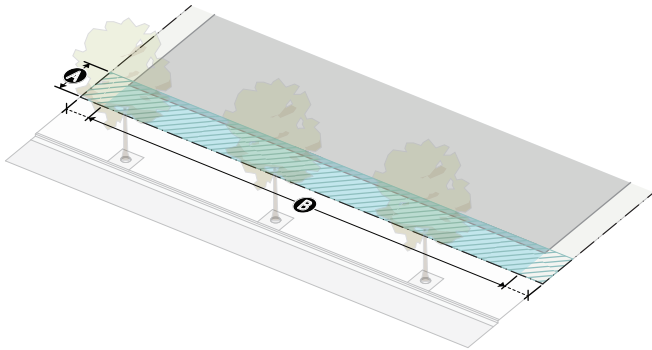
	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
E Ground story transparency	60%	40%
F Upper story transparency	30%	30%
G Active wall spacing (max)	15'	15'
ENTRANCES	Sec. 4110.	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	50'	75'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Recessed Entry • Covered Entry • Storefront Bay • Market Stall 	
GROUND STORY	Sec. 4120.	
J Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 460. **Special Frontage Modules**

The special Frontage Modules have few standards and allow for a high level of flexibility. These Frontage Modules are designed for civic and educational campuses and parkland. These Frontage Modules are intended for areas where pedestrian-friendly environments are prioritized but are be more internally focused within a larger campus.

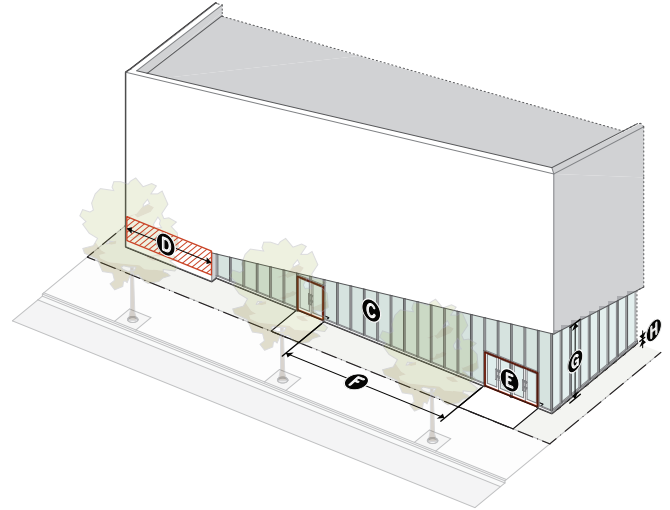
460.A. Civic 1 (CV1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	Sec. 470.	
Applicable stories (min)	1	1
A Build-to depth (max)	10'	10'
B Build-to width (min)	60%	40%
Pedestrian amenity allowance	n/a	n/a
Active depth (min)	n/a	n/a
PARKING LOCATION	Sec. 480.	
Parking between building and street	Not allowed	Allowed
LANDSCAPING	Sec. 490.	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A3	Type A3

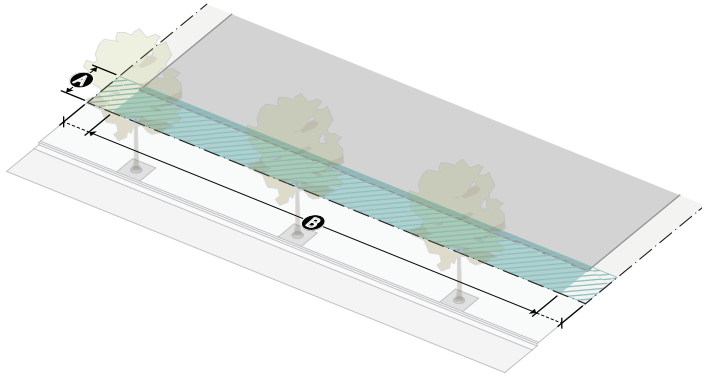
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
C Ground story transparency	40%	20%
Upper story transparency	n/a	n/a
D Active wall spacing (max)	40'	60'
ENTRANCES	Sec. 4110.	
E Street-facing entrance	Required	n/a
F Entrance spacing (max)	75'	100'
Required Entry feature	No	No
GROUND STORY	Sec. 4120.	
G Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
H Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

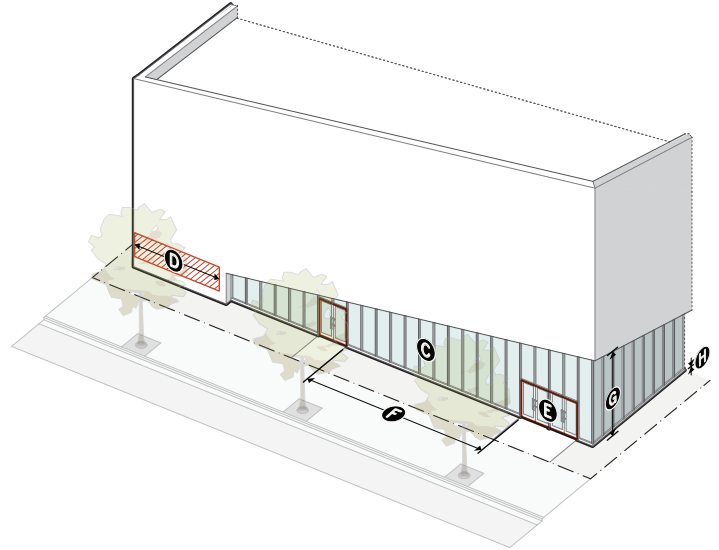
460.B. Civic 2 (CV2)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	Sec. 470.	
Applicable stories (min)	1	1
A Build-to depth (max)	10'	10'
B Build-to width (min)	50%	30%
Pedestrian amenity allowance	n/a	n/a
Active depth (min)	n/a	n/a
PARKING LOCATION	Sec. 480.	
Parking between building and street	Not allowed	Allowed
LANDSCAPING	Sec. 490.	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A3	Type A3

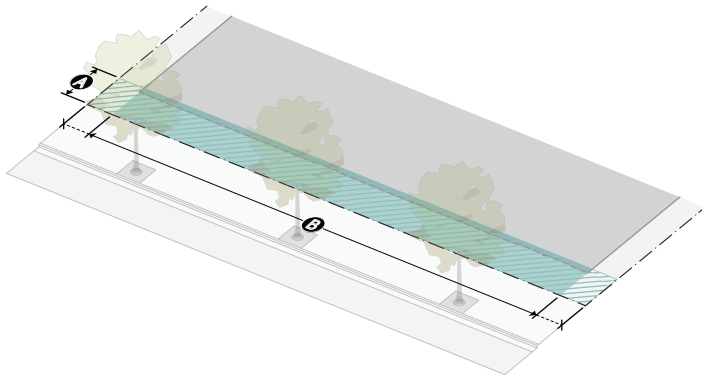
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
C Ground story transparency	30%	10%
Upper story transparency	n/a	n/a
D Active wall spacing (max)	70'	90'
ENTRANCES	Sec. 4110.	
E Street-facing entrance	Required	n/a
F Entrance spacing (max)	100'	150'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Recessed Entry • Covered Entry 	
GROUND STORY	Sec. 4120.	
G Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
H Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

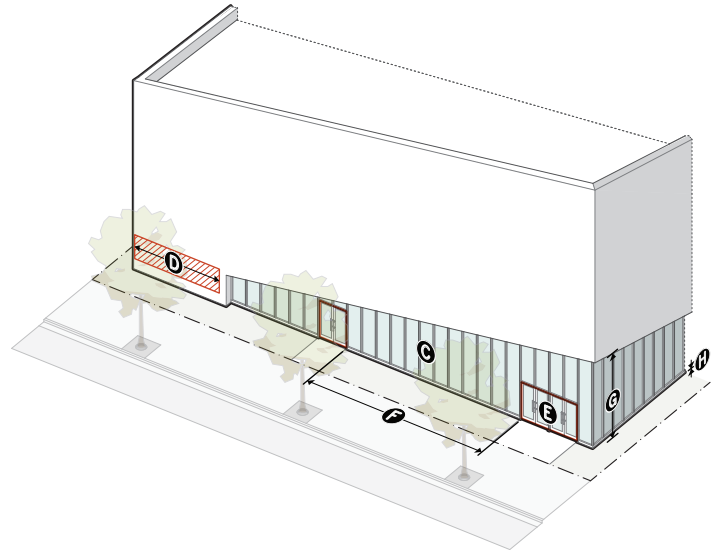
460.C. Civic 3 (CV3)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	n/a	n/a
A Build-to depth (max)	n/a	n/a
B Build-to width (min)	n/a	n/a
Pedestrian amenity allowance	n/a	n/a
Active depth (min)	n/a	n/a
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	n/a	n/a
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	n/a	n/a
Frontage yard fence & wall type allowed	n/a	n/a

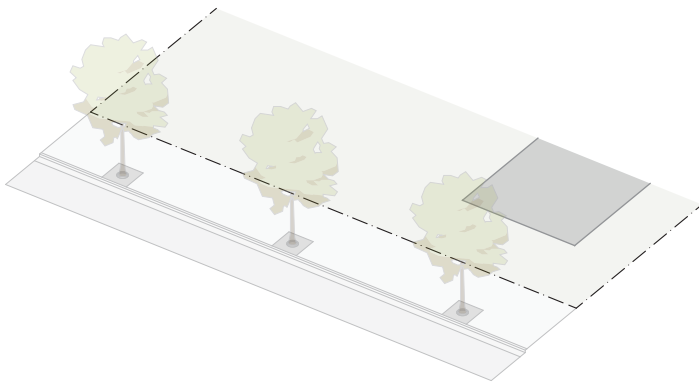
2. STREET-FACING FACADE



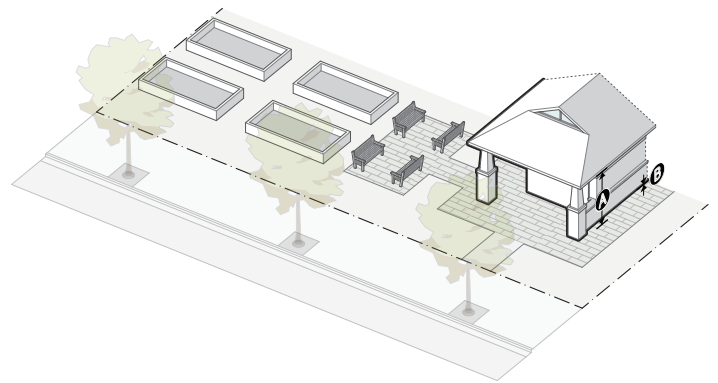
	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
C Ground story transparency	n/a	n/a
Upper story transparency	n/a	n/a
D Active wall spacing (max)	n/a	n/a
ENTRANCES	<i>Sec. 4110.</i>	
E Street-facing entrance	n/a	n/a
F Entrance spacing (max)	n/a	n/a
Required Entry feature	n/a	n/a
Options	n/a	
GROUND STORY	<i>Sec. 4120.</i>	
G Ground story-height		
Residential (min)	n/a	n/a
Non-residential (min)	n/a	n/a
H Ground-story elevation		
Residential (min/max)	n/a	n/a
Non-residential (min/max)	n/a	n/a

460.D. Park (PK1)

1. STREET ORIENTATION



2. STREET-FACING FACADE



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	1	1
Build-to depth (max)	n/a	n/a
Build-to width (min)	n/a	n/a
Pedestrian amenity allowance	n/a	n/a
Active depth (min)	n/a	n/a
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Allowed	Allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	n/a	n/a
Frontage yard fence & wall type allowed	Type A3	Type A3

	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
Ground story transparency	n/a	n/a
Upper story transparency	n/a	n/a
Active wall spacing (max)	n/a	n/a
ENTRANCES	<i>Sec. 4110.</i>	
Street-facing entrance	n/a	n/a
Entrance spacing (max)	n/a	n/a
Required Entry feature	No	No
GROUND STORY	<i>Sec. 4120.</i>	
A Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	16'	16'
B Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

PART. 4C. FRONTAGE RULES

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Sec. 470. Build-To

470.A. Applicable Stories

The number of stories that are required to meet build-to standards.

1. Intent

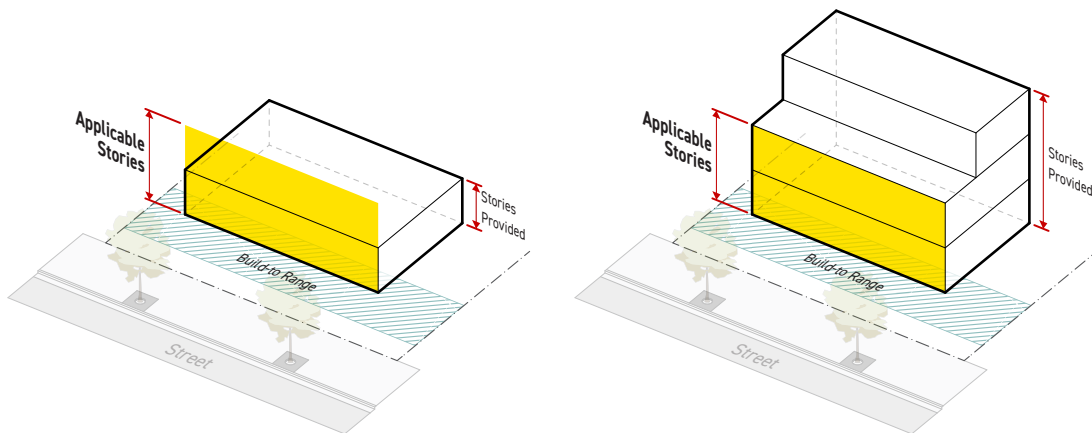
To ensure that multi-story buildings locate both the ground story and a contextually appropriate number of upper stories along the street.

2. Applicability

Build-to applicable stories standards apply to all portions of buildings and structures required to satisfy a minimum build-to width requirement.

3. Standards

Where minimum applicable stories are required, build-to standards apply to the ground story and any additional story provided on a lot, up to, and including, the minimum build-to applicable stories.



4. Measurement

For measuring height in stories, see Sec. XX (Height in Stories).

5. Relief

- a. A reduction in number of applicable stories of 1 story may be requested in accordance with Sec. XX (XX).
- b. A reduction in number of applicable stories may be requested as a variance in accordance with Sec. XX (XX).

470.B. Build-To Depth

The depth of the build-to zone. The build-to zone is the area on a lot starting at the minimum building setback and continuing inward for the maximum build-to depth for the full width of the lot. A building is required to occupy the build-to zone for the required minimum build-to width.

1. Intent

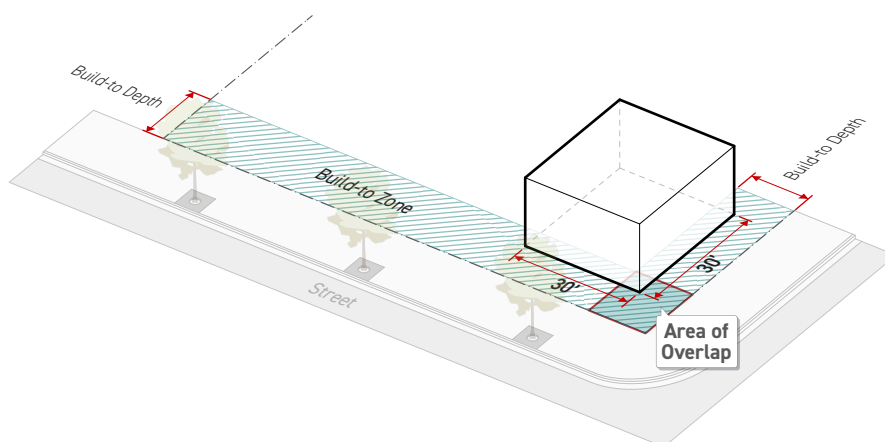
To ensure that multi-story buildings locate both the ground story and a contextually appropriate number of upper stories along the street.

2. Applicability

Build-to applicable stories standards apply to all portions of buildings and structures required to satisfy a minimum build-to width requirement.

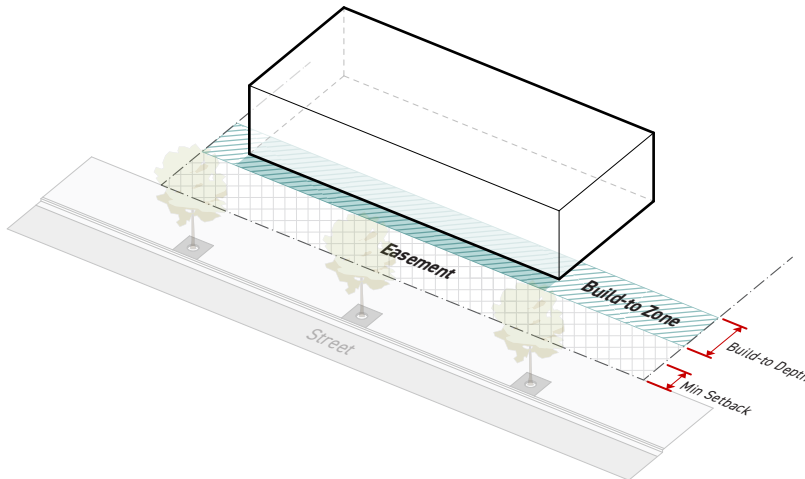
3. Standards

- a. The build-to zone must be no deeper than the maximum build-to depth specified by the applied Frontage Module. See *Part XX (Frontage Modules)*.
- b. Buildings must occupy the build-to zone for at least the minimum required build-to width.
- c. Once the minimum build-to width standard has been satisfied, buildings and structures may occupy the area behind the build-to zone.
- d. On a corner lot where intersecting frontage lot lines have build-to requirements, a building must occupy the portion of the lot area where the build-to zones of the two intersecting frontage lot lines overlap, as described below:
 1. The building must occupy the build-to zones for both frontage lot lines for a minimum of 30 feet from the corner. Distance is measured away from the corner, starting at the edge of the building occupying the area of overlap, parallel to the frontage lot line. This building width counts toward the required build-to width for both frontage lot lines.
 2. This standard does not apply when a pedestrian amenity space occupies some portion of the area of overlap and is being used as a pedestrian amenity allowance. See *Sec. XX (Pedestrian Amenity Allowance)*.



4. Measurement

- a. The build-to depth is measured perpendicular to the primary or side street lot line starting from the minimum building setback and continuing inward away from the primary or side street lot line.
- b. Where a lot includes an easement that abuts the primary or side street lot line and the easement is deeper than the minimum building setback, the applicant must measure the required build-to depth from the interior edge of the easement rather than the primary or side street lot line.

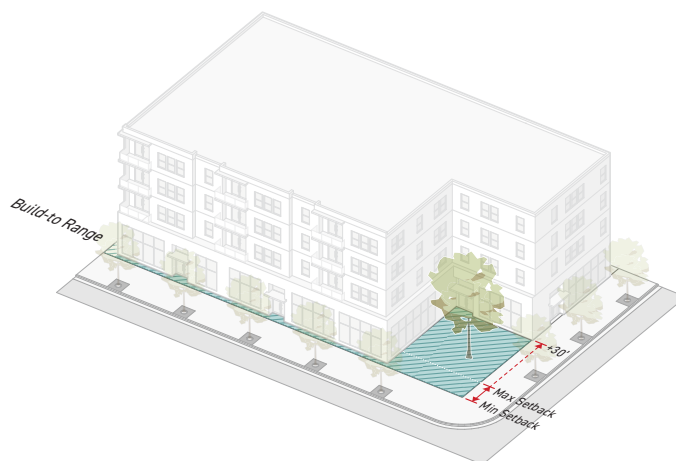


5. Exceptions

See Sec XX (Pedestrian Amenity Allowance).

6. Relief

- a. To preserve existing trees, the Development Services Director may grant relief from the maximum build-to depth, increasing the build-to depth a maximum of 30 feet for the minimum width necessary to protect the tree, pursuant to Sec. XX (XX).



- b. An increase in build-to depth of 10% may be requested in accordance with Sec. XX (XX).
- c. A deviation from maximum build-to depth may be requested as a variance in accordance with Sec. XX (XX).

470.C. Build-To Width

The cumulative building width that must occupy the build-to zone, relative to the width of the lot at the primary or side street lot line.

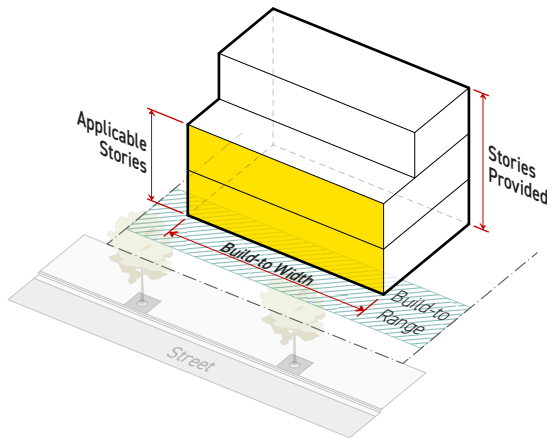
1. Intent

To ensure that buildings enclose the public realm with a legible and consistent street wall, spatially defining an outdoor room, and promoting a strong visual and physical connection between uses inside buildings and the public realm.

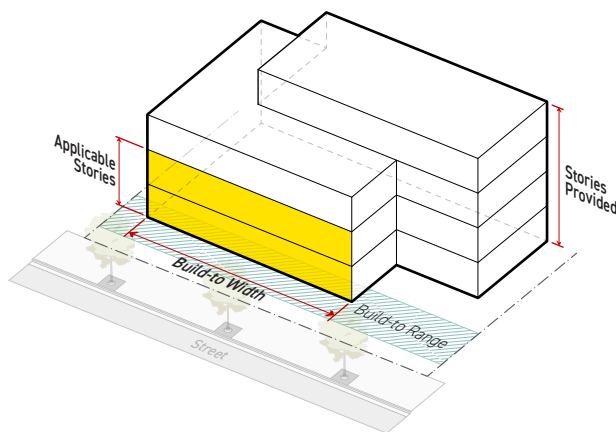
2. Applicability

Build-to width standards apply to the following:

- a. Where a minimum height is specified in the applied Form Module (*Part 3B*), build-to width applies to all above-grade stories up to the minimum height in stories standard in accordance with *Sec. XX (Height in Stories)*.



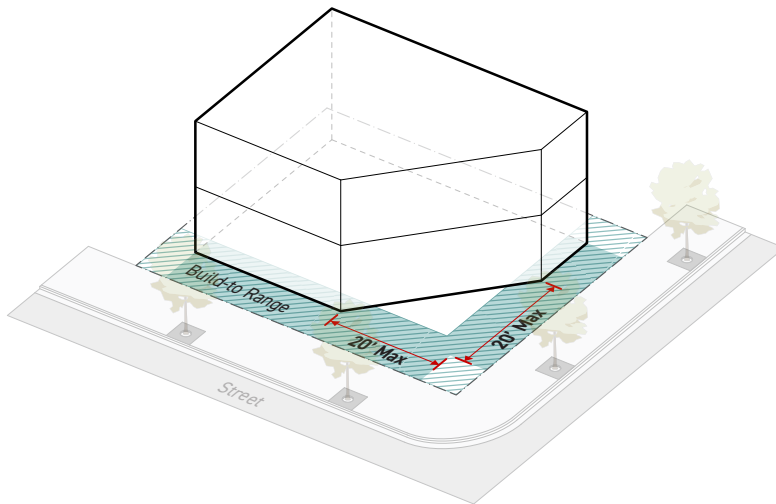
- b. Where an applicable stories standard exists, build-to width applies to all stories located above-grade up to the applicable stories.



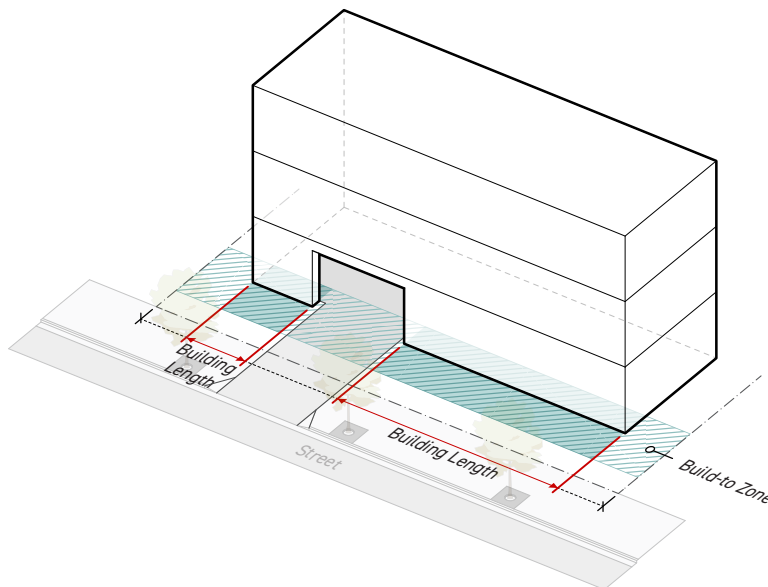
- c. Where both an applicable stories standard and a minimum height are specified, build-to width applies to whichever standard requires the greatest number of stories located in the build-to zone.
- d. Where no applicable stories standard is specified in the applied Frontage Module (*Part 4B*) and no minimum height standard is specified in the applied Form Module (*Part 3B*), build-to width applies only to the ground story.

3. Standards

- a. Buildings must occupy the build-to zone for a cumulative width no less than that specified by the applied Frontage Module (*Part 4B*).
- b. On a corner lot, a chamfered corner no more than 20 feet in width along primary and side street lot lines qualifies as building width in the build-to zone for all applicable stories even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the primary and side street lot lines.

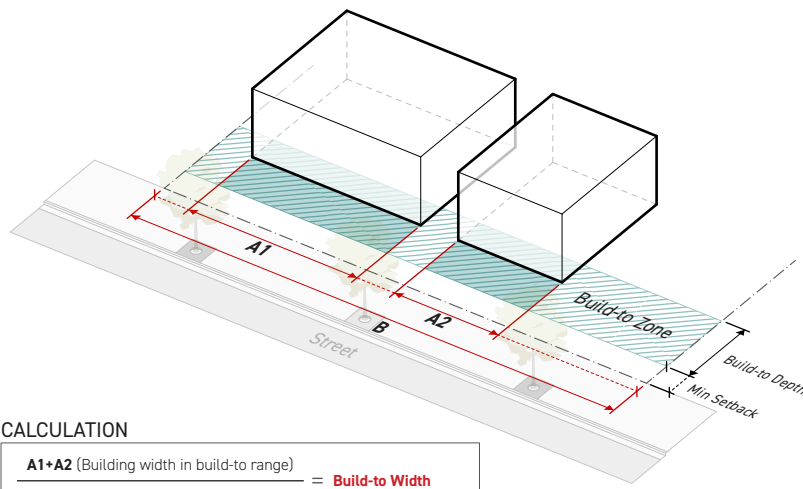


- c. Portions of building width providing motor vehicle access to a motor vehicle use area through the ground story of a building do not qualify as building width in the build-to zone.



4. Measurement

The build-to width is a percentage measured as the sum of the widths of all portions of buildings occupying the build-to zone divided by the total lot width.



CALCULATION

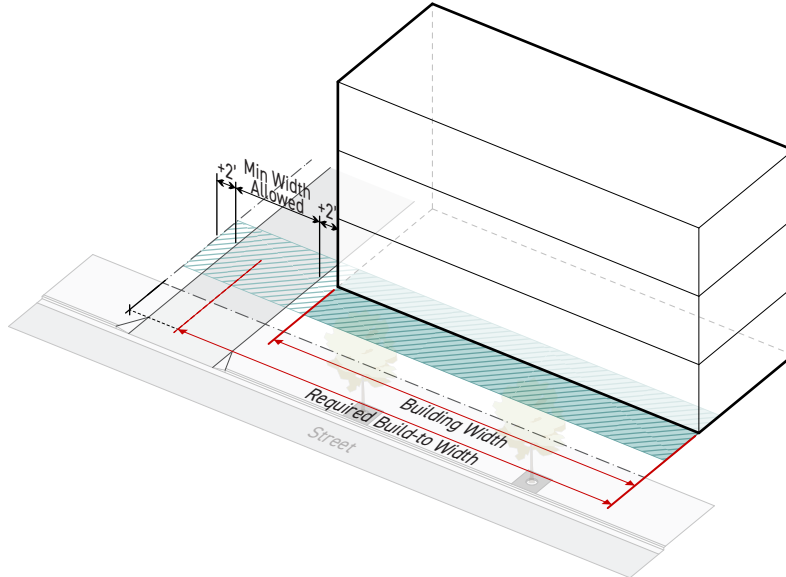
$$\frac{A1 + A2 \text{ (Building width in build-to range)}}{B \text{ (Total Lot Width)}} = \text{Build-to Width}$$

- Building width is measured parallel to the primary and side street lot lines. For measuring building width on a complex lot, see Sec. XX (XX).
- Lot width is measured along the primary and side street lot lines. For measuring width of a complex lot, see Sec. XX (XX).

5. Exceptions

- Outdoor amenity spaces meeting the design standards for pedestrian amenity space (Sec. XX) count toward required minimum build-to width in accordance with Sec. XX (Pedestrian Amenity Allowance).
- A building break that includes an open space meeting the design standards for pedestrian amenity space in Sec. XX (Pedestrian Amenity Space) counts toward the minimum build-to width required by the applied Frontage Module (Part 4B) according to Sec. XX (Pedestrian Amenity Allowance).

- c. Where vehicle access is permitted to be taken through the primary and side street lot lines based on the vehicle access package in *Sec. XX (Automobile Access Packages)* specified by the applied site district (*Part XX*), and providing access prevents a building from achieving the required build-to width, a reduced build-to width may be allowed if the portion of the lot in the build-to zone used for vehicle access is no wider than the minimum required drive aisle width plus an additional 4 feet of width for clearance. See *Sec. XX (Automobile Access)*.



6. Relief

- Up to a 10% reduction to the total required width of building occupying the build-to zone may be requested in accordance with *Sec. XX (XX)*.
- A reduced minimum build-to width may be requested as a variance in accordance with *Sec. XX (XX)*.

470.D. Pedestrian Amenity Allowance

The width of pedestrian amenity space in the build-to zone that is allowed to count toward the build-to width requirement.

1. Intent

To promote the creation of active, human-scaled outdoor spaces as an extension of the sidewalk, providing visual interest and vitality to the amenity space and public realm. The pedestrian amenity allowance provides flexibility to building and site design while maintaining standards essential for ensuring all projects contribute to defining a consistent and legible street wall.

2. Applicability

Pedestrian amenity build-to modification standards apply to the following:

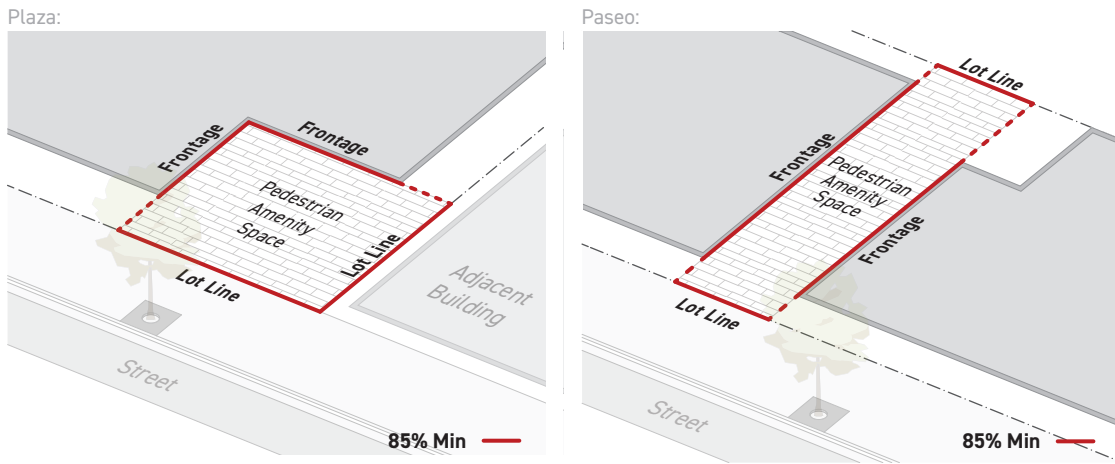
- a. Portions of buildings or structures required to meet the build-to width standard in *Sec. XX (Build-To Width)*, including all build-to applicable stories;
- b. Pedestrian amenity space facing facades (*Sec. XX*); and
- c. Portions of the lot between the building and the primary and side street lot lines for the width of the pedestrian amenity space provided.

3. Standards

Where allowed, pedestrian amenity spaces may be provided as a substitute for a portion of the required build-to width for the maximum percentage of the lot width allowed by the applied Frontage Module (Part 4B), provided they meet the following standards:

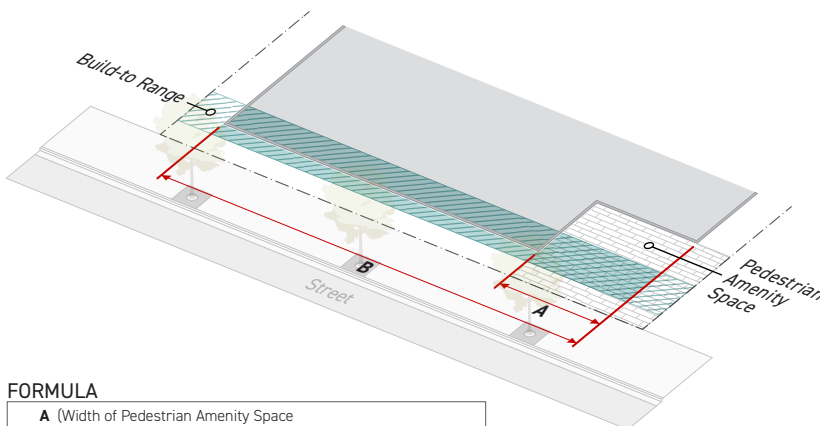
- a. Meets the standards of *Sec. XX (Pedestrian Amenity Space)*.
- b. Pedestrian amenity spaces may be wider than the maximum allowed pedestrian amenity allowance, however, any part of the pedestrian amenity space width that exceeds the allowed pedestrian amenity allowance does not count toward the required building width in the build-to zone.

- c. A minimum of 85% of the pedestrian amenity space perimeter must abut either a lot line or a facade meeting the standards of the applied Frontage Module (*Part 4B*) specified for the abutting primary and side street lot lines. Where the pedestrian amenity space abuts multiple primary and side street lot lines, the standards specified for the primary or side street lot line that abuts the pedestrian amenity space for the greatest length applies.



4. Measurement

Pedestrian amenity allowance is measured as the cumulative width of pedestrian amenity spaces occupying the build-to zone provided as a substitute for required building width in the build-to zone, divided by the required build-to width.



FORMULA

$$\frac{\mathbf{A} \text{ (Width of Pedestrian Amenity Space Counting as Build-to Width)}}{\mathbf{B} \text{ (Required Build-to Width)}} = \text{Pedestrian Amenity Allowance (\%)}$$

- a. Pedestrian amenity space width is measured parallel to the primary and side street lot lines. For measuring width of a complex pedestrian amenity space, see Sec. XX (XX).
- b. For measuring the required build-to width, see Sec. XX (*Build-To Width*).

5. Relief

- a. Up to a 10% increase to the allowed total width of pedestrian amenity space provided as a substitute for a portion of a building occupying the build-to zone may be requested in accordance with Sec. XX (XX).
- b. A deviation from any pedestrian amenity allowance dimensional standard of 10% or less may be requested in accordance with Sec. XX (XX).
- c. A reduced minimum build-to width may be requested as a variance in accordance with Sec. XX (XX).

470.E. Active Depth

The horizontal depth of a building that must contain habitable space.

1. Intent

To help minimize the impact of dead space on the public realm and to promote a comfortable, safe, engaging and attractive built environment with active uses along the public realm.

2. Applicability

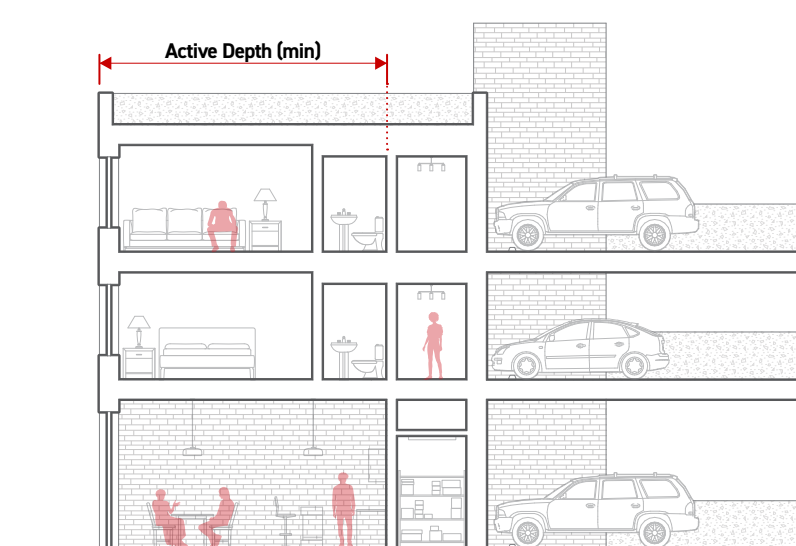
- The active depth requirement applies to all portions of a building used to meet build-to requirements. See Sec. XX (XX).
- The active depth requirement applies to all applicable stories, See Sec. XX (XX).

3. Standards

- Applicable portions of a building must provide the minimum active depth required by the zoning district.
- No more than 20% of the floor area of the required active depth can be used for inactive uses such as storage, hallways, stairwells, elevators, and equipment rooms.
- Parking and motor vehicle use areas are not allowed in any portion of the required active depth.

4. Measurement

Active depth is measured from the front building facade inward to the interior of the building.



5. Relief

- A decreased active depth of up to 10% may be requested in accordance with may be requested in accordance with Sec. XX (XX).
- A decreased active depth beyond 10% may be requested as a variance in accordance with Sec. XX (XX).

Sec. 480. **Parking Location**

480.A. **Parking Between Building & Street**

The location of parking and motor vehicle use areas between a building and the public realm.

1. **Intent**

To control the impact of motor vehicle-dominated areas on the pedestrian experience especially where buildings do not line the majority of the public realm, and to promote a comfortable, safe, engaging, and attractive streetscape, with pedestrian access to active uses and landscaping between the public realm and street-oriented buildings.

2. **Applicability**

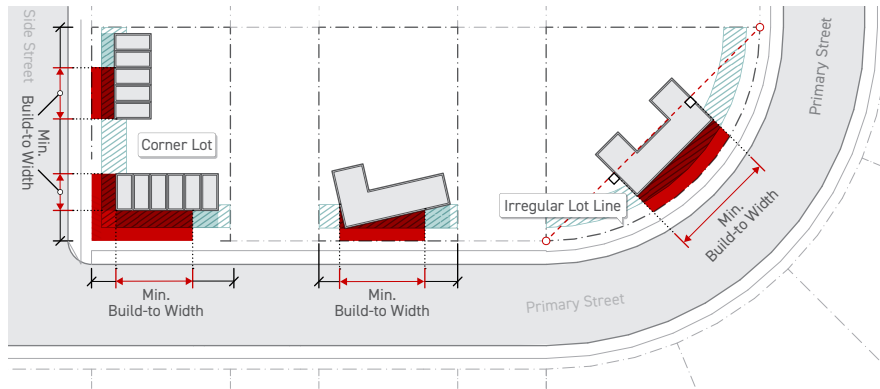
Where specified by the applied Frontage Module (*Part 4B*), parking between the building and the street requirements apply to frontage yards and frontage applicable building depth (Sec. 3A.2.2.C.4) on the ground story.

3. **Standards**

- a. Where the applied Frontage Module (*Part 4B*) specifies "Not allowed":
 1. No motor vehicle use area may be located between a building that occupies the build-to zone and the applicable street lot line, for the portion of the building width provided to comply with a build-to width requirement.
 2. No motor vehicle use area may be located on the ground story of a building or structure within the frontage applicable building depth for the portion of the building width provided to comply with a build-to width requirement.
- b. Where the applied Frontage Module (*Part 4B*) specifies "Allowed", no additional limitations to the location of motor vehicle use areas are required to comply with parking between the building and street standards.

4. Measurement

- a. The area between a building width and the street is determined as the entire area on a lot bordered by the applicable street-facing facade (Sec. XX.) and street lot line, for the applicable building width. For corner lots, the area between the building and the street also includes the portion of the lot beyond the width of the building nearest to the intersection, up to the intersecting street lot line.



- b. For measuring building width see Sec. XX.
- c. For frontage lot line-facing, see Sec. XX. (Facing).
- d. For street-facing facade, see Sec. XX. (Street-Facing Facade).

5. Exceptions

A driveway located between a street-facing building facade and the frontage lot line may be allowed provided all of the following conditions are met:

- a. The automobile access package (Sec. XX.) specified by the Site rules (*Part XX.*) allows automobile access to be taken through the frontage lot line associated with a parking setback; and
- b. The driveway is no wider than the minimum allowed width. See Sec. XX. (Automobile Access).

6. Relief

- a. A reduction in the width of the area of the lot or building depth required to comply with parking between building and street standards of 10% or less may be requested in accordance with Sec. XX. (Adjustment).
- b. Modifications to parking between building and street standards may be requested as a variance in accordance with Sec. XX. (Variance).

Sec. 490. Landscaping

490.A. Frontage Planting Area

The area in a frontage yard designated and designed for plants.

1. Intent

To support a comfortable, attractive, and contextually appropriate streetscape along the public realm, while promoting infiltration, slowing stormwater runoff, and offsetting urban heat island effect.

2. Applicability

- a. Frontage planting area standards apply to frontage yards see *Sec. XX. (Yards)*.
- b. Where there is less than 3 feet between the building and the frontage lot line, planting area standards are not applicable.

3. Standards

- a. Each Frontage yard must provide a cumulative area of no less than the planting area required by the applied Frontage Module (*Part 4B*).
- b. All required planting areas must meet *Sec. XX (Planting Area)*.
- c. All provided plants must meet *Sec. XX (Plant Design & Installation)*.

4. Measurement

- a. Frontage planting area is measured as a percentage calculated as the cumulative planting area located in a frontage yard divided by the total frontage yard area.
- b. For frontage yard designation see *Sec. XX (Yards)*.

5. Relief

- a. Frontage planting area standards may be met through alternative compliance in accordance with *Sec. XX. (Alternative Compliance)*.
- b. Up to a 10% reduction to the total required planting area may be requested in accordance with *Sec. XX. (Adjustment)*.
- c. A reduction in required planting area may be requested as a variance in accordance with *Sec. XX. (Variance)*.

490.B. Frontage Yard Fence & Wall

Fences, walls, and hedges allowed in a frontage yard.

1. Intent

To balance the needs for human-scale activation and visual interest along the public realm, and to provide security and privacy for private ground story uses in a manner appropriate to context.

2. Applicability

All fences, walls or hedges located in a frontage yard. For retaining walls see *Sec. XX (Retaining Walls)*.

3. Standards

a. General

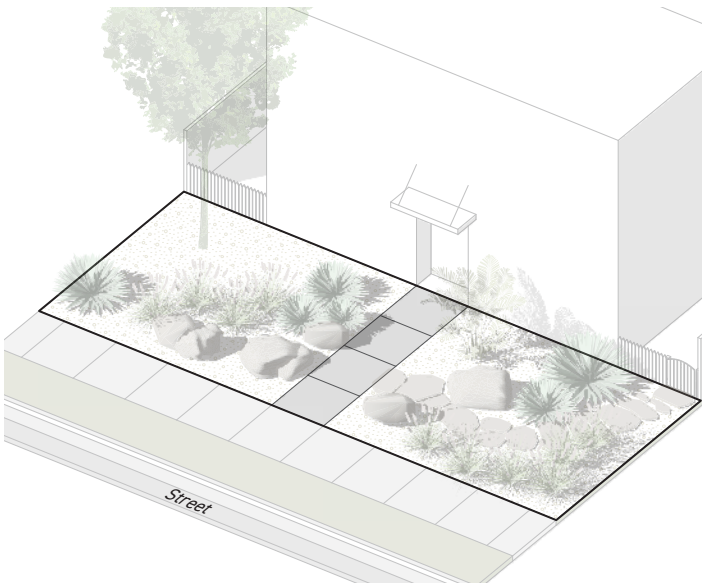
1. Allowed frontage yard fence and wall types (*Sec. XX*) are hierarchical. Where a frontage yard fence and wall type with a higher number designator is allowed by the applied Frontage Module (*Part 4B*), all frontage yard fence and wall types having a lower number designator are also allowed. For example, if a Type A2 is allowed a Type A1 is also allowed.
2. No frontage yard fence and wall type with a greater number designator than the allowed frontage yard fence and wall type may be located in the frontage yard. For example, if an A3 is allowed, an A4 is not allowed.
3. Where a required frontage screen (*Sec. XX*) includes a wall or fence, the required fence or wall may only be located in the frontage yard if the wall or fence complies with the allowed frontage yard fence and wall standards specified by the applied Frontage Module (*Part 4B*).
4. All fences and walls including their sub-grade elements, such as footings or foundation, must be located on-site and offset 3 feet from any street lot line for utility access.
5. All fences and walls provided must include the necessary gates or openings, that meet minimum ADA pathway widths, to comply with the applicable pedestrian access package standards in *Sec. XX. (Pedestrian Access Packages)*.
6. All fences and walls provided must comply with *Sec. XX. (Fence/Wall Design and Installation)*.
7. All hedges provided must comply with *Sec. XX (Plant Design & Installation)*.

b. Frontage Yard Fence & Wall Types

A package of standards, specified by the applied Frontage Module (Part 4B), that applies to fences, walls, and hedges located in a frontage yard.

1. Type A1

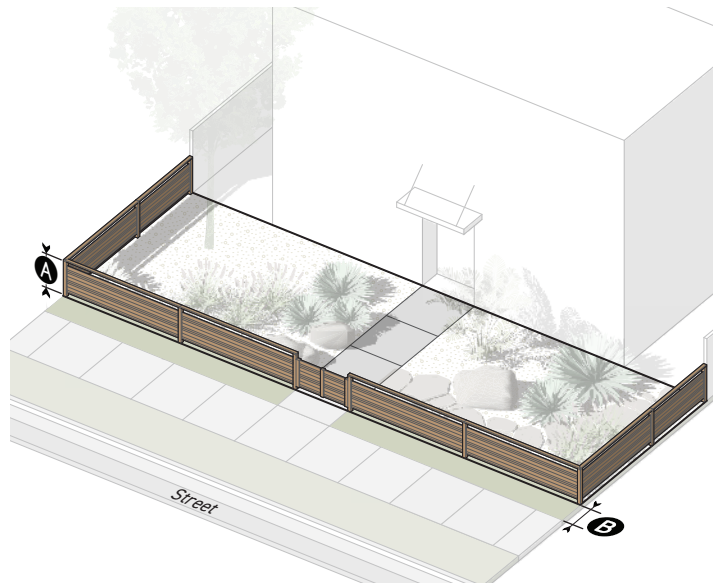
Intended for frontage yards where buildings should engage directly with the public realm to provide visual interest and activation, especially where ground story uses are commercial or non-fenced frontage yards are predominant.



DIMENSIONAL STANDARDS	Sec. XX
Hedge height (max)	Not allowed
Fence/wall height (max)	Not allowed

2. Type A2

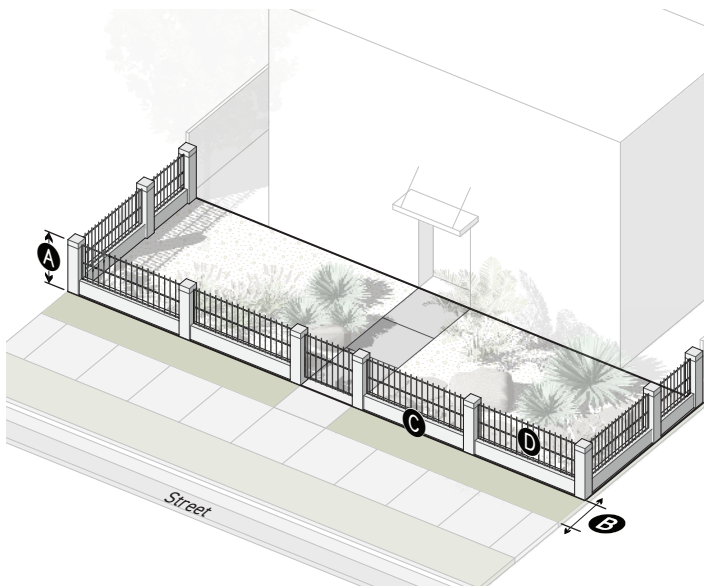
Intended for frontage yards where the need for visual interest and activation along the public realm must be balanced with the need for separation between private ground story uses and the public realm.



DIMENSIONAL STANDARDS	Sec. XX
Hedge height (max)	3'
Fence/wall	
A Height (max)	3'
B Street lot line setback (min)	3'

3. Type A3

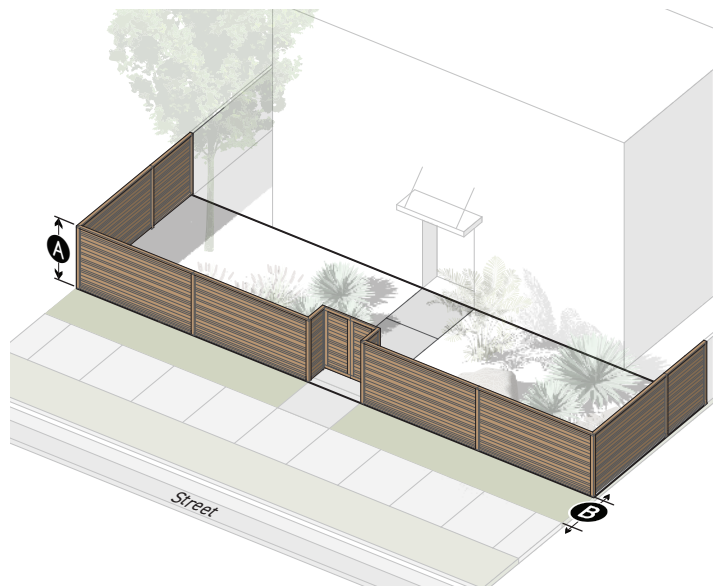
Intended for frontage yards where the need for visual interest and activation along the public realm must be balanced with the need for security between private ground story uses and the public realm.



DIMENSIONAL STANDARDS		Sec. XX
Hedge height (max)		4.5'
Fence/wall		
A	Height (max)	4.5'
B	Street lot line setback (min)	3'
C	Opacity below 3' in height (max)	100%
D	Opacity 3' and above in height (max)	50%

4. Type A4

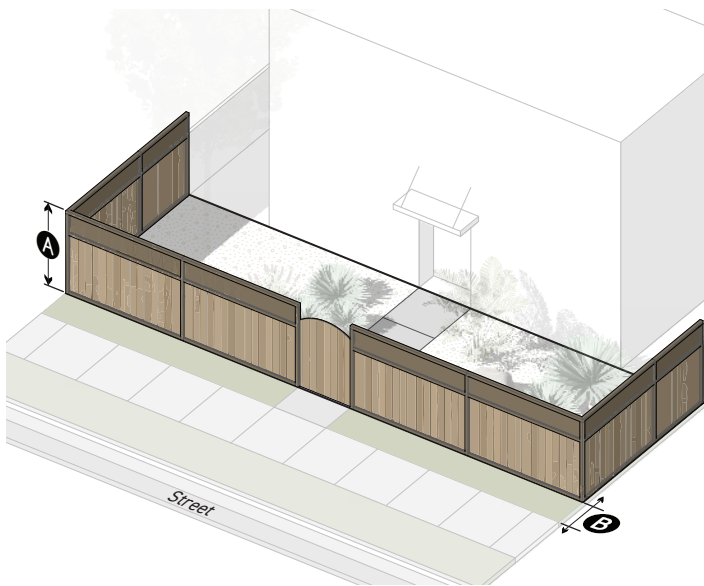
Intended for frontage yards in areas with high pedestrian and automobile traffic, where visual interest and activation along the public realm is less critical than the need to mitigate impacts from the public realm on private ground story uses.



DIMENSIONAL STANDARDS		Sec. XX
Hedge height (max)		6'
Fence/wall		
A	Height (max)	4.5'
B	Street lot line setback (min)	3'

5. Type A5

Intended for frontage yards in areas with high pedestrian and automobile traffic, where visual interest and activation along the public realm is less critical than the need to mitigate intrusions from the public realm on private ground story uses.



DIMENSIONAL STANDARDS		Sec. XX
	Hedge height (max)	8'
	Fence/wall	
A	Height (max)	8'
B	Street lot line setback (min)	3'

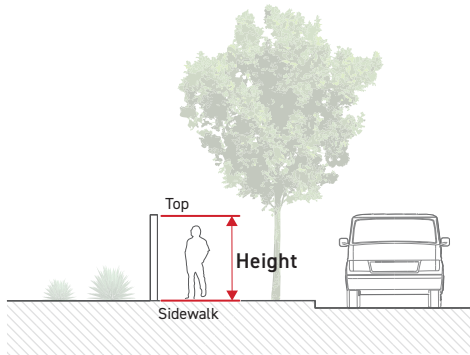
4. Measurement

a. Frontage Yard

For frontage yard designation see *Sec. XX (Yards)*.

b. Fence & Wall Height

1. Where a public sidewalk is located within 5 feet of a wall or fence, height is measured vertically from the topmost point of the wall or fence to the adjacent public sidewalk.



2. Where no sidewalk exists within 5 feet of a wall or fence, height is measured vertically from the topmost point of the wall or fence to the finished grade at the base of the wall or fence on the side that faces outward from the lot.
3. For the measurement of retaining walls see *Sec. XX (Retaining Walls)*.

c. Hedge Height

Hedge height is measured according to *Sec. XX (Height at Maturity)*.

d. Opacity

For measurement of opacity, see *Sec. XX (Opacity %)*.

e. Exceptions

Fences and walls located in a frontage yard may integrate outdoor lighting, entry arbors, and other accessory encroaching elements that exceed the maximum fence/wall height specified by the applicable frontage yard fence and wall type, provided the following:

1. The cumulative length of fence or wall that includes encroaching elements is no more than 10% of the total fence length located in the frontage yard.
2. No individual encroaching element may be wider than 6 feet, measured along the length of the fence or wall.
3. One encroaching element for each 40 feet of fence length may exceed the maximum fence and wall height by up to 40 inches. All other encroaching elements must only exceed the maximum fence and wall height up to 18 inches.

f. Relief

1. A deviation from any allowed frontage yard fence and wall type dimensional standard of 10% or less may be requested in accordance with *Sec. XX. (Adjustments)*.
2. A deviation from any allowed frontage yard fence and wall type standard may be requested as a variance in accordance with *Sec. XX. (Variance)*.

Sec. 4100. Transparency

4100.A. Transparent Area

The amount of transparent area on a building facade.

1. Intent

To provide visual interest along the public realm by encouraging visual connections between the public realm and the interior of a building.

2. Applicability

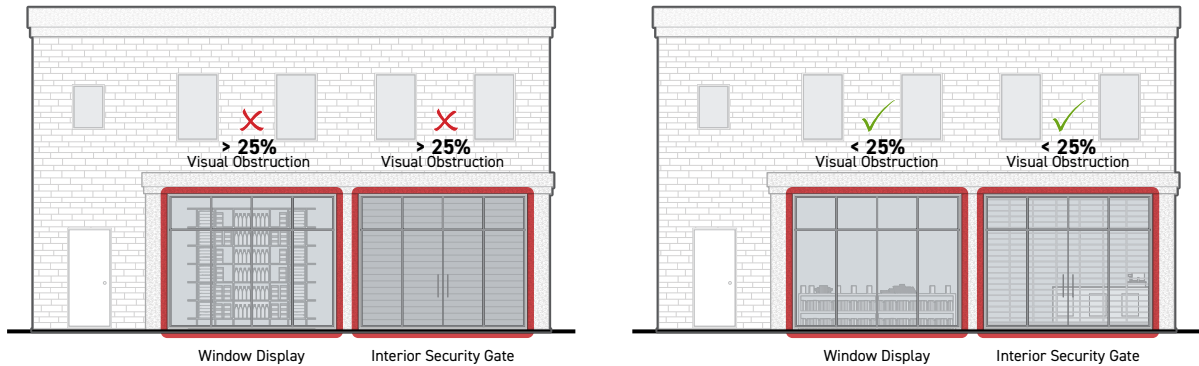
Transparency standards apply to all portions of a building used to meet build-to requirements. See Sec. XX (XX).

3. Standards

- a. Each applicable facade must provide no less than the minimum transparency specified by the applied Frontage Module (*Part 4B*).
- b. Window and door openings that meeting the following requirements count toward transparent area:
 1. No walls, shelving, facade screens, or other interior or exterior visual obstructions may be located within 5 feet of any ground story transparent area. Exterior visual obstructions must not be located within 5 feet of any upper story transparent area. Distance from transparent area is measured perpendicular to the exterior face of the transparent area. Visual obstructions may be located 5 feet or greater from facade area counting toward transparent area, with the exception of those visual obstructions allowed in Sec XX (XX).



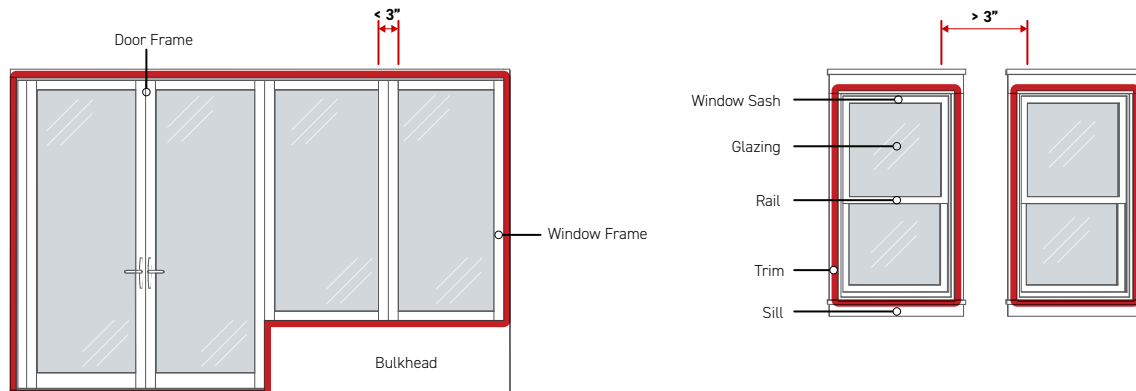
2. The following visual obstructions may be located less than 5 feet from facade area counting toward transparent area:
 - i. Windows obscured by interior security gates and window displays may count toward transparent area, provided no more than 25% of the transparent area of any individual window is visually obstructed for any individual window counting toward transparent area. For measuring visual obstruction, see Sec XX (XX).



- ii. Windows obscured by fixed exterior facade screens may count toward transparent area, provided no more than 25% of the total transparent area is visually obstructed for any individual window opening counting toward transparent area. Percentage of visual obstruction is measured as opacity (Sec XX).
 - iii. Transparent area covered by window signs may count toward transparent area provided the window signs are permitted by the applied site district (Part XX).
 - iv. Areas of transparency may be made temporarily opaque by operable window treatments, such as curtains or blinds, located within the conditioned space.
3. To be considered transparent, window and door glazing must meet the following requirements:

TRANSPARENT AREA STANDARDS		
	Visible Light Transmittance	External Reflectance
Ground story	More than 60%	Less than 20%
Upper stories	More than 30%	Less than 40%

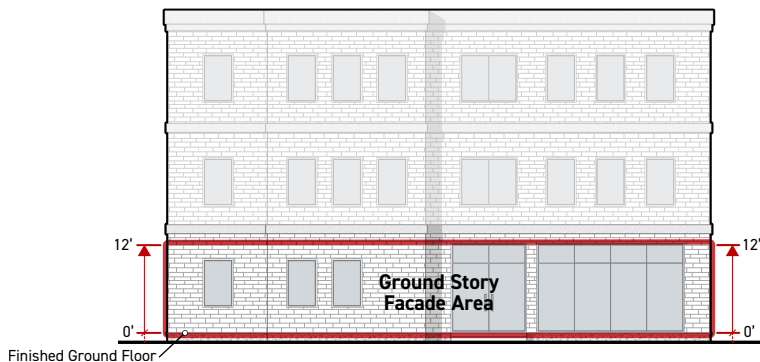
4. Muntins, mullions, window sashes, window frames, and door frames, no more than 3 inches wide may be considered transparent area when contained within a window opening or door opening occupied by a window or glazed door assembly where all included glazing meets the transparent area requirements (Sec. XX).



4. Measurement

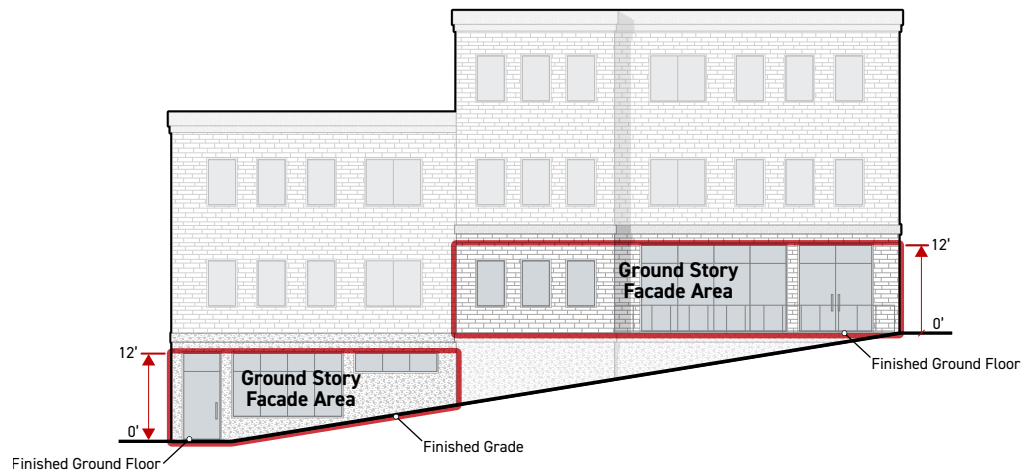
a. Ground Story

1. Ground story transparency is measured as a percentage, calculated as the sum of all ground story facade area meeting the standards for transparent area divided by the total ground story facade area.
2. For the purpose of calculating ground story transparency, ground story facade area is measured in the following ways:
 - i. Ground story facade area is measured as the above-grade facade area between 0 and 12 feet above the top of the finished floor of the ground story.



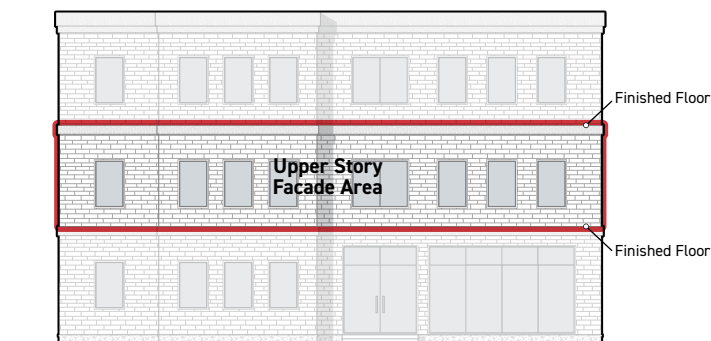
- ii. If the ground story height is less than 12 feet, the ground story facade area is measured as the total above-grade portion of a facade between the top of the finished floor of the ground story and the top of the finished floor above. When there is no story above, ground story height is measured to the top of the uppermost surface of the ceiling structure above.

- iii. No portion of a ground story located below finished grade is included in ground story facade area.



b. Upper Stories

1. Each upper story facade must meet the required transparency standard independently. All facade area associated with an upper story having the same story designation (for example: 4th story) is considered part of the same upper story facade.
2. Upper story transparency is measured as a percentage, calculated as the sum of all facade area meeting the standards for transparency divided by the total applicable facade area for each story.
3. For the purpose of calculating upper story transparency, upper story facade area is measured as the portion of a facade area between the top of the finished floor for that story to the top of the finished floor above, regardless of story height. When there is no story above, it is measured to the top of the uppermost surface of the ceiling structure above.



5. Relief

- a. Up to a 10% reduction to the total required transparent area may be requested in accordance with Sec. XX (XX).
- b. A deviation from required transparency standards may be requested as a variance in accordance with Sec. XX (XX).

4100.B. Active Wall Spacing

The distance between widths of ground story facade and foundation wall with window or door openings.

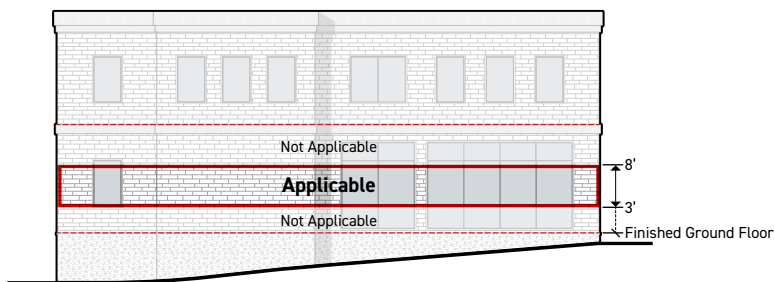
1. Intent

To provide visual interest and activation along the public realm by limiting the area without visual or physical connections between the public realm and the interior of a building.

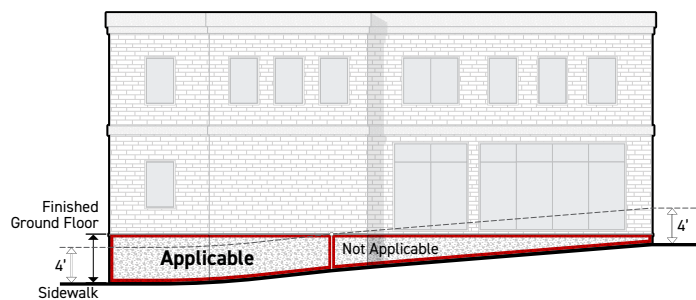
2. Applicability

Active wall spacing standards apply to the following facades:

- a. All portions of ground story frontage applicable facades (Sec. XX) located between 3 feet and 8 feet from the ground floor elevation measured vertically.



- b. All portions of foundation walls on frontage applicable facades (Sec. XX) that are exposed 4 feet in height or greater above sidewalk grade are applicable. If foundation walls are set back more than 10 feet from a sidewalk, exposed height is measured from the lowest elevation of finished grade within 5 feet, measured from and perpendicular to the foundation wall.



- c. Active wall spacing standards do not apply to upper story facades.
- d. Active wall spacing standards do not apply to parking structure facades except for wrapped parking structures (Sec. XX).

3. Standards

a. Active Wall Spacing on Ground Story Facade

Window and door openings meeting *Sec. XX (Transparent Area)* on ground story facades must be separated by a distance no greater than the maximum active wall spacing. For exceptions to this standard, see *Sec. XX (Active Wall Spacing Exceptions)*.

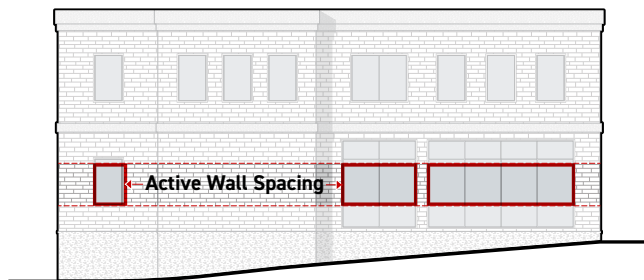
b. Active Wall Spacing on Foundation Wall

Applicable portions of foundation walls must be no wider than the maximum active wall spacing. For exceptions to this standard, see *Sec. XX (Active Wall Spacing Exceptions)*.

4. Measurement

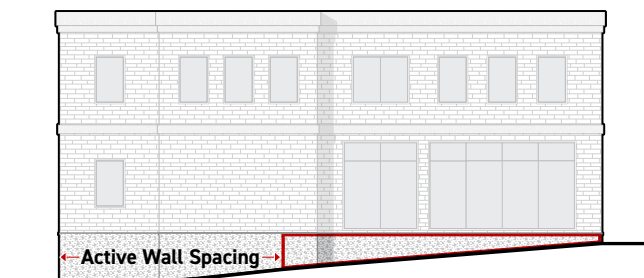
a. Active Wall Spacing on Ground Story Facade

Active wall spacing is measured horizontally and parallel to the primary and side street lot lines from edge of transparent area to edge of transparent area, and edge of transparent area to edge of ground story facade.



b. Active Wall Spacing on Foundation Wall

Active wall spacing is measured horizontally for any individual width of applicable foundation wall that does not include transparent area.



5. Exceptions

a. General

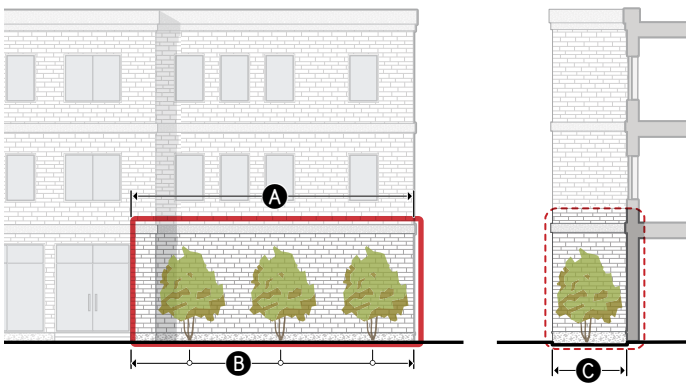
1. Ground story facades that exceed the maximum allowed active wall spacing may apply one or more ground story inactive wall treatment options to the applicable facade area between door or window openings and increase the active wall spacing by 50%. See *Sec. XX (Ground Story Inactive Wall Treatment Options)*.
2. Facades designed with foundation walls that exceed the maximum allowed active wall spacing may apply one or more inactive foundation wall treatments to the facade area between active foundation walls and double the allowed active wall spacing. See *Sec. XX (Foundation Inactive Wall Treatment Options)*.
3. All required plants must meet the requirements in the following tables and also comply with *Sec. XX (Plants)*.

b. Ground Story Inactive Wall Treatment Options

Permanent design improvements located between segments of ground story active wall and the public realm, designed to improve visual interest and the pedestrian experience.

1. Small Trees

Small trees planted between a ground story facade with no window or door openings and the public realm.

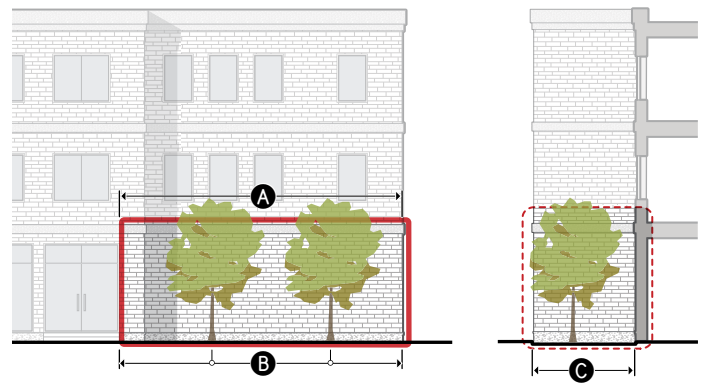


DIMENSIONAL STANDARDS		Sec. XX
A	Treatment width (min portion of inactive wall)	100%
	Tree type	Small species
B	Planting frequency (min avg.)	5 per 100'
C	Planting area depth (min)	7'

See Sec. XX (Plants) for additional standards

2. Large Trees

Large trees planted between a ground story facade with no window or door openings and the public realm.



DIMENSIONAL STANDARDS		Sec. XX
A	Treatment width (min portion of inactive wall)	100%
	Tree type	Large species
B	Planting frequency (min avg.)	3 per 100'
C	Planting area depth (min)	15'

See Sec. XX (Plants) for additional standards

3. Living Wall

A permanently fixed assembly located between a ground story facade with no window or door openings and the public realm that supports plants, their growing medium, and irrigation.

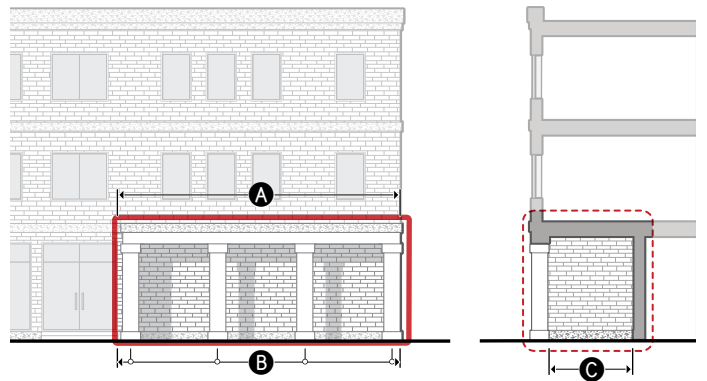


DIMENSIONAL STANDARDS	Sec. XX.
A Treatment area (min % of ground story facade with inactive walls)	75%
Planting area depth (min)	n/a

See Sec. XX (Plants) for additional standards

4. Colonnade

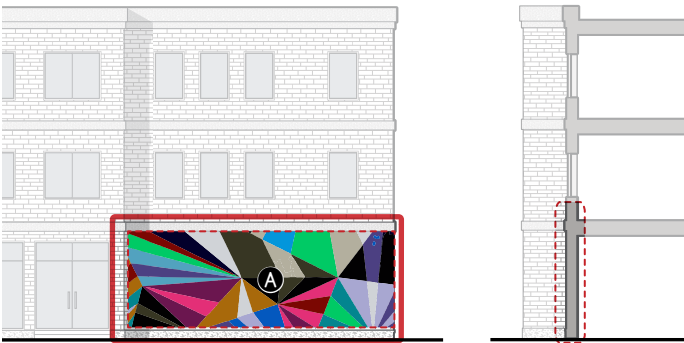
A sequence of columns located between a ground story facade with no window or door openings and the public realm, providing an exterior occupiable space along the inactive wall.



DIMENSIONAL STANDARDS	Sec. XX.
A Treatment width (min portion of inactive wall)	100%
B Column spacing (min)	4x column diameter
C Clear depth (min)	6'
Enclosure (max)	60%

5. Mural

A noncommercial image located between a ground story facade with no window or door openings and the public realm.



DIMENSIONAL STANDARDS	Sec. XX.
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<p>A Treatment area (min % of ground story facade with inactive walls)</p>	<p>75%</p>
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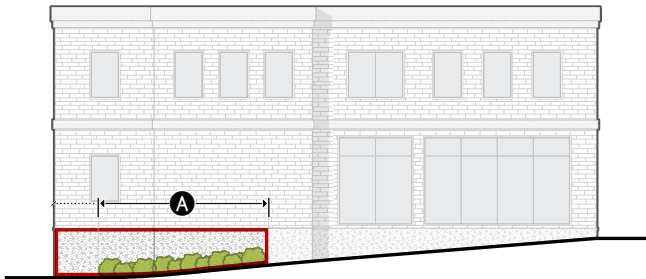
Murals are not allowed on primary street facades, and must be approved by the Cultural Arts Commission. See *Sec. 1100. (Cultural Arts Commission)* for additional standards.

C. Foundation Inactive Wall Treatment Options

Permanent design improvements located between exposed foundation walls and the public realm, designed to improve visual interest and the pedestrian experience.

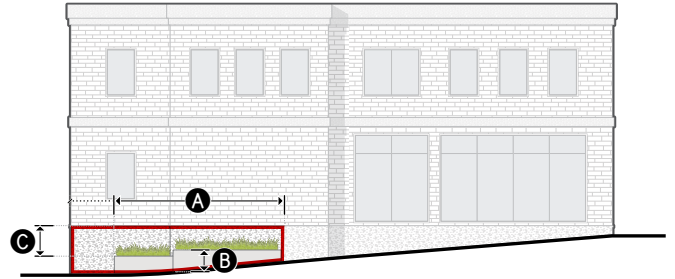
1. Foundation Planting

Screening plants located between a foundation wall with no window or door openings and the public realm.



2. Planter

Permanent structure containing plants and their growing medium located between a foundation wall with no window or door openings and the public realm.



DIMENSIONAL STANDARDS	Sec. XX
A Treatment width (min portion of inactive wall)	75%
Plant type	Screening Plant
Planting frequency (min avg.)	3 per 10'
Planting area depth (min)	3'

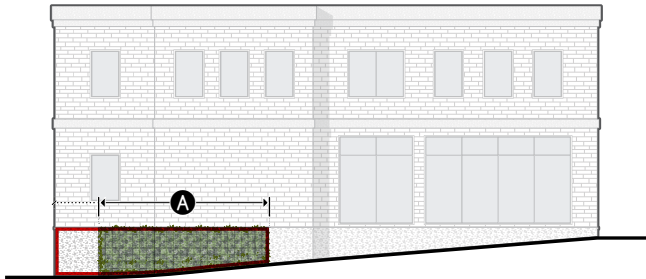
See Sec. XX (Plants) for additional standards.

DIMENSIONAL STANDARDS	Sec. XX
A Treatment width (min)	75%
Plant coverage (min)	75%
Planting area depth (min)	2.5'
B Height above sidewalk (max)	4'
C Foundation wall reveal (max)	2'

See Sec. XX (Plants) for additional standards.

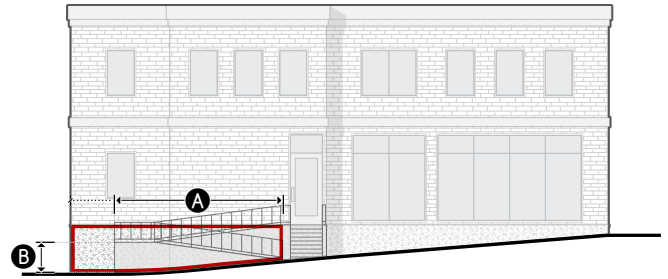
3. Green Wall

A structure permanently attached to a foundation wall with no window or door openings that supports climbing plants.



4. Pedestrian Access

Stairs or ramps providing pedestrian access to a street-facing entrance located between a foundation wall with no window or door openings and the public realm.



DIMENSIONAL STANDARDS	Sec. XX
Ⓐ Treatment area (min)	75%
Planting area depth (min)	1.5'

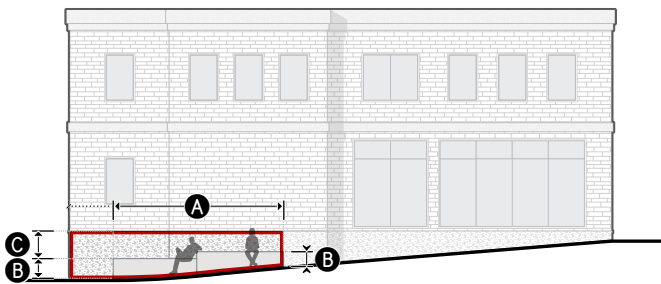
See Sec. XX (Plants) for additional standards

DIMENSIONAL STANDARDS	Sec. XX
Ⓐ Treatment width (min)	75%
Ⓑ Height above sidewalk (max)	4'
Additional access standards	See Sec. XX.

See Sec. XX (Access) for additional standards

5. Seating

A permanent structure designed and intended for public seating located between a foundation wall with no window or door openings and the public realm.



DIMENSIONAL STANDARDS		Sec. XX
A	Treatment width (min)	75%
B	Height above sidewalk (min/max)	1.5'/3'
C	Foundation wall reveal (max)	3'
	Seat depth (min)	2'

d. Inactive Wall Treatment Measurement

1. Treatment Width

Minimum treatment width is measured as a percentage, calculated as the cumulative width of the provided inactive wall treatments divided by the total width of the provided active wall spacing.

2. Treatment Area

Minimum treatment area is measured as a percentage, calculated as the cumulative area of the provided inactive wall treatments divided by the total applicable facade area within the provided active wall spacing.

3. Tree Type

Tree type is measured as small species or large species according to *Sec. XX (Tree Types)*.

4. Plant Type

Plant type is measured as screening plants, groundcover, and turf plants, hedges, living walls, or climbing plants according to *Sec. XX (Plant Design & Installation)*.

5. Plant Coverage

Minimum plant coverage is measured according to *Sec. XX (Plant Coverage)*.

6. Plant Frequency

Planting frequency is measured as a ratio of the minimum number of plants required over a specified width of active wall spacing. A minimum of one plant of the required plant type must be provided regardless of the width of inactive wall treatment.

7. Column Frequency

Minimum column frequency is measured as a ratio of the minimum number of columns required over a specified width of treated inactive wall treatment. A minimum of two columns must be provided regardless of the inactive wall treatment width.

8. Planting Area Depth

Minimum planting area depth is measured as the horizontal dimension of growing medium at the narrowest point, measured perpendicular to the applicable street lot line. The planting area must be open to the sky for at least the required planting area depth.

9. Clear Depth

Minimum clear depth is measured as the horizontal dimension of the occupiable portion of an architectural element at the narrowest point.

10. Height Above Sidewalk

- i. Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the inactive wall treatment.
- ii. For foundation walls located more than 10 feet from a sidewalk, maximum height above sidewalk is measured from the lowest elevation of finished grade within 5 feet, measured from and perpendicular to the foundation wall, to the topmost point of the inactive wall treatment.

11. Foundation Wall Reveal

Foundation wall reveal is measured vertically from the top of an inactive wall treatment to the ground floor elevation along the entire treated portion of an inactive foundation wall.

12. Seat Depth

Minimum seat depth is measured as the narrowest horizontal dimension of the area designed for public seating.

13. Enclosure

Maximum enclosure is measured according to *Sec. XX. (Enclosure)*.

6. Relief

- a. Deviation from inactive wall treatment standards may be requested in accordance with *Sec. XX (XX)*.
- b. An increase in allowed active wall spacing of 10% or less may be requested in accordance with *Sec. XX (XX)*.
- c. An increase in allowed active wall spacing and inactive wall treatment standards may be requested as a variance in accordance with *Sec. XX (XX)*.

Sec. 4110. Entrances

4110.A. Street-Facing Entrance

A door providing access from the public realm to the interior of a building.

1. Intent

To provide visual interest along the public realm, orient buildings to the public realm, and promote greater use and activation of the public sidewalk by limiting the width of frontage without physical connections between the public realm and the interior of a building.

2. Applicability

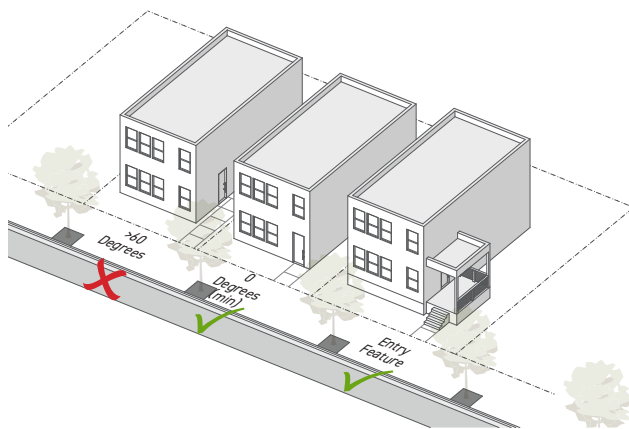
Street-facing entrance standards apply to all portions of buildings and structures where frontage standards apply. See Sec. XX (XX).

3. Standards

a. General

To qualify as a street-facing entrance, building entrances must meet the following standards:

1. Located on the ground story facade.
2. Provide both ingress and egress pedestrian access to the ground story of the building.
3. Remain operable at all times. Access may be controlled and limited to residents or tenants.
4. Must not provide access directly to motor vehicle use areas, utility areas or fire stairs.
5. The exterior door surface must be angled between 0 to 45 degrees, measured parallel to the street lot line or the door must have direct access from an entry feature allowed by the applied Frontage Module (*Part 4B*) having a pedestrian access point which faces the street lot line.



6. The exterior door must open in a manner that does not encroach into the public right-of-way.
7. Non-required entrances are allowed in addition to required entrances.

b. Entrance Spacing

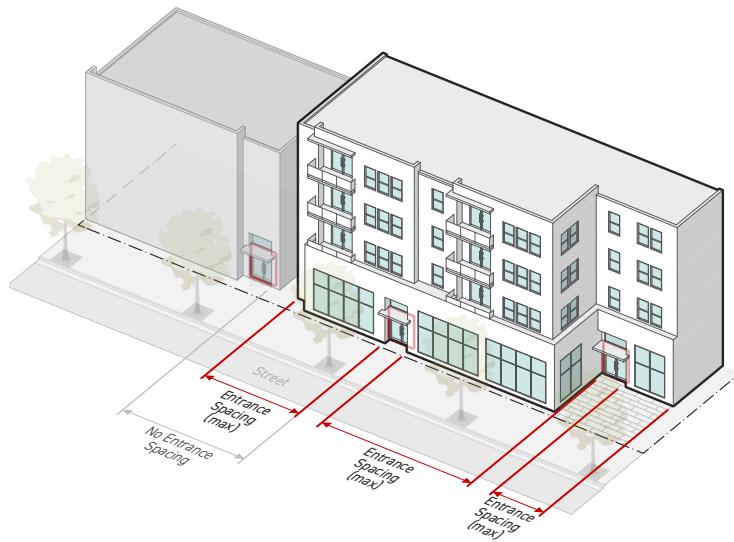
The distance between street-facing entrances meeting the standards of *Sec. XX (Street-Facing Entrance General Standards)*.

1. Measurement

Maximum entrance spacing is the greatest horizontal distance from edge of door to edge of door, and edge of door to edge of building, measured parallel to the street lot line.

2. Standards

- i. Street-facing entrances must not be separated by a distance greater than the maximum allowed entrance spacing.
- ii. The maximum entrance spacing requirements must be met for each building individually, but are not applicable to adjacent or abutting buildings.



4. Measurement

Street-facing entrance is measured as provided or not provided based on the presence of entrances meeting *Sec. XX (Standards)*.

5. Relief

- a. Deviation from street facing entrance standards may be requested in accordance with *Sec. XX (XX)*.
- b. An increase in entrance spacing of 10% or less may be requested in accordance with *Sec. XX (XX)*.
- c. Deviation from street-facing entrance and entrance spacing standards may be requested as a variance in accordance with *Sec. XX (XX)*.

4110.B. Entry Feature

Improved design standards applied to each entrance along the public realm.

1. Intent

To provide architectural embellishment of entrances to promote inconspicuous wayfinding in the public realm, provide greater shelter and comfort to users, promote visual interest along the public realm, and highlight the connection between the public and private realm to improve walkability.

2. Applicability

Entry feature standards apply to all required street-facing entrances where entry features are required by the applied Frontage Module (*Part 4B*).

3. Standards

a. General

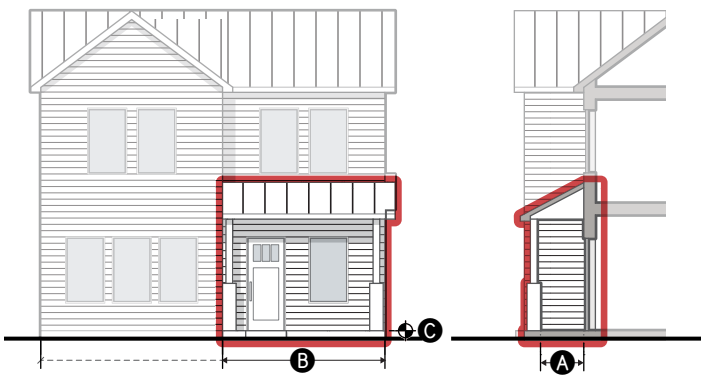
1. Each required street-facing entrance must include an entry feature meeting the standards for one of the allowed entry features options specified by the applied Frontage Module (*Part 4B*).
2. Required entry features must abut and provide direct access to a street-facing entrance.
3. Required entry features must provide direct access from the public realm associated with the street lot line.
4. Required entry features must not encroach within the public right-of-way.
5. For street setback encroachment regulations within private property, see Sec. XX (XX).

b. Entry Feature Options

Packages of design standards applied to each entrance along the public realm.

1. Porch

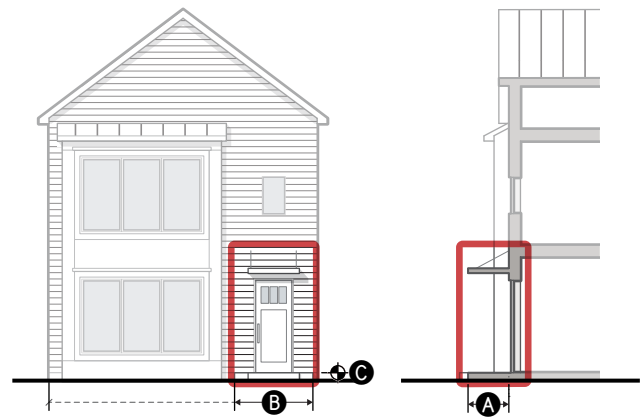
A wide, at-grade or raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed.



DIMENSIONAL STANDARDS	Sec. XX
Ⓐ Depth (min)	4.5'
Ⓑ Width (min)	30%
Covered area (min)	100%
Ⓓ Finished floor elevation (min/max)	0'/5'
Enclosure (max)	50%

2. Stoop

An at-grade or raised platform accessed from an exterior walkway, providing covered access to a street-facing entrance.



DIMENSIONAL STANDARDS	Sec. XX
Ⓐ Depth (min)	3'
Ⓑ Width (min)	4'
Covered entrance	Required
Ⓓ Finished floor elevation (min/max)	0'/5'
Enclosure (max)	50%

3. Forecourt

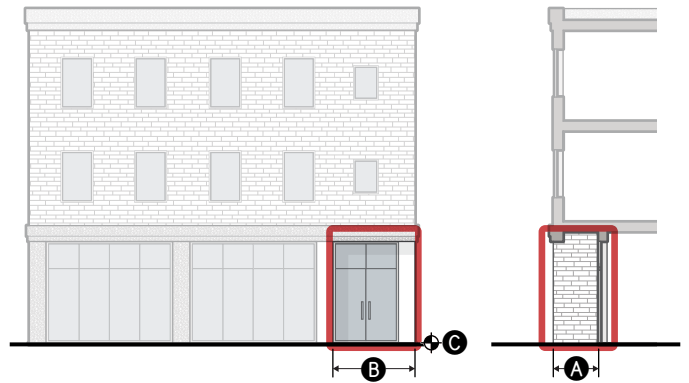
A yard screened with a short wall, fence or hedge that provides significant privacy for tenants located on the ground story, near sidewalk grade.



DIMENSIONAL STANDARDS		Sec. XX
A	Depth (min)	8'
B	Width (min)	10'
	Covered entrance	Required
C	Finished floor elevation (min/max)	0'/5'
	Fence or wall height (min/max)	2.5'/4'

4. Recessed Entry

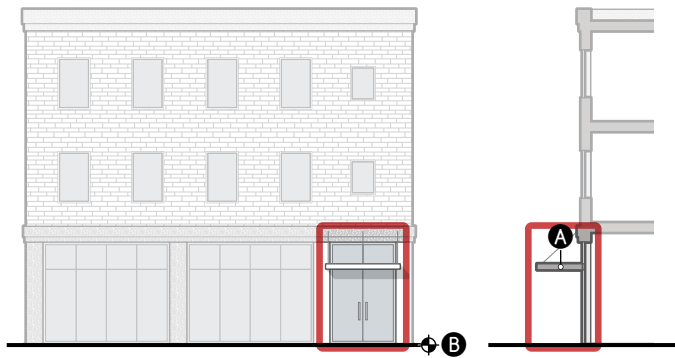
A space set behind the building face plane providing sheltered access to a street-facing entrance.



DIMENSIONAL STANDARDS		Sec. XX
A	Depth (min/max)	3'/15'
B	Width (min)	5'
	Covered entrance	Required
C	Finished floor elevation (min/max)	0'/5'
	Enclosure (max)	75%

5. Covered Entry

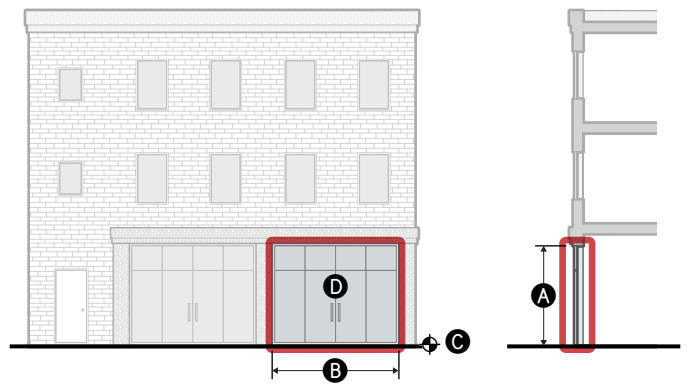
A space that provides sheltered access to an at-grade street-facing entrance with an overhead projecting structure.



DIMENSIONAL STANDARDS		Sec. XX
Ⓐ	Covered entrance	Required
Ⓑ	Finished floor elevation (min/max)	0'/2'
	Enclosure (max)	50%

6. Storefront Bay

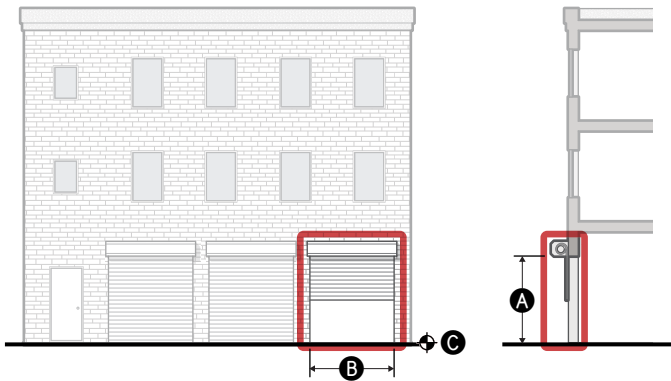
A facade area with a high level of contiguous transparency accentuating an at-grade street-facing entrance.



DIMENSIONAL STANDARDS		Sec. XX
Ⓐ	Height (min)	9'
Ⓑ	Width (min)	8'
Ⓒ	Finished floor elevation (min/max)	0'/2'
Ⓓ	Transparency (min)	90%

7. Market Stall

A facade area equipped with an overhead door or operable facade that is open to the public realm during hours of operation.



DIMENSIONAL STANDARDS		Sec. XX
A	Height (min)	7'
B	Width (min)	6'
C	Finished floor elevation (min/max)	0'/2'

A market stall does not count toward transparency unless it meets the standards for transparency area when shut.

4. Measurement

a. General

1. Entry feature is measured as provided or not provided for each required street-facing entrance based on whether the design of a street-facing entrance meets the standards of an allowed entry feature specified by the applied Frontage Module (*Part XX*).
2. For the purpose of complying with entry feature standards, outdoor spaces like landings and yards required by an entry feature count as occupiable space.

b. Depth

Minimum depth is measured as the horizontal dimension where the occupiable portion of the entry feature is at its narrowest, measured perpendicular to the applicable street lot line.

c. Width

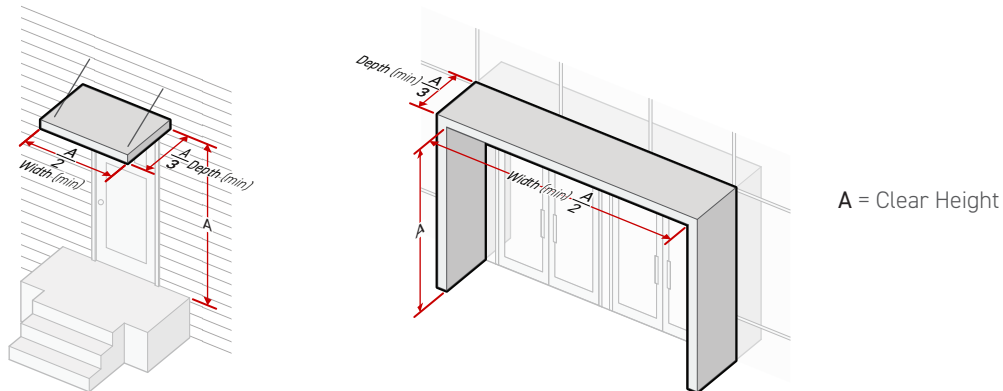
1. When specified in feet, width is measured as the width the facade area meeting the applicable entry feature standards or the clear width of the occupiable exterior area immediately abutting the associated street-facing entrance, whichever is narrowest, as measured parallel to the applicable street lot line.
2. When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building that the entry provides access to, measured parallel to the applicable street lot line. For measuring building width, see *Sec. XX (Building Width Measurement)*.
3. Where a minimum width and height are specified, the entry feature standards must be met for a rectangular portion of a facade having a width no less than the minimum width and a height no less than the minimum height.
4. Where a minimum width and depth are specified, the entry feature standards must be met for a rectangular area of occupiable space having a width no less than the minimum width and a depth no less than the minimum depth.

d. Height

1. Height is measured vertically from the finished floor elevation or the finished grade to the top of the facade area meeting the applicable entry feature standards or the clear height of the occupiable exterior area immediately abutting the associated street-facing entrance, whichever is shortest.
2. Where a minimum width and height are specified, the entry feature standards must be met for a rectangular portion of a facade having a width no less than the minimum width and a height no less than the minimum height.

e. Covered Entrance

1. When required as a part of an entry feature; a canopy, roof or other sheltering structure must cover the occupiable exterior area immediately abutting the associated street-facing entrance.
2. The minimum depth of the covered area must be the clear height of the covered area divided by 3.
3. The minimum width of the covered area must be the clear height of the covered area divided by 2.

**f. Covered Area**

Covered area is measured as the occupiable area of an entry feature that is covered by a canopy, roof or other sheltering structure, divided by the total occupiable entry feature area. For the measurement of covered area, see Sec. XX (XX).

g. Finished Floor Elevation

Finished floor elevation is measured from the average sidewalk grade along the adjacent sidewalk to the top of the finished floor surface or ground surface of the entry feature. Where no sidewalk exists within 10 feet of the entry feature, finished floor elevation is measured from the average finished grade within 5 feet of the entry feature, measured perpendicular to the entry feature area.

h. Transparency

Transparency is measured as a percentage calculated as ground story transparency only for the portion of ground story facade area abutting the entry feature. For the measurement of ground story transparency, see Sec. XX (Ground Story).

i. Fence or Wall Height

Fence or wall height is measured according to Sec. XX (XX).

5. Relief

- a. A deviation from entry feature dimensional standard of 10% or less may be requested in accordance with Sec. XX (XX).
- b. An increase in entrance spacing of 10% or less may be requested in accordance with Sec. XX (XX).
- c. Deviation from any entry feature standard may be requested as a variance in accordance with Sec. XX (XX).

Sec. 4120. **Ground Story**

4120.A. **Ground Story Height**

To promote active uses that are directly connected the public realm, and ensure high-quality ground-story spaces that are adaptable and appropriate to their context.

1. **Intent**

To promote active uses that are directly connected the public realm, and ensure high-quality ground-story spaces that are adaptable and appropriate to their context.

2. **Applicability**

Ground story height standards apply to all portions of the ground story of a structure located within the first 15 feet of an applicable frontage facade, measured inward and perpendicular to the facade.

3. **Standards**

All occupiable space located in applicable portions of the ground story must have floor-to-floor height of no less than the ground story height minimum.

4. **Measurement**

- a. Ground story height is measured vertically from the top of the finished ground story to the top of the finished floor above.
- b. Where no story exists above, ground story height is the shortest vertical distance from the top of the ground floor elevation to the top of the ceiling or roof structure above.
- c. For determining the ground story, see *Sec. XX (Ground Story)*.

5. **Relief**

- a. A reduction in required ground story height of 1 foot or less may be requested in accordance with *Sec. XX (XX)*.
- b. Deviation from ground story height standards may be requested as a variance in accordance with *Sec. XX (XX)*.

4120.B. Ground Story Elevation

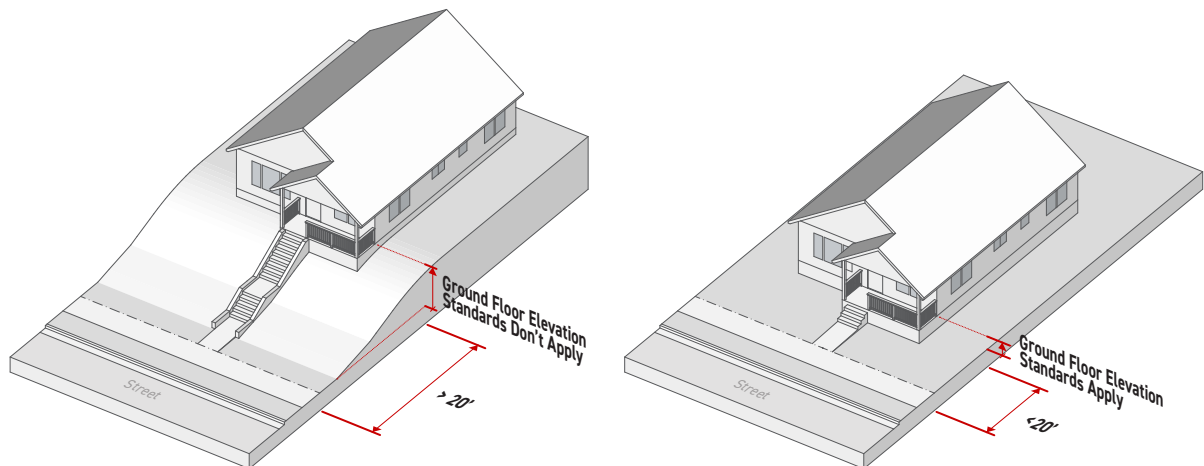
The finished floor height associated with the story of a building having its finished floor elevation nearest to the finished grade.

1. Intent

To promote active uses that are directly connected the public realm, and ensure high-quality ground-story spaces that are adaptable and appropriate to their context.

2. Applicability

- For structures located less than 20 feet from the street lot line, all portions of the ground story located within the first 15 feet of a frontage applicable facade (Sec. XX), measured inward and perpendicular to the street lot line, must comply with ground floor elevation standards.
- Ground floor elevation standards do not apply to structures located 20 feet or greater from the street lot line.



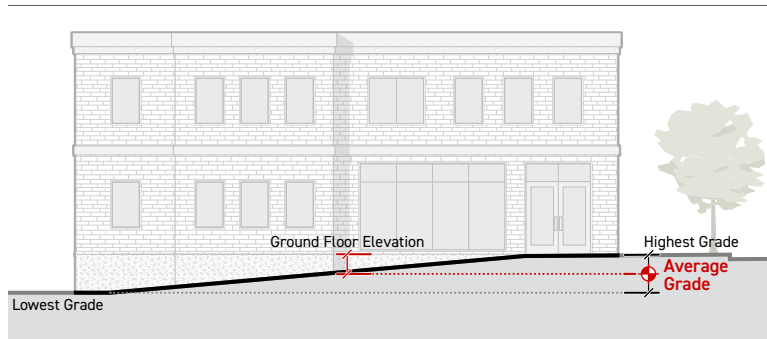
3. Standards

- All occupiable space located in applicable portions of the ground story must have a ground floor elevation no higher than the maximum ground floor elevation specified by the applied Frontage Module (Part 4B).
- All occupiable space located in applicable portions of the ground story must have a ground floor elevation no lower than the minimum ground floor elevation specified by the applied Frontage Module (Part 4B).

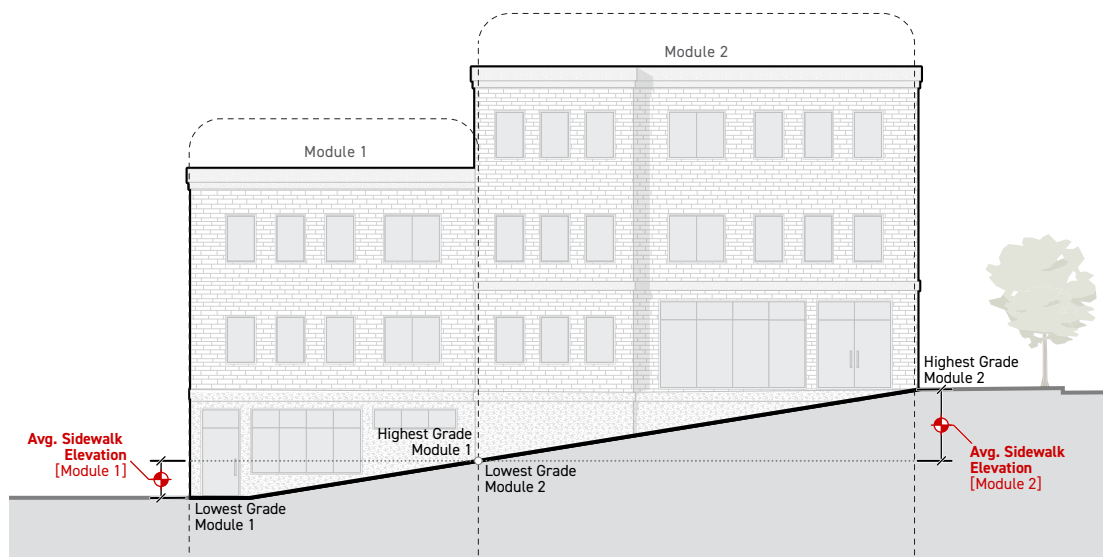
4. Measurement

- Where a building is located greater than 10 feet from a public sidewalk, ground story height is measured vertically from the average finished grade within 5 feet of the street lot line-facing building perimeter to the finished floor elevation of the ground story.

- b. Where a building is located 10 feet or less from a public sidewalk, ground floor elevation is measured vertically from the average sidewalk grade to the finished floor elevation of the ground story. Average sidewalk grade is measured as the average of the highest and lowest sidewalk elevation for the portion of the sidewalk located in front of the building.



- c. Ground floor elevation may be measured independently for different modules of the building width. The ground floor elevation for each module must be measured from either average sidewalk grade for the portion of the sidewalk in front of the module or from average finished grade within 5 feet of the street lot line-facing building perimeter based on the distance of the building module from a public sidewalk according to Sec. XX and Sec. XX above.
1. For sloped lots, average elevation along the sidewalk may be measured individually for each module and calculated as the average of the highest and lowest sidewalk elevation for the portion of the sidewalk located in front of the building module.



5. Relief

- a. A deviation in minimum or maximum ground floor elevation of 10% or less may be requested in accordance with Sec. XX (XX).
- b. Deviation from ground floor elevation standards may be requested as a variance in accordance with Sec. XX (XX).

PART 5.

USE

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Sec. 500. General Provisions

500.A. Use Intent

The intent of Part 5 is to establish the Use Modules, use standards, and use definitions in order to regulate the activities on a lot, and to mitigate any potential impacts within a lot and on surrounding property as a result of those activities.

500.B. Use Applicability

1. General

- a. Most lots, operations, and facilities will contain more than 1 use. Any combination of uses permitted by the Use Module will be allowed unless specified within the use standards of an eligible Alternate Typology (Sec. XX).
- b. All projects filed after the effective date of this Zoning & Development Code must comply with the Use Module standards and all other provisions in Part 5, as further specified below. For vested rights, see Sec. XX. (*Vested Rights*), and for continuance of existing development, see Sec. XX. (*Continuance of Existing Development*).

2. Project Activities

- a. Categories of use rules apply to a project based on what types of project activities are proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an addition will also include a use modification).

Use Rule Categories		Project Activities						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 520.	Allowed Uses	●	●	●	○	●	●	○
Sec. 530.	Use Definitions	●	●	●	○	●	●	○
Sec. 540.	Use Standards	●	●	●	○	●	●	○
Sec. 550.	Accessory Uses and Structures	●	●	●	○	●	●	○

● = Standards may apply ○ = Standards are not applicable

- b. Project activities are defined in Sec. 1400.X. (*Project Activities*).

- c. Where a category of the use rules are listed as generally applicable in the table above, the project activity must meet all applicable use standards within that section. This general applicability may be further specified for each standard in the applicability provisions in *Part 5C. (Use Rules)*. Project applicability may also be modified by *Sec XX. (Nonconformity)*. Where a category of use rules is listed as not applicable in the table above, no standards from that use rule category apply to the project activity.

3. **Applicable Components of Lots, Buildings, and Structures**

- a. Use regulations apply to all portions of a lot.
- b. Use regulations apply to all portions of buildings and structures on a lot.
- c. Specific use regulations may further limit which components of buildings and lots are required to comply with *Part 5C (Use Rules)*.

4. **Nonconformity**

Sec. XX. (Nonconformity) provides relief from the requirements of Part 5 for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current Use Module standards or use permissions. For lots with uses nonconforming as to the provisions of *Sec. 520. (Allowed Uses)*, *Sec. 540. (Use Standards)*, or *Sec. 530. (Use Definitions)* specified by the applied *Use Module (Part 5B)*, no project activity may decrease the conformance with any regulations specified in *Part 5. (Use)*, unless otherwise specified by *Sec. XX. (Nonconforming Use)*. Consider the following examples:

- a. An addition to an existing counter service business: Where the current total floor area of the use exceeds the maximum allowed commercial tenant size of the applied Use Module, the addition is not allowed; however, the existing nonconforming tenant area is allowed to be continued.
- b. Demolition of a brewery facility where an accessory restaurant use remains: Where the restaurant is allowed only accessory to food and beverage manufacturing, this major demolition is not allowed unless the restaurant use is discontinued.

500.C. **Relationship to Form, Frontage, and Site**

Regardless of allowed uses, the form of a building, its architectural elements, and site improvements are regulated by Form and Frontage Modules and Site rules which must be met.

PART. 5B. USE MODULES

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Sec. 510. **Use Modules**

510.A. **Residential 1 (R1)**

Intent

The R1 Use Module is intended to accommodate a wide variety of housing types for a variety of housing needs in a predominantly residential setting, to accommodate certain accessory uses, and to facilitate the efficient management of municipal resources.

510.B. **Residential-Mixed 1 (RX1)**

Intent

The RX1 Use Module is intended to accommodate a wide variety of housing types in addition to limited office uses within a primarily residential setting, to accommodate certain accessory uses, and to facilitate the efficient management of municipal resources.

510.C. **Commercial-Mixed 1 (CX1)**

Intent

The CX1 Use Module allows for commercial uses generally within a 2,000 square foot establishment size on the ground story, as well as a wide range of housing types. The Use Module is intended to support the clustering of commercial service, office, cultural and institutional uses that cater to immediately surrounding neighborhoods.

510.D. **Commercial-Mixed 2 (CX2)**

Intent

The CX2 Use Module allows for commercial uses generally within a 5,000 square foot establishment size on the ground story, as well as a wide range of housing types. The Use Module is intended to support a broad range of residential, commercial, and civic facility uses to serve surrounding neighborhoods as well as visitors to the area, and to facilitate the efficient management of municipal resources. Some public and institutional services and amenities are also allowed.

510.E. **Commercial-Mixed 3 (CX3)**

Intent

The CX3 Use Module allows for commercial uses generally within a 10,000 square foot establishment size on the ground story, as well as a wide range of housing types. The Use Module is intended to accommodate a variety of uses, mixing housing with small and medium-scale commercial amenities and services, and to facilitate the efficient management of municipal resources.

510.F. **Commercial-Mixed 4 (CX4)**

Intent

The CX4 Use Module allows for primarily commercial uses in Activity Centers and Transit-Oriented Development areas. The Use Module is intended to accommodate a variety of uses, mixing housing with small and large-scale commercial amenities and services (limited to a 25,000 square foot maximum establishment size per floor), and to facilitate the efficient management of municipal resources.

510.G. **Commercial-Mixed 5 (CX5)**

Intent

The CX5 Use Module allows for primarily commercial uses in Activity Centers. The Use Module is intended to accommodate a variety of uses, mixing housing with large-scale commercial offices and regional commercial amenities and services (limited to a 50,000 square foot maximum establishment size per floor), and to facilitate the efficient management of municipal resources.

510.H. **Industrial-Mixed 1 (IX1)**

Intent

The IX1 Use Module is intended to promote a mix of light industries, office spaces and research and development activities that support creative production, accommodate a wide variety of employment, cultural, and recreational opportunities while supporting residents and workers, and facilitate the efficient management of municipal resources. Industrial activities are limited to a 5,000 square foot establishment size on the ground floor.

510.I. **Industrial 1 (I1)**

Intent

The I1 Use Module allows heavy commercial and light industrial uses as well as a limited amount of general commercial activity. No residential uses are permitted within the I1 Use Module. The Use Module intends to support employment in smaller light industrial and heavy commercial enterprises, and facilitate the efficient management of municipal resources.

510.J. **Industrial 2 (I2)**

Intent

The I2 Use Module allows heavy commercial and light industrial uses as well as a limited amount of general commercial activity. No residential uses are permitted within the I2 Use Module. The Use Module is intended to support employment and accommodate some industrial activities while minimizing potential disruptions to surrounding uses, and facilitate the efficient management of municipal resources.

510.K. **Industrial 3 (I3)**

Intent

The I3 Use Module allows heavy commercial, light industrial, and limited logistics and distribution uses, as well as a limited amount of general commercial activity. No residential uses are permitted within the I3 Use Module. The Use Module is intended to support employment and goods movement and accommodate the most intense industrial activities while minimizing potential disruptions to surrounding uses, and to facilitate the efficient management of municipal resources. Industrial uses are limited to a maximum of 50,000 square feet per tenant, with any size greater than 50,000 square feet per tenant allowable by special use permit.

510.L. **Public 1 (P1)**

Intent

The P1 Use Module allows for government buildings, structures, offices, and services facilities, as well as limited commercial uses. The Use Module is intended to provide regulations for the use and development of land owned by a government agency, or located within a Special Campus area, and to facilitate the efficient management of municipal resources.

510.M. **Public 2 (P2)**

Intent

The P2 Use Module is intended for uses associated with Fairplex.

510.N. **Open Space 1 (OS1)**

Intent

The OS1 Use Module is intended to provide active outdoor recreation opportunities on public parkland, and facilitate the efficient management of municipal resources.

510.O. **Open Space 2 (OS2)**

Intent

The OS2 Use Module is intended to protect and preserve natural resources and provide passive outdoor recreation opportunities on private parkland.

Sec. 520. **Allowed Uses**

520.A. **Classification of Uses**

Uses are organized into use groups (such as Residential Uses or Public & Institutional Uses), use categories (such as Household Living or Group Living,) and specific uses within each category (such as dwelling unit, manufactured housing park and live-work). Where a use definition contains a list of uses, these are intended to be examples and not all-inclusive.

1. **Primary Uses**

The allowed use table in *Use Table (Sec. 520.C.)* establishes the primary uses by Use Module. A primary use is the dominant use or mix of uses of a site. The primary use or uses typically take up the most space on a site and derive the greatest commercial value. Multiple primary uses are permitted on a site.

2. **Accessory Uses and Structures**

Accessory uses and structures are those uses incidental to a permitted primary use on a site. See *Accessory Uses and Structures (Sec. 560.)*.

3. **Temporary Uses and Structures**

Temporary uses and structures are characterized by their short-term or seasonal nature, and do not involve permanent improvements made to a site. See *Temporary Uses and Structures (Sec. 570.)*.

520.B. **Use Table Key**

Use permission levels set out in the use table indicate whether and how a use is permitted within each Use Module.

1. **Permitted Uses (P)**

The letter "P" indicates that a use is permitted by-right without requiring conformance to specific standards.

2. **Conditional Uses (C)**

The letter "C" indicates that a use requires approval by the Planning Commission with input from members of the public. See *Administration (Sec. XXX.XX.)*.

3. **Uses Not Permitted (-)**

A dash line (-) indicates that a use is permitted under no circumstances.

4. **Use Standard Applies (*)**

The asterisk (*) symbol indicates that specific standards apply to a given use. These standards are important for ensuring that a use exists and operates in a manner that is consistent with the intent of the Use Module, and are found in *Use Standards (Sec. 550.)*.

5. **Fairplex Overlay District (FD)**

The letters "FD" indicates that a use is regulated by the Fairplex Overlay District. Not all uses with this designation are permitted. See *Fairplex District (Sec. XXX.XX.)*.

6. **Wireless Communication Facility Permit (W)**

The letter "W" in indicates that a use requires a wireless communication facility permit. See *Wireless Communication Facility Permit (Sec. XXX.XX.)*.

7. **Cannabis Overlay District (CD)**

The letters "CD" indicates that a use is regulated by a Cannabis Overlay District. See *Cannabis Districts (Sec. XXX.XX.)*.

520.C. Allowed Use Table

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
RESIDENTIAL																
Household Living:																
Dwelling Unit	P	P	P	P	P	P	P*	P	-	-	-	C	FD	-	-	[Sec. 540.A.X]
Manufactured Housing Park	P*	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	[Sec. 540.A.X]
Live/Work Unit	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	C	FD	-	-	[Sec. 540.A.X]
Family Day Care, Small	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	[Sec. 540.A.X]
Family Day Care, Large	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	[Sec. 540.A.X]
Low-Barrier Navigation Center	P	P	P	P	P	P	P*	P	-	-	-	P*	FD	-	-	[Sec. 540.A.X]
Community Care Center	P	P	P	P	P	P	P	P	-	-	-	P	FD	-	-	
Transient Occupancy:																
Short-Term Rental	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	[Sec. 540.A.X]
Hotel/Motel	-	-	C	C	P	P	P	P	-	-	-	-	FD	-	-	
Boardinghouse/ Roominghouse	-	-	P	P	P	P	P	P	-	-	-	-	FD	-	-	
ASSEMBLY																
Civic:																
Campus Format	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Non-Campus Format	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Institutional:																
Campus Format	C	C	C	C	C	C	C	-	-	-	-	-	FD	-	-	
Non-Campus Format, Small	P	P	P	P	P	P	P	-	-	-	-	-	FD	-	-	
Non-Campus Format, Large	C	C	C	C	C	C	C	-	-	-	-	-	FD	-	-	
Artist Cooperative (Co-Op)	-	-	-	-	-	-	-	P	P	P	P	-	FD	-	-	
OPEN SPACE & RECREATION																
Nature Reserve	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Open Space, Public	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Recreation, Public:																
General	P	P	P	P	P	P	P	P	P	C	C	P	FD	P	C	
Golf Course	C	C	C	C	C	C	C	C	-	-	-	C	FD	C	-	
Indoor Recreation, Commercial:																
Small	-	-	P	P	P	P	P	P	P	P	P	-	FD	-	-	
Large	-	-	-	C	C	C	C	C	P	P	P	-	FD	-	-	
Outdoor Recreation, Commercial:																
General	C	C	C	C	C	C	C	C	-	-	-	-	FD	C	-	
Golf Course	C	C	C	C	C	C	C	C	-	-	-	-	FD	C	-	
Cemetery	C*	C*	-	-	-	-	-	-	-	-	-	-	FD	C*	C*	[Sec. 540.B.X]
Sports Arena and Stadium	-	-	-	-	C	C	C	C	-	-	-	C	FD	-	-	

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Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
INFRASTRUCTURE																
General Public Utility Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	FD	C	-	[Sec. 540.C.X]
Flood Control Facility	P	P	P	P	P	P	P	P	P	P	P	P	FD	C	C	
Public Utility Substation/Facility	C	C	C	C	C	C	C	P	P	P	P	P	FD	C	C	
Wireless Telecommunications Facility:																
Stealth Facility	-	-	W*	W*	W*	W*	W*	W*	W*	W*	W*	W*	FD	W*	W*	[Sec. 540.C.X]
Monopole Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Heliport	-	-	-	-	-	C	C	C	C	C	C	C	FD	-	-	
Railway Facility	-	-	C	C	C	C	C	C	C	P	P	C	FD	-	-	
Transit Station	C	C	C	P	P	P	P	P	P	C	C	P	FD	C	-	
GENERAL COMMERCIAL																
Veterinary Care	-	-	P*	P*	P*	P*	P*	P*	P	P	P	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Child Day Care	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Commissary Kitchen	-	-	-	-	-	C*	P*	P*	P	P	P	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Food and Beverage:																
Alcohol, Off-Sale	-	-	C*	C*	C*	C*	C*	C*	C*	C*	C*	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Alcohol, On-Sale	-	-	C*	C*	C*	C*	C*	C*	C*	C*	C*	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Alcoholic Beverage Manufacturing	-	-	-	-	-	-	-	P*	P	P	P	-	FD	-	-	[Sec. 540.D.1]
Restaurant/Drinking Establishment	-	-	P*	P*	P*	P*	P*	P*	P	P	P	-	FD	P	P	[Sec. 540.D.1]
Tasting Room	-	-	-	-	-	-	-	C*	C	C	C	-	FD	-	-	[Sec. 540.D.1]
Entertainment Venue:																
Indoor	-	-	-	-	C*	P*	P*	P*	C	C	-	P	FD	P	-	[Sec. 540.D.1]
Outdoor	-	-	-	-	C*	C*	C*	P*	C	C	-	P	FD	P	-	[Sec. 540.D.1]
Banking and Financial Services:																
Bank or Finance Institution	-	P*	P*	P*	P*	P*	P*	P*	P	-	-	-	FD	-	-	[Sec. 540.D.1]
Deferred Deposit Originator (Payday Lender) Office	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Plasma Center	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Medical Clinic	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	P	FD	-	-	[Sec. 540.D.1]
General Office	-	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	FD	-	-	[Sec. 540.D.1]
Personal Services:																
General	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	P	FD	-	-	[Sec. 540.D.1]
Massage	-	-	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	[Sec. 540.D.1]

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Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
Fortuneteller	-	-	-	-	C*	C*	C*	C*	C	-	-	-	FD	-	-	[Sec. 540.D.1]
Mortuary Services	-	-	-	-	C*	C*	P*	P*	P	P	-	-	FD	-	-	[Sec. 540.D.1]
Retail:																
General	-	P*	P*	P*	P*	P*	P*	P*	P	P	P	C	FD	-	-	[Sec. 540.D.1]
Swap Meet (Concession Mall)	-	-	-	-	-	P*	P*	-	P	P	P	-	FD	-	-	[Sec. 540.D.1]
Large Format Retail	-	-	-	-	-	P*	P*	-	-	-	-	-	FD	-	-	[Sec. 540.D.1]
Outdoor sales	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hookah Lounge	-	-	-	-	-	-	C*	C*	C	-	-	-	FD	-	-	[Sec. 540.D.1]
Smoke and Vape Shop	-	-	-	-	C*	C*	C*	C*	-	-	-	-	FD	-	-	[Sec. 540.D.1]
Pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Commercial Cannabis	-	-	CD*	-	-	CD*	-	CD*	-	-	CD*	-	FD	-	-	[Sec. 540.D.1]
Adult-Oriented Business	-	-	-	-	-	-	-	-	C*	C*	-	-	FD	-	-	[Sec. 540.D.1] [Sec. 540.D.X]
Storage:																
Indoor Self-Service Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
AUTO-ORIENTED COMMERCIAL																
Ghost Kitchen	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Motor Vehicle Services:																
General Service	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Automated Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hand Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
EV Charging Station	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	[Sec. 540.E.X]
Motor Vehicle Sales & Rental:																
Vehicle Rental	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Vehicle Sales	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Drive-Through Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
PRODUCTION-ORIENTED INDUSTRIAL																
Production	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Animal Products Processing	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Artisanal Manufacturing	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Food and Beverage Manufacturing:																
Small	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Large	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Product Maintenance, Restoration, and Repair	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Media Production:																
Backlot/Outdoor Facility	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Indoor Support Facility	-	-	-	-	-	-	-	-	P	P	P*	-	FD	-	-	[Sec. 540.F.X]
Soundstage	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]

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Use	Use Module															Reference	
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2		
Research & Development	-	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	[Sec. 540.F.X]
Pallet Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
DISTRIBUTION-ORIENTED INDUSTRIAL																	
Product Distribution:																	
Small	-	-	-	-	-	-	-	-	-	-	-	P	-	FD	-	-	
Large	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Cold Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
FULFILLMENT-ORIENTED INDUSTRIAL																	
Product Fulfillment	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Product Transportation	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
WASTE-ORIENTED INDUSTRIAL																	
Automobile Dismantling Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Waste:																	
Construction and Demolition Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Electronic Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Food Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Green Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hazardous Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Medical Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Solid Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Waste Transfer Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Recycling:																	
Recycling Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Recycling Facility, Convenience	-	-	-	-	-	-	C	C	C	-	-	-	-	FD	-	-	
Recycling Manufacturer	-	-	-	-	-	-	-	-	-	C	C	-	-	FD	-	-	
Recycle, Recycling	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Resource Extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
URBAN AGRICULTURAL																	
Animal Keeping:																	
Bees	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	[Sec. 540.G.X]
Equine	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	[Sec. 540.G.X]
Livestock/Dairy	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	[Sec. 540.G.X]
Kennel	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	FD	-	-	[Sec. 540.G.X]
Small Animal	P*	P*	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	[Sec. 540.G.X]
Urban Farm	-	-	P*	P*	P*	P*	P*	-	-	-	-	-	P*	FD	P*	P*	[Sec. 540.G.X]
Urban Garden	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	FD	P*	P*	[Sec. 540.G.X]
Plant Cultivation:																	
Outdoor Plant Nursery	P	P	P	P	P	P	P	P	P	-	-	-	P	FD	P	P	

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Use	Use Module															Reference	
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2		
Indoor Plant Nursery	P	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
ACCESSORY																	
Shed	P*	P*	-	-	-	-	-	-	-	-	-	-	-	FD	P*	P*	[Sec. 550.B.X]
Carport	P	P	-	-	-	-	-	-	-	-	-	-	-	FD	P*	P*	
Patio	P*	P*	-	-	-	-	-	-	-	-	-	-	-	FD	P*	P*	[Sec. 550.B.X]
Sunroom	P	P	-	-	-	-	-	-	-	-	-	-	-	FD	P*	P*	
Garage	P	P	-	-	-	-	-	-	-	-	-	-	-	FD	P*	P*	
Outdoor Dining Area	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	[Sec. 550.B.X]
Certified Farmers' Market	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	P*	P*	[Sec. 550.B.X]
Swimming Pool	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	P*	FD	P*	P*	[Sec. 550.B.X]
Home Occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	[Sec. 550.B.X]
Home-Based Business	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	[Sec. 550.B.X]
Accessory Commercial Unit (ACU)	P*	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	[Sec. 550.B.X]
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	[Sec. 550.B.X]
Junior Accessory Dwelling Unit (JADU)	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	[Sec. 550.B.X]

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PART. 5C. USE RULES

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Sec. 530. Use Definitions

530.A. Use Interpretation

1. General

Uses are organized by use category (Household Living, Community Care Center) and then by specific use within that category (Dwelling Unit, Live/Work Unit). Use categories are used to organize specific uses with similar attributes, which may be assigned use standards in *Sec. 540. (Use Standards)*. Specific uses within each use category have permissions that determine if that use is allowed in a particular zoning district.

2. Determination of Similarity

- a. When a proposed use is not listed, the Development Services Director has the responsibility for determining whether the proposed use is similar to an already listed use. Where a use contains a list of included uses, the uses on the list are to be considered example uses, and not all-inclusive. The Development Services Director will first determine what use category the use is most similar to and then determine what specific use within that use category the use is most similar to.
- b. Where a proposed use is found by the Development Services Director to be similar to an already listed use, the use is only permitted following a zoning text amendment as defined in *Sec. (Text Amendment)*.
- c. When determining whether a proposed use is similar to an already listed use, the Development Services Director must consider the following criteria:
 1. The actual or projected characteristics of the proposed use.
 2. The relative amount of lot area or floor area and equipment devoted to the proposed use.
 3. Relative amounts of sales.
 4. The customer type.
 5. The relative number of employees.
 6. Hours of operation.
 7. Building and site arrangement.
 8. Types of vehicles used and their parking demands.
 9. The number of vehicle trips generated.
 10. How the proposed use is advertised.
 11. The likely impact on surrounding properties.
 12. The amount of outdoor storage that might be anticipated.
 13. The amount truck traffic that might be generated.

530.B. Residential Uses

1. Household Living

a. Dwelling Unit

Any housing accommodations serving as a primary residency or having a tenancy of 30 days or greater. Includes permanent co-living, supportive housing, transitional housing, and farmworker housing as defined in the California Health and Safety Code.

b. Manufactured Housing Park

Any site containing more than 2 manufactured housing units. A manufactured housing unit refers to a dwelling unit built with a vehicular chassis, designed and equipped for human habitation, and for being drawn by a motor vehicle, conforming to the National Mobile Home Construction and Safety Standards Act of 1974. Examples include park trailers, mobile homes, manufactured homes, and recreational vehicles.

c. Live/Work Unit

Any dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant or building owner. The following applies to live/work units as defined in the California Building Code (Sec. 508.5.1.):

1. The live/work unit is permitted to be not greater than 3,000 square feet in area.
2. The nonresidential area is permitted to be not more than 50 percent of the area of each live/work unit.
3. The nonresidential area function must be limited to the first or main floor only of the live/work unit.
4. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

d. Family Day Care, Small

Any small family day care home which cares for up to 8 children, without an additional adult attendant as defined in the California Health and Safety Code (Sec. 1597.44.).

e. Family Day Care, Large

Any large family day care home which cares for up to 14 children as defined in the California Health and Safety Code (Sec. 1597.46.).

f. Low-Barrier Navigation Center

1. Any housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing as defined by the as defined in the California Government Code (Sec. 65660(a)).

2. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
 - i. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 - ii. Pets.
 - iii. The storage of possessions.
 - iv. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

2. Community Care Center

Any facility, place, or building that is maintained and operated to provide non-medical 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, as defined in the California Health and Safety Code (Sec. 1502 (a)).

3. Transient Occupancy

a. Short-Term Rental

Any residential dwelling unit, or portion thereof, that is offered or provided to a paying guest by a short-term rental operator for 30 or fewer consecutive nights as defined in the City Code (Ordinance No. 4327).

b. Hotel/Motel

Any commercial facility offering transient lodging accommodations to the general public for a tenancy of less than 30 days and which may provide such additional services as restaurants, meeting rooms, and recreational facilities.

c. Boardinghouse/Roominghouse

Any building containing a single dwelling unit and not more than 5 guest rooms, where lodging is provided with or without meals for compensation for a tenancy of less than 30 days, but not to include senior living facilities or group living facilities.

530.C. **Assembly Uses**

1. **Civic:**

a. **Campus Format**

Any publicly-accessible facility, organized and operated in a campus format to facilitate multiple permitted uses, that provides essential or cultural services and is owned by a governmental entity. Examples include post office; civic center; community center; museum; library; art gallery; auditorium; and public health facility. This definition also includes public institutions of learning, such as public primary schools, secondary schools, and colleges. Campus format uses may include multiple uses so long as each individual use is permitted.

b. **Non-Campus Format**

Any government administrative service and professional service use that support government administration and are operated by a government entity.

2. **Institutional:**

a. **Campus Format**

Any private institutional or organizational facility, organized and operated in a campus format to facilitate multiple permitted uses, that provides essential or cultural services and is owned by a private entity. Examples include private hospital, private school, private houses of worship with day cares and other services and uses, and private community centers. Campus format uses may include multiple uses so long as each individual use is permitted.

b. **Non-Campus Format, Small**

Any private, individual institutional or organizational assembly use not intended to operate in a campus format, owned by a private entity. Examples include community center, banquet hall, union hall, meeting hall, house of worship, and may include specialized schools such as acting schools, language schools, music schools, and dance schools. Does not include trucking or driving schools with behind the wheel training. Small format is defined as a maximum total square footage in floor area of 15,000 square feet. This definition does not include General Commercial – Entertainment Venue.

c. **Non-Campus Format, Large**

Any private, individual institutional or organizational assembly use not intended to operate in a campus format, owned by a private entity. Examples include community center, banquet hall, union hall, meeting hall, and house of worship.

3. **Artist Cooperative (Co-Op)**

Any organization or association jointly owned or controlled by its membership that provides professional facilities and services for artists, including studios, workshops, equipment, exhibition galleries, and educational resources.

530.D. Open Space & Recreation Uses

1. Nature Reserve

Any area managed so as to protect its flora, fauna, and physical features. Includes ecological preserve, marine preserve, natural resource preserve, and water conservation area.

2. Open Space, Public

Any publicly accessible, outdoor areas for passive recreation that is operated on a non-membership basis. Includes spaces such as parks, plazas, walking trails, lawns, picnic areas, and community gardens.

3. Recreation, Public:

a. General

Any publicly accessible, outdoor areas for active recreation. Public outdoor recreation includes sports courts or athletic fields charging no entry or membership fees and having fewer than 200 seat capacity. Includes skate parks, play equipment, sports courts, and other athletic fields.

b. Golf Course

Any publicly-owned area of land designed and intended for the game of golf with a series of holes each including tee, fairway, and putting green, and often one or more natural or artificial hazards. A golf course use includes only standard-sized golf courses, and excludes artificially illuminated courses. This use also includes a clubhouse incidental to a standard sized golf course.

4. Indoor Recreation, Commercial:

a. Small

Any indoor commercial use not operated by an educational or public institution, engaged in providing sports and recreation services. Includes health clubs; fitness centers; dance studios; boxing studios, gymnasiums; yoga studios; swimming pools; martial arts, physical training facilities, athletic facilities; and sports courts less than 15,000 square feet.

b. Large

Any indoor commercial use not operated by an educational or public institution, engaged in providing sports and recreation services. Includes health clubs; fitness centers; dance studios; boxing studios, gymnasiums; yoga studios; swimming pools; martial arts, physical training facilities, athletic facilities; and sports courts more than 15,000 square feet.

5. **Outdoor Recreation, Commercial:**

a. **General**

Any commercial outdoor recreation use, excluding golf courses. Includes: outdoor batting cage, skate park, sports court, mini golf, pitch & putt, driving range, illuminated golf course.

b. **Golf Course**

Any privately-owned area of land designed and intended for the game of golf with a series of holes each including tee, fairway, and putting green, and often one or more natural or artificial hazards. A golf course use includes only standard-sized golf courses, and excludes artificially illuminated courses. This use also includes a clubhouse incidental to a standard sized golf course.

6. **Cemetery**

Any park and open space use that is divided for sale as burial plots, includes accessory mausoleums and columbaria.

7. **Sports Arena and Stadium**

Any publicly or privately operated open or enclosed space with tiers of seats designed to accommodate spectators for viewing any combination of the following: sports, entertainment, and other recreational events.

530.E. Infrastructure Uses

1. General Public Utility Infrastructure

Any infrastructure related to public utility purposes, including: water and gas pipes, mains and conduits; electric light and power transmission and distribution lines; telephone lines; sewers and sewer mains; and incidental appurtenances.

2. Flood Control Facility

Any facility, structure or system, natural or improved, the purpose of which is to convey flood or storm drainage waters.

3. Public Utility Substation/Facility

Any utility infrastructure providing services and having considerable impacts on adjacent lots, often including on-site staff. Includes active power generation facilities; passive energy generation such as wind turbine, geothermal system, and solar photo-voltaic system with supporting on-site storage; control and transmission equipment; storm water retention or detention ponds; aeration and septic system; reservoir, lift station, water supply well and water tank or tower; telecommunications switching facility; electrical substation; wastewater treatment; water supply treatment.

4. Wireless Telecommunications Facility

a. Stealth Facility

1. Any wireless telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements and details, and antenna structures designed to look like light poles, trees, and flagpoles.
2. Any wireless telecommunication facility that includes the transmitting or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal communications services, mobile services, paging systems and related technologies. Includes antennae; microwave dishes; and all other types of equipment used in the transmission of such signals, as well as related support structures, buildings, and cabinets.

b. Monopole Facility

1. Any freestanding wireless telecommunications facility structure composed of a single spire, pole, or tower used to support antennas or related equipment.
2. Any wireless telecommunication facility includes the transmitting or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal communications services, mobile services, paging systems and related technologies. Includes antennae; microwave dishes; and all other types of equipment used in the transmission of such signals, as well as related support structures, buildings, and cabinets.

5. **Freight Terminal**

Any facility intended for freight pick-up, transfer, or distribution by rail, including the facility used in connection with such activities. Includes freight yard and railroad yard.

6. **Heliport**

Any public-use, special-use, or personal-use airport, as defined in the California Code of Regulations (Art. 4), suitable only for use by helicopters.

7. **Railway Facility**

Any facility related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

8. **Transit Station**

Any publicly accessible facility located outside a public right-of-way, such as a bus or rail station, where transport vehicles regularly load and unload passengers along a fixed route.

530.F. General Commercial Uses

1. Veterinary Care

Any facility in which animals or pets are given medical or surgical treatment and care during the time of such treatment, and in which the boarding of such animals or pets is permitted incidental to their medical or surgical treatment and care.

2. Child Day Care

- a. Any facility, other than an adult and family day care facility, providing non-medical care for children (persons less than 18 years of age) on less than a 24 hour per day basis, including infant care, pre-schools, and extended day care for school-aged children in a non-campus format.
- b. For child day care accessory to a dwelling unit, see *Sec. 530.A.1.d.* and *Sec. 530.A.1.e.*

3. Commissary Kitchen

Any commercial facility used for cooking and preparing food to be primarily sold and consumed off-site. Research, design, and processing are allowed as an incidental use. Includes multi-tenant, incubator, preparatory kitchen, commercial bakery, and catering kitchen. Does not include ghost kitchens.

4. Food and Beverage

a. Alcohol, Off-Sale

Any establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include convenience markets, grocery stores, and liquor stores.

b. Alcohol, On-Sale

Any establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

c. Alcoholic Beverage Manufacturing

Any manufacturing facilities for the production of beer, wine, cider, mead or other similar alcoholic beverages, in accordance with a valid license issued by the State of California Alcoholic Beverage Control. May include tasting rooms, subject to Conditional Use Permit.

d. Restaurant/Drinking Establishment

Any eating and/or drinking establishment that provides a dining environment where customers may be seated at tables and served made-to-order meals and beverages for consumption on-site, or for the sale of prepared food and/or drinks primarily for off-site consumption which may include limited seating for casual dining. Includes donut shop, juice bar, bakery, coffee shop, cafe, delicatessen, food kiosk, ice cream shop.

e. **Tasting Room**

Any area located within an alcoholic beverage manufacturing facility, which is accessory to the manufacturing use. Alcoholic beverages sold, served, or consumed in a tasting room must be manufactured on the premises and may be sold for consumption on or off the premises. Non-alcoholic beverages sold, served or consumed on-site need not be manufactured on the premises, and may be sold for consumption on or off the premises.

5. **Entertainment Venue**

a. **Indoor**

Any indoor assembly use designed or intended for entertainment. Includes multiplex theater, auditorium, concert hall, night club, community theater, movie theater, live-music venue, night club, comedy club, karaoke lounge, banquet hall. This use does not include activities considered adult-oriented businesses.

b. **Outdoor**

Any assembly use designed or intended for entertainment and located outdoors.

6. **Banking and Financial Services**

a. **Bank or Finance Institution**

Any professional services involving the investment, lending, or management of money and assets in a publicly-accessible setting rather than a private office setting.

b. **Deferred Deposit Originator (Payday Lender) Office**

Any business which offers, originates or makes a deferred deposit transaction, arranges a deferred deposit for a deferred deposit originator, acts as an agent for a deferred deposit originator, or assists a deferred deposit originator in the origination of a deferred deposit and is required to obtain a License from the Department of Financial Protection & Innovation.

7. **Plasma Center**

Any medical facility in which patrons receive compensation for donating blood plasma.

8. **Medical Clinic**

Any outpatient healthcare facility that provides direct medical, dental, or therapeutic services to patients, including ambulatory surgery centers. This definition does not include healthcare facilities providing acute or sub acute care to patients.

9. **General Office**

Any administrative and professional services that provide support to businesses in a private setting. Office uses may be operated independently or combined with other permitted uses. Includes nonprofits, sales, clerical, legal, accounting, design, consulting, and dry lab. May include one on one counseling and group counseling. Office uses may be operated independently or combined with other permitted uses and may utilize temporary use permits.

10. Personal Services

a. General

Any commercial use providing services directly to individuals seeking services primarily for personal benefit, rather than commercial gain, in a publicly-accessible setting, rather than a private office setting. Includes instructional services, travel agent, real estate agent, hair cutting and styling, spa treatment, cleaning service, dry cleaning service, laundromat or laundry service, jewelry repair, tailor or seamstress, tattooing, body piercing, pet grooming, pet boarding (of fewer than four animals at a time) and bicycle repair.

b. Massage

Any personal service, business, parlor, room, place or institution, where massage is given or administered by a Massage Technician as a service of the business establishment as defined in the City Code (*Ordinance No. 4191*).

c. Fortuneteller

Any place of business where any person engages in or practices palmistry, fortunetelling, clairvoyance, crystal gazing, seancing, numerology, mediumship, tarot-card reading, past-life regression, prophecy, phrenology or divination for personal gain or other similar activity.

11. Mortuary Services

Any commercial use engaged in the provision of services involving the care, preparation, or arrangement of human or animal remains, and conducting memorial services. Includes crematorium, funeral home, mortuary, and pet crematorium.

12. Retail

a. General

Any retail use involved in the sale of new or used products, or the provision of consumer or rental services, to individuals and businesses. Includes grocery store, meat market, produce market, party supply, hobby supply, flower shop, bookstore, cameras and photographic supply, music instruments and accessories, dry goods store, stationary store, fabric and sewing supply, antique shop, artist supply, art gallery, hardware store, drugstore or pharmacy, electronics store, furniture store, print shop, pet shop, and clothing store.

b. Swap Meet (Concession Mall)

Any indoor retail sales of a variety of unrelated merchandise within a single enclosed establishment or marketplace by 5 or more independent persons, merchants or businesses, that individually occupy or make use of floor area or wall space, for which a fee, commission, rent, or lease is charged. The terms "swap meet" and "concession mall" may be used interchangeably.

c. Large Format Retail

Any retail use with a non-residential tenant size of 50,000 square feet or greater. May include any of the following types of retail when occupying a non-residential tenant size of 50,000 square feet or greater: superstore, department store, wholesale club, furniture store, and home improvement store.

d. Outdoor Sales

Any display of merchandise for sale not entirely enclosed within a building, not including agricultural uses.

e. Hookah Lounge

Any commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of hookahs, but does not include private use of hookahs in personal residences if otherwise in compliance with applicable law.

f. Smoke and Vape Shop

Any establishment engaged in the sale of tobacco or nicotine products and/or accessories intended for smoking, on or off site, including but not limited to pipes, vaporizing devices, hookah pipes, or other smoking paraphernalia. Does not include medical or recreational cannabis or private smoker's lounge meeting the standards of the California Labor Code.

g. Pawnshop

Any retail establishment that accepts personal property as collateral for loans, and offer the property for sale to the public.

13. **Commercial Cannabis**

Any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit as defined in the City Code (*Ch. 68*).

14. **Adult-Oriented Business**

Any commercial use involving the retail sale, rental or exhibition, of any goods or services that are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas. Each sexually oriented business use must constitute a separate sexually oriented business, even if operated in conjunction with another adult business at the same establishment, for the intent of meeting applicable use standards. Includes: adult arcade, adult bookstore, adult cabaret, adult modeling studio, adult merchandise store, adult motel, adult motion picture theater, adult theater, sexual encounter establishment.

530.G. **Auto-Oriented Commercial Uses**

1. **Ghost Kitchen**

Any demand based commercial use primarily engaged in the prepackaging of foods and other consumer-packed household items that utilizes direct to consumer online order fulfillment.

2. **Motor Vehicle Services**

a. **General Service**

Any motor vehicle services use involving the diagnosis, repair, maintenance or servicing of non-commercial motor vehicles. Includes automotive emissions testing, electrical diagnostic, battery testing, changing, and charging, tire removal, replacement, and repair, mechanical adjustment, lubrication, sound system, alarm service and installation, window tint, paint, and body work. Does not include car wash or fueling station.

b. **Automated Car Wash**

Any motor vehicle services use engaged in cleaning, washing, or waxing of non-commercial motor vehicles, such as passenger cars, trucks, vans, and trailers primarily executed by machinery.

c. **Hand Car Wash**

Any motor vehicle services use engaged in the cleaning, washing or waxing of non-commercial motor vehicles, such as passenger cars, trucks, vans and trailers primarily executed by a person.

d. **Fueling Station**

Any motor vehicle services use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, and other alternative fuels. Includes commercial vehicle fueling.

e. **EV Charging Station**

Any station that is designed in compliance with the California Building Code and delivers electricity from a source outside an electric vehicle into 1 or more electric vehicles.

3. **Motor Vehicle Sales & Rental**

a. **Vehicle Rental**

Any heavy commercial use that rents or leases motor vehicles, including moving trucks, commercial vehicles, utility trailers, recreational vehicles, passenger vehicles, pickup trucks, motorcycles and boats.

b. **Vehicle Sales**

Any heavy commercial use that sells new or used motor vehicles, including moving trucks, commercial vehicles, utility trailers, recreational vehicles, passenger vehicles, pickup trucks, motorcycles and boats.

c. Drive-Through Facility

A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but must not include drive-in movies, service stations, or car-wash operations.

530.H. Production-Oriented Industrial Uses

1. Production

Any production use that maintains a primary manufacturing or fabrication component involving the making or processing of materials/components primarily by persons into products. Includes the manufacturing and assembly of the following: medical equipment and supplies, semiconductors and electronic instruments, signs and printed material, musical instruments, toys, furniture, crates, boxes, barrels, electronics, cosmetics, food and drink, textiles, and similar goods.

2. Animal Products Processing

A use engaged in one or more of the following: dressing or dyeing furs, preparing, tanning, and finishing hides and skins. Does not include the commercial process of preparing processed meat and meat by-products refining or rendering animal fat, bones, meat scraps, and slaughtering animals for distribution.

3. Artisanal Manufacturing

Any establishment primarily engaged in on-site production of goods which involves the use of heavy mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Includes large format ceramic studios, carpentry, decorative ironworks, glassworks, printing, and woodworking.

4. Food and Beverage Manufacturing

a. Small

A food and beverage manufacturing establishment, with less than 22,500 square feet of gross floor area, that includes a retail sales component. It is characterized by local or regional products, specialty or artisanal foods. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, meat or fish processing, and wholesale bakeries.

b. Large

A food and beverage manufacturing establishment, with more than 22,500 square feet of gross floor area, that does not include a retail sales component. It is characterized by local or regional products, specialty or artisanal foods. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, meat or fish processing, and wholesale bakeries.

5. Product Maintenance, Restoration, and Repair Services

A repair use in which the primary use is engaged in the maintenance or repair or restoration of industrial, business, or consumer machinery, equipment, or products. Includes carpet cleaning, and maintenance and repair of household appliances, furniture, office equipment, and restoration. Does not include pallet yards.

6. **Media Production**

a. **Backlot/Outdoor Facility**

Outdoor facility for motion picture, television, video, sound, computer, and other communications media production. May include outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.

b. **Indoor Support Facility**

Administrative and technical media production support facility, including administrative and production offices, post-production facilities (editing and sound recording studios, and Foley stages), special effects and optical effects units, and film laboratories.

c. **Soundstage**

Facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops. Does not include facilities using live audiences.

7. **Research & Development**

Any light industrial use requiring a wet laboratory where chemicals, drugs, or other material or biological matter are handled in liquid solutions or volatile phases, requiring direct ventilation, and specialized piped utilities.

8. **Pallet Yard**

An open yard that stores, sells, repairs, refurbishes, and/or manufactures pallets.

530.I. Distribution-Oriented Industrial Uses

1. Product Distribution

a. Small

Any use that is primarily the storage of products intended for consolidation and distribution of products to manufacturers, wholesalers, or retailers, with little storage duration, high throughput of products, and high-efficiency, in either a traditional or high-cube format less than 22,500 square feet of gross floor area. No dock-high doors.

b. Large

Any use that is primarily the storage of products intended for consolidation and distribution of products to manufacturers, wholesalers, or retailers, with little storage duration, high throughput of products, and high-efficiency, in either a traditional or high-cube format.

c. Cold Storage

Any use that is primarily that storage of frozen food or other perishable products in temperature controlled environments.

530.J. **Fulfillment-Oriented Industrial Uses**

1. **Production Fulfillment**

Any use that is primarily storage and direct distribution of products to end users, sorted either manually or with automation, in either a traditional or high-cube format. Includes e-commerce, third party logistics, on-demand transportation, and freight forwarding.

2. **Production Transportation**

Any facility that is involved in product fulfillment or product distribution primarily through the use of truck trailers and truck tractors for truckload services. Includes full truckload, less than truckload, trans-loading, consolidations, de-consolidations, and other on-demand transportation services.

530.K. Waste-Oriented Industrial Uses

1. Automobile Dismantling Facility

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

2. Waste

a. Construction and Demolition Waste Facility

1. A facility that accepts or collects building materials and solid waste generated from construction and demolition activities.
2. "Construction and demolition waste" means may include but not limited to, fully-cured asphalt, concrete, brick, rock, soil, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, fixtures, plastic pipe, metals, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction, deconstruction, demolition or land developments.

b. Electronic Waste Facility

1. A business that accepts by donation or purchase, "electronic waste" from the general public, other recycling facilities, government agencies, and other business enterprises.
2. The facility is used for the collection, sorting, and short-term storage of "electronic waste."
3. "Electronic waste" means waste that includes any device powered by electricity (including batteries) that contains circuitry and is identified by the State of California as hazardous waste, whether whole or in fragments, including parts, components, or assemblies thereof. Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens.

c. Food Waste Facility

1. A facility that accepts food waste to reprocess into compost, or other products, including the use of power-driven processing equipment. Facilities which receive food waste for shipment to another facility for reprocessing or composting are not included in this type of facility.

2. "Food waste" means residuals, scraps, expired or discarded food originating from sale, storage, processing, preparation or dining practices, including but not limited to vegetables, fruits, grains, dairy products, meats, and the compostable packaging that may be commingled. Does not include the sustainable composting of food waste in conjunction with an established urban farm or urban garden.

d. Green Waste Facility

1. A facility that accepts green waste to reprocess into compost, wood chips, or other products, including the use of power-driven processing equipment. Facilities which receive green waste for shipment to another facility for reprocessing or composting are not included in this type of facility. A green waste facility does not include the chipping, grinding, handling, processing or storage of construction and demolition waste.
2. "Green waste" means organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

e. Hazardous Waste Facility

1. A facility, as defined in California Health and Safety Code (*Sec. 25117.1*), that accepts hazardous waste that are generated at another location (off-site) and serves more than one producer of hazardous waste.
2. "Hazardous waste" means any waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious or irreversible illness or incapacity or any substance which poses a substantial hazardous threat to human health or the environment. Materials or mixture of wastes which have been defined as "hazardous substances" or "hazardous wastes" pursuant to the Resource Conservation and Recovery Act (RCRA) (*42 USC 6901 et seq.*), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (*USC 96-1 et seq.*), as either may be amended from time to time, or any substance which may be defined by the California Integrated Waste Management Board.
3. Should a discrepancy arise between two or more entities having jurisdiction in this matter as to the definition set forth, the definition having the more encompassing meaning of the term "hazardous waste" must prevail.

f. Medical Waste Facility

1. A facility with an off-site medical waste treatment facility from the California Department of Public Health (CDPH) that treats medical waste by a method approved by the CDPH.
2. "Medical waste" means waste which is generated or produced as a result of any of the following actions:
 - i. Diagnosis, treatment, or immunization of human beings or animals.
 - ii. The production or testing of biologicals.

- iii. The accumulation of properly contained home-generated sharps waste that is brought by a patient, a member of the patient's family, or by a person authorized by the enforcement agency, to a point of consolidation approved by the enforcement agency pursuant to California Health and Safety Code (*Sec. 117904.*) or authorized pursuant to (*Sec. 118147.*).
- iv. Removal of a regulated waste, as defined in the California Code of Regulations (*Title 8, Sec. 5193.*), from a trauma scene by a trauma scene waste management practitioner. The waste is one or more of the following:
 - a. Biohazardous waste ("red bag"),
 - b. Sharps waste,
 - c. Pharmaceutical waste,
 - d. Pathological waste, or
 - e. Trace chemotherapy waste.

g. Solid Waste Facility

- 1. A solid waste transfer or processing station, a disposal facility or other waste conversion facility, and also includes any solid waste operation that may be carried out pursuant to an enforcement agency notification, including a construction debris chip and grind facility that does not involve green waste.
- 2. "Solid waste" means:
 - i. All types of putrescible, offensive and nonputrescible solid and semisolid and liquid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, animal carcasses, bulky goods, construction and demolition wastes;
 - ii. Abandoned vehicles and parts thereof;
 - iii. Discarded home and industrial appliances;
 - iv. Dewatered, treated or chemically fixed sewage sludge which is not to be deemed to contain hazardous material or substances;
 - v. Manure, vegetable or animal solid or semisolid waste;
 - vi. Green waste and recyclable materials; or
 - vii. Any other material as defined by the California Public Resources Code (*Sec. 40191.*), California Integrated Waste Management Board, or any other entity having jurisdiction.

h. Solid Waste Transfer Facility

A facility where any type of solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities. "Solid waste" is defined in *Sec. 530.J.2.g.2.*

3. Recycling

a. Recycling Facility

1. A business that accepts by donation or purchase, recyclable materials from the general public, other recycling facilities, government agencies, and other business enterprises in order to recycle such materials.
2. The facility is used for the collection, sorting, and short-term storage of recyclable materials that would otherwise become solid waste. A recycling facility is not a green waste, solid waste, hazardous waste, or automobile dismantling facility.
3. A recycling facility does not include the cleansing, grinding, treating or reconstituting of recyclable materials.

b. Recycling Facility, Convenience

1. A recycling facility located in a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act. See the California Public Resources Code (*Sec. 14500.*).
2. Only cans, bottles, and plastic containers and other containers and material identified or adopted under the California Public Resources Code (*Sec. 14500.*) are accepted at a convenience recycling facility.

c. Recycling Manufacturer

1. A facility that includes the cleansing, grinding, treating, and reconstituting of recyclable materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of reconstituted products which meet the quality standards necessary to be used in the marketplace.
2. Reconstituted products do not include wood chips, saw dust, compost or raw materials resulting from processing green waste or construction and demolition waste.

d. Recycle, Recycling

Any use that includes separating, collecting, sorting, cleansing, treating, reconstituting or otherwise processing materials that are or would otherwise be disposed of in a landfill and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

4. Salvage Yard

Any heavy industrial use, having any portion of the use located outdoors, where a junk dealer or automobile dismantler operates, or where partially dismantled, obsolete, or wrecked automobiles are stored.

5. Resource Extraction

Any heavy industrial use involving the withdrawal of materials from the natural environment.

530.L. Urban Agricultural Uses

1. Animal Keeping

a. Bees

Any animal keeping use that includes the keeping of bees.

b. Equine

The keeping, breeding, raising, training, or boarding of equines, including mules and donkeys.

c. Livestock/dairy

Any animal keeping use that includes the breeding, raising, training, boarding, and keeping of animals such as alpacas, cattle, donkeys, goats, mules, sheep, swine, or similar livestock, typically for fiber, meat, milk, or other products. Includes day-to-day care, selective breeding, raising, and selling of livestock, and/or involving the storage, processing, and distribution of milk or milk products.

d. Kennel

Any use in which 4 or more cats or dogs, at least 4 months of age, are kept, boarded, or trained, excluding pet shop and veterinary care uses.

e. Small animal

Any animal keeping use not incidental to another use that includes the breeding, raising, training, boarding, and keeping of animals such as fish, fowl, rabbits, and rodents.

2. Urban Farm

- a. An agricultural use that is managed by a public or nonprofit organization designed and intended for the sustainable cultivation of fruits, vegetables, plants, flowers, herbs, and animal keeping with the primary purpose of growing food for distribution.
- b. May include shared facilities for storage and services incidental to the agricultural use including educational activities. Educational activities may include volunteer programs, tours, youth programs and farming classes. Does not include cannabis cultivation.

3. Urban Garden

- a. An agricultural use that managed by a public or nonprofit organization designed and intended for multiple households or organizations for the sustainable cultivation of fruits vegetables and plants for domestic use. May be established in conjunction with a household living use.
- b. May include shared facilities for storage, animal keeping - small animal, and services incidental to the agricultural use including educational activities. Educational activities may include volunteer programs, tours, youth programs and farming classes. Does not include cannabis cultivation.

4. **Plant Cultivation**

a. **Outdoor Plant Nursery**

The cultivation of plants outdoors for sale or distribution either on-site or off-site. May include greenhouses, vertical farming, hydroponic systems, and aquaponic systems. Does not include cannabis cultivation.

b. **Indoor Plant Nursery**

The cultivation of plants within completely enclosed buildings for sale or distribution either on-site or off-site. May include greenhouses, vertical farming, hydroponic systems, and aquaponic systems. Does not include cannabis cultivation.

c. **Garden Center**

Any establishment primarily engaged in retailing garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

Sec. 540. Use Standards

Use standards apply to a use category or individual use. Where "General" is listed, the standards apply to all uses within that use category. Where an individual use is listed, the standards apply only to that individual use.

540.A. Residential Uses

1. Household Living

a. General

The following standards apply to household living uses in CX5:

1. Household living uses are not permitted on the ground floor of any building, except for lobby and circulation space or shared amenities (such as a gym, lounge area, meeting space or mail room).
2. Household living uses cannot exceed 80% of the gross floor area developed on any site, excluding related lobby, circulation, or shared amenity space.
3. The sum of household living uses and any related lobby, circulation, or shared amenity space cannot exceed 90% of the gross floor area developed on any site.

b. Manufactured Housing Park

The following standards apply to manufactured housing parks:

1. Size

The site must be at least 5 acres.

2. Buffering

A Buffer Type II is required along each side and rear lot line of a manufactured housing park, except where abutting a manufactured home park, flood control facility, railroad, or public right-of-way. See *Transition Buffer Types (Sec. 620.B.c.)*.

c. Live/Work Unit

1. General

- i. At least 1 person engaged in the live-work must reside in the dwelling unit in which the live-work business is located as their primary place of residence.
- ii. A live-work unit cannot exceed 4,000 square feet in floor area.
- iii. No equipment or process is permitted in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

2. Allowed Uses

- i. The nonresidential use, as defined in *Sec. 530. (Use Definitions)*, in the dwelling unit is limited to:
 - a. Veterinary Care;
 - b. Child Day Care;
 - c. Restaurant/Drinking Establishment;
 - d. Bank or Finance Institution;
 - e. Medical Clinic;
 - f. General Office;
 - g. Personal Services - General;
 - h. Retail - General;
 - i. Food and Beverage Manufacturing - Small; and
 - j. Product Maintenance, Restoration, and Repair

d. Family Day Care, All

Any family day care must be licensed by the California Department of Social Services.

2. Transient Occupancy

a. Short-Term Rental

- 1. Short-term rentals require a business license in accordance with the City Code (*Sec. 50-411*).
- 2. The short-term rental of an accessory dwelling unit (ADU) is prohibited in accordance with the City Code (*Ord. 4281*).

540.B. Open Space and Recreation Uses

1. Cemetery

- a. Burial plots must be set back at least 20 feet from a lot line.
- b. Warehouses, storage or maintenance buildings, mausoleums, or columbaria must be set back at least 150 feet from a residential lot line.
- c. Cemetery uses may choose to follow the standards of the Open Lot alternate typology. See *Open Lot Alternate Typology (Sec. 710.A.)*. Cemetery uses are not subject to the standards of *Sec. 710.A.7.a.2.* and *Sec. 710.A.7.a.3.*

540.C. Infrastructure Uses

1. General Public Utility Service Infrastructure

In all Use Modules, utility service uses may choose to follow the standards of the Open Lot alternate typology. See *Open Lot Alternate Typology (Sec. 710.A.)*.

2. Wireless Telecommunications Facility

a. Stealth Facility

The following standards apply to all stealth facilities:

1. Modification to Existing Facilities and Eligible Facilities Request

- i. Modification of facilities which constitute a substantial increase of size of a tower or base station as defined by the Federal Communications Commission is subject to the modification or establishment of a wireless communication facility permit as defined in *Sec. XX. (Wireless Facility Communication Permit)*. A substantial increase in size occurs if:
 - a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
 - b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed 4, or more than 1 new equipment shelter; or
 - c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.
- ii. 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:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment, is considered an eligible facilities request and must be permitted by-right.

2. Fencing

- i. All ground support equipment must be fully screen by split-face decorative block wall and decorative cap.
- ii. Chain-link fencing is prohibited except in active construction phases.
- iii. All fence height must not exceed the maximum height limits for the underlying Form Module (*Part 3B.*).

3. Screening

- i. All ground support equipment must be fully screened including but not limited to generators, fuel tanks, equipment cabinets, ice bridges, equipment racks, and lighting. Equipment cabinets do not include remote radio heads/remote radio units, amplifiers, transceivers mounted behind antennas, and similar devices.
- ii. Access to the wireless communications facility lease area must have a minimum width of 10 feet.

4. Signs

Signs must not be placed on any facilities or equipment unless required by law.

5. Operational Standards

i. Maintenance Requirements:

- a. All wireless communication facilities including landscaping and surface areas must be continuously maintained free of weeds, debris, litter or temporary signage.
- b. All graffiti must be removed from the premises within 24 hours of discovery.

ii. Business License Requirements:

- a. All wireless communication facility permittees must demonstrate to the Department of Development Services that they have a business license for operating a wireless communication facility site prior to the finalization of building permits.
- b. All property owners must demonstrate to the Department of Development Services that they have a business license for property rental before finalization of building permits.
- c. Certification of continued use of each approved facility must be submitted on a yearly basis at the time of the facility operator's business license renewal for as long as the facility remains in operation. The certification must indicate that the facility is operating as approved and that the facility complies with the most current Federal Communication Commission (FCC) safety standards. Facilities, which are no longer in operation, must be removed within 90 days after the date of discontinuation.

iii. Cash Bond Requirements:

- a. Prior to the finalizing of building permit for the construction or modification of a wireless communication facility, the applicant must provide the City with a cash bond for the removal of the facility and any accessory equipment, and rehabilitate the site if that facility is abandoned. The bond amount must be determined by the Administrator and must not be less than 15 percent of construction cost.
- b. The bond must be deposited in an interest bearing account with the City named as co-depositor.
- c. The permittee may petition to the Administrator, no more than once per year, for release of a portion of the funds. The petition must demonstrate to the satisfaction of the Administrator that the value of the account exceeds the amount required to remove the wireless communication facility and rehabilitate the site. After the release of funds, the amount remaining in the account must be equal to or greater than the amount required to remove the wireless communication facility and rehabilitate the site.
- d. Prior to release of funds, the permittee must demonstrate that the wireless communication facility is operating in compliance with this section (*Sec. 540.B.1.a.5.*).

iv. Removal of Abandoned Wireless Communication Facilities:

- a. A written notice of the determination of abandonment must be sent by first class mail, to the permittee of the wireless communication facility at said operator's business address on file with the City.
- b. The operator must remove all facilities within 30 days of the date of such notice, unless within 10 days of the date of said notice, the permittee appeals such determination, in writing, to the Planning Commission.
- c. If the permittee appeals the notice of abandonment, the Administrator must schedule a hearing on the matter to be conducted before the Planning Commission at which time the Commission may affirm, reverse, or modify with or without conditions the original determination of abandonment and must make written findings in support of its decision.
- d. The decision of the Planning Commission may be appealed to the City Council.
- e. At any time after the 30 day period from the date of notice or determination by the Planning Commission or City Council of abandonment, the City may remove the abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable code.
- f. In removing the wireless communication facility, the City must exercise the easement to enter the property and use the bond proceeds to rehabilitate the site. At the conclusion of the rehabilitation, the City must remove the easement and return the remaining bond money to the permittee or property owner as designated.

- g. The City may, but is not required to, store the removed facility or any of its parts. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City.
- h. Thirty days from the notice of abandonment date or determination of abandonment date by the Planning Commission or City Council, the wireless communication facility permit for the subject facility will be terminated.

6. Permitted Stealth Facility Types

i. Faux Trees

- a. Faux trees must incorporate a sufficient amount of branches per linear foot to create a structure as natural in appearance as technically feasible.
- b. Faux branches and foliage must extend a minimum of one foot beyond antenna panels for the length of the faux tree, as appropriate with the tree species.
- c. The antennas and antenna support structures must be colored to match the components (branches and foliage) of the proposed faux tree.
- d. Faux trees must not exceed the maximum height limit for the underlying Form Module (*Part 3B.*).
- e. Where applicable, the proposed faux tree must match the existing tree line in height and species.
- f. The highest antenna must be 2 feet below the top of the structure.

ii. Roof-Mounted Facility (New or Co-Location)

- a. Roof-mounted facilities must be hidden by an existing or newly created building or architectural feature, or must be concealed from public viewpoints using architectural features or screening devices, or by siting the facility so that it is concealed from off-site viewpoints.
- b. Roof-mounted facilities must not exceed the maximum height limit for the underlying Form Module (*Part 3B.*).
- c. Roof-mounted facilities must be compatible with the architectural style, color, texture, façade design, and materials of the building. Newly created architectural features must be proportional to the scale and size of the building or structure.

iii. Flush-Mounted Antenna

An antenna for a wireless communication facility may be flush mounted on a building or other structure pursuant to the following standards, and provided that associated equipment is located in manner consistent with the subparagraph below:

- a. Flush-mounted antennas must be designed as a stealth facility and must be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel antennas must not interrupt architectural lines of building facades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable must be screened from view.

- b. Flush-mounted antennas must not exceed the maximum height limit for the underlying Form Module (*Part 3B.*).
- c. Any flush-mounted antenna attached to a light pole, utility pole, water tank, or similar structure must exhibit the same or improved appearance as the existing local light poles or utility poles.
- d. Flush-mounted antennas must be attached to a vertical surface, except they may be mounted atop a light pole or a utility pole when flush-mounting is physically infeasible. Panel antennas must be mounted no more than 18 inches from building surfaces or poles, must not extend above the height of the building, and must appear as an integral part of the structure.

iv. Other Faux Stealth Facility

- a. Faux structure types, including but not limited to water tanks, flag poles, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility.
- b. Faux structures must not exceed the maximum height limits for the underlying zone.

540.D. General Commercial Uses

1. General

a. Size

A general commercial use establishment or tenant must not exceed the maximum gross square footage requirements as defined:

GROSS SQUARE FOOTAGE (MAX)			
Use Module	Ground Floor	Per Upper Floor	Total
RX1	1,000 SF	0 SF	1,000 SF
CX1	2,000 SF	0 SF	2,000 SF
CX2	5,000 SF	0 SF	5,000 SF
CX3	10,000 SF	0 SF	10,000 SF
CX4	25,000 SF	25,000 SF	Unlimited
CX5	50,000 SF	50,000 SF	Unlimited
IX1	5,000 SF	0 SF	5,000 SF

2. Food and Beverage

a. Alcohol, All

In addition to the requirements of *Sec. XX (Conditional Use Permit)*, the following standards apply to any alcohol establishment:

1. Promotion

- i. All exterior signage of any kind including interior window signage, which advertises the sale or availability of alcohol, is prohibited.
- ii. The display or sale of alcohol must not be made from an ice tub.
- iii. Storefront windows must be kept clear at all times from paper, paint, cardboard or any other material used for signage.
- iv. All exterior windows must be clear glass with no tinting or window coverings either interior or exterior.

2. Training

- i. All employees who sell alcoholic beverages must complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence.
- ii. All new employees must complete the "Licensee Education on Alcohol and Drugs" training that is provided by the California Department of Alcohol and Beverage Control (ABC) or equivalent responsible beverage service program within 30 days of hire.

3. Site

- i. Loitering or panhandling on the premises is prohibited.

- ii. Overnight parking of vehicles, including recreational vehicles (RVs) on the premises is prohibited.
- iii. Signs prohibiting overnight parking must be placed throughout the parking lot area.
- iv. Vending machines of any kind must not be installed outdoors within the project site.
- v. Pay telephones must not be installed within the enclosed portion of the premises equipped to receive incoming calls.
- vi. New payphones of any kind must not be installed on the exterior of the premises.

4. Security

- i. Designated areas for storage of beer and wine must be equipped with a locking mechanism.
- ii. Interior and exterior site video surveillance equipment must be provided with signage advising customers that video recording devices are in use.
 - a. Recordings must be digital and recorded in high-definition, kept a minimum of 90 days and must record all activity on surrounding public rights-of-way as well as the subject site.
 - b. Prior to installation of the video surveillance equipment, a video surveillance plan must be approved by the Pomona Police Department.

5. Police and City Contact

- i. All crimes occurring inside and outside of the location must be reported to the Police Department at the time of the occurrence.
- ii. At any time when the licensee is absent from the premises, a responsible party must be designated who can respond to any inquiries from City officials.
- iii. The establishment must provide a list annually of no less than 3 employees, who can be contacted 24 hours a day, to the Pomona Police Department's Records Bureau. The list of names will be used to facilitate a Police response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

6. Noise

There must be no activity conducted on the site that exceeds the noise and vibration parameters of the City Code (*Sec. 18-301., Ord. 3939.*) at any time, or such other ordinance enacted related to noise and vibration.

b. Alcohol, Off-Sale

1. Required Liquor License

The establishment must maintain an active Type 20 liquor license, issued by the ABC, and comply with all relevant State and local laws pertaining to the sale and consumption of alcohol.

2. Hours

The establishment must only sell alcohol under the Type 20 license during the hours permitted by the ABC.

3. Off-Sale Type

- i. There must be no beer sold in less than 3 pack quantities.
- ii. The sale of individual cans, bottles, or tapped/keg containers is prohibited.
- iii. Beer or wine must not be sold in containers less than 750mL, unless sold by 4 pack or other manufacturers prepackaged multi-unit quantities.
- iv. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of the convenience market in the same period.
- v. The applicant or other person issued an ABC license for the Premises ("licensee") must at all times maintain records which reflect separately the gross sales of the convenience market and the gross sales of alcoholic beverages of the licensed business. These records must be kept on a quarterly basis, and must be provided to City officials upon request.

c. Alcohol, On-Sale

1. Required Liquor License

The establishment must maintain an active Type 41 liquor license, issued by the ABC, and comply with all relevant State and local laws pertaining to the sale and consumption of alcohol.

2. Hours

The establishment must only sell alcohol under the Type 41 license during the hours permitted by the ABC.

3. On-Sale Type

- i. Sales of alcoholic beverages under the on-sale privileges of the Type 41 license must be restricted to the interior gross floor area of the eating area, as indicated in the stamped and approved site plan.
- ii. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of food during the same period.
- iii. The applicant or other person issued an ABC license for the Premises ("Licensee") must at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records must be kept on a quarterly basis, and must be provided to City officials upon request.

3. Adult-Oriented Business

a. General

1. Location

- i. An adult-oriented business must not be located within a radius of:
 - a. 750 feet of any other adult-oriented business property line; or
 - b. 1,000 feet of any existing residential lot line.

2. Size

- i. An adult book store, adult merchandise store, or modeling studio must have a gross floor area of at least 1,000 square feet.
- ii. Any other adult-oriented businesses, including an adult motion picture theater, live entertainment, cabaret, or arcade must have a gross floor area of at least 3,000 square feet.
- iii. An adult-oriented business structure must not exceed 2 stories or 35 feet in height.

3. Noise

The premises must provide sufficient sound-absorbing insulation so that any noise generated is not audible anywhere on any adjacent property or public right-of-way, or within any other building or separate unit within the same building.

4. Lighting

- i. Any off-street parking area and premises entries must be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of 1 foot candle on the parking surface and walkways.
- ii. The lighting must be shown on the required sketch or diagram of the premises.

5. Signs

- i. The operator must post "No Loitering" and "No Consumption of Alcohol on the Premises" signs in the parking lot area and on the exterior wall of the building.
- ii. Any advertisements, displays or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" must not be visible to the public from any public right-of-way or any other exterior location.
- iii. Any proposed exterior signage must comply with *Sec. 630. (Signs)*.

6. Operational Standards

- i. The observation of any activities depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" must not be visible from any public right-of-way or any other exterior location including any display, decoration, sign, show window or other opening.

- ii. Any exterior door or window on the premises must not be propped or kept open at any time while the establishment is open.
- iii. No person under the age of eighteen 18 is permitted within an adult-oriented business.
- iv. Any adult-oriented business building entrance must be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice must be constructed and posted to the satisfaction of the Development Services Director.
- v. The on-sale of alcohol is prohibited at all times during the operation of an adult-oriented business without the approval of a conditional use permit. See Sec. XX (*Conditional Use Permit*).

vi. Hours

- a. An adult-oriented retail store must not operate outside the hours of 10:00 a.m. to 10:00 p.m.
- b. Any other adult-oriented business, except adult motels/hotels, must not operate outside the hours of 10AM and 12AM.

7. Interior

- i. All areas of the adult-oriented business where patrons are permitted, except restrooms, must be open to view by the management at all times.
- ii. All areas must be illuminated as follows:

INTERIOR AREA	FOOTCANDLES (MIN)
Bookstore & Retail	20
Theater & Cabaret	5
During Performance	1.25
Arcade	10
Modeling Studio	20

b. Adult Arcades

1. Interior

- i. Restrooms must not contain video or television equipment.
- ii. All interior areas where patrons are permitted must be within a direct line of sight of the manager's station, except restrooms.

iii. Viewing Rooms and Booths

- a. All walls and partitions between the viewing rooms and booths must be maintained in good repair at all times, with no holes between booths that would allow viewing and physical contact between occupants.
- b. All walls or partitions between the viewing rooms and booths must be suspended between 16 inches and 4 feet above the ground.

- c. A viewing booth must not exceed 9 square feet in area

c. Adult Cabarets and Adult Theaters

1. Interior

- i. All stages must be raised at least 18 inches above the floor level.
- ii. Fixed rails, at least thirty 30 inches in height, must be provided to separate entertainers and patrons.
- iii. No patron is permitted within 6 feet of the stage while the stage is occupied by an entertainer in accordance with *City Code (Ord. 4031)*.
- iv. Separate and dedicated dressing rooms must be provided for entertainers. No guest or customer are permitted to enter any dressing room at any time.
- v. A separate and dedicated entrance and exit must be provided for entertainers.

vi. Dedicated Stage Access

- a. Dedicated access for entertainers between the stage and the dressing rooms, which is completely separated from the patrons must be provided.
- b. Where separate access is infeasible, a walk aisle at least 3 feet wide must be provided for entertainers between the stage and dressing rooms. A railing or other physical barrier separating the patrons and entertainers must be provided to prevent any physical contact between patrons and entertainers.

540.E. Auto-Oriented Commercial Uses

1. EV Charging Station

An EV charging station is only permitted in conjunction with another allowed primary use and must be located within a parking area.

540.F. Production-Oriented Industrial Uses

1. General

a. Additional Permit Requirements

The operator must submit a floor plan and business operations plan.

b. Operational Standards

1. Production and supportive uses must not take place anywhere outside of a permitted structure on the property, except for employee-based break areas and employee food services.
2. Production uses must not exceed the noise standards established in the City Code (Sec. XX.).
3. A production use must provide evidence of the following to City officials upon request:
 - i. Bicycle lockers for employees.
 - ii. At least 1 interior and 1 exterior break room, with a minimum square footage of 100 square feet for each break room.
4. A production and supportive use must not include a spray booth, except where authorized by the South Coast Air Quality Management District.

c. Permitted Supportive Uses

1. The following supportive uses are permitted in conjunction with a production use:
 - i. Shipping
 - ii. Receiving
 - iii. Material/product storage
 - iv. Office, break room, conference room, and employee food service.

2. Product Maintenance, Restoration, and Repair

In the RX1, CX1, CX2, CX3, CX4, and CX5 Use Modules, product maintenance, restoration, and repair uses are subject to the following:

- a. Maximum establishment size: 4,000 gross square feet.
- b. Automotive repair and small engine repair uses are prohibited.
- c. Carpet cleaning is prohibited.

540.G. Urban Agricultural Uses

1. Animal Keeping

a. General

1. No animal keeping use is permitted within a required setback of required frontage yard.
2. A water source for bees must be provided at all times on the lot where animals are kept.

b. Bees

1. In the R1, RX1, CX1, CX2, CX3, CX4, and CX5 Use Modules, the following restrictions apply:
 - i. Minimum lot area per beehive: 2,500 square feet
 - ii. Required screening type: Buffer Type I
2. A bee keeping operator must be registered as a beekeeper with the Los Angeles County Agricultural Commission.

c. Equine

1. In the R1, RX1, CX1, CX2, CX3, CX4, and CX5 Use Modules, the following restrictions apply:
 - i. Minimum lot area per equine: 4,000 square feet
 - ii. Required screening type: Buffer Type I

d. Livestock/Dairy

1. In the R1, RX1, CX1, CX2, CX3, CX4, and CX5 Use Modules, the following restrictions apply:
 - i. Minimum lot area per bovine: 4,000 square feet
 - ii. Minimum lot area per swine: 3,500 square feet
 - iii. Required screening type: Buffer Type I

e. Small Animal

1. In the R1 Use Module, up to 2 chickens and up to 2 rabbits may be kept and raised.
2. Roosters are not permitted in any Use Module.

3. Confinement Areas

A confined area for small areas including pens, coops or other enclosed/fenced areas.

- i. Chickens and rabbits must be kept in a confinement area at all times.
- ii. A confinement area must not be located within any required setback.
- iii. Any confinement area must be maintained in a clean manner and must not become a source of any offensive odor transmitted to adjacent properties.

2. Urban Farm and Urban Garden

a. Additional Permit Requirements

1. Any urban farm or urban garden operator must submit obtain a business license.
2. Any urban farm or urban garden operator must submit a maintenance plan, including the maintenance schedule of the site, the removal of weeds, and debris.
3. Any urban farm or urban garden operator must submit a composting plan for any active composting proposed on-site.

b. Site

1. The urban farm or urban garden must abide by *Sec. 18-222 (Public Nuisance)* in the City Code.
2. Water must not drain to adjacent properties or the public right-of-way.
3. The urban farm or urban garden must be designed and maintained to prevent dust and other fugitive particles from leaving the site.
4. Permanent fencing must be provided around the urban farm or urban garden perimeter, and must meet the standards of the *Sec. 620.B. (Transition Buffers)* and *Sec. 620.C. (Frontage Screens)*.
5. A pedestrian walkway at least 5 feet wide must be provided from the public right-of-way to the urban Farm or urban garden. The walkway must be clearly marked and made from a decorative compacted material, such as decomposed granite, or a decorative pervious surface.
6. Any storage structure for tools, equipment, or other materials, must be fully enclosed, not located within any required setback area.
7. The site must not include more than 7 accessory structures without the construction of a primary structure.
8. The use of shipping containers for storage must not exceed 1 shipping container per 1.5 acres of land.
9. All on-site lighting must be shielded, directed away from any adjoining properties and public rights-of-way, and meet the standards of *Sec. 640.A. (Outdoor Lighting)*.

c. Signs

1. No more than 1 freestanding sign, with a maximum height of 8 feet and maximum sign area of 24 square feet, per lot frontage is permitted.
2. Any proposed signage requires a sign permit (*Sec. XX.*).
3. No illuminated sign is permitted.

d. Operational Standards

1. The use of commercial grade machinery or mechanized equipment is not permitted, except during the initial preparation of the land.
2. Hours of operation are limited to between 7AM and dusk.
3. The urban farm or urban garden must be locked and secured during non-operating hours.

e. Composting Standards

1. Active compost and compost receptacles must be located at least 15 FT from any interior property line, and must not be located within any designated setback area of the zoning district in which the Urban Farm/Garden is located.
2. Composting activities must be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety, or welfare of persons within the area surrounding the Urban Farm/Garden, or its participants, employees, or staff.
3. The scale of the composting activity must be consistent with the fertilizer requirements for the related Urban Farm/Garden the composting activity is intended to serve.
4. Feedstock inputs may only be imported to the site for purposes of maintain the health of compost as a soil resource for the Urban Farm/Garden.

Sec. 550. **Accessory Uses and Structures**

550.A. **General Provisions**

1. **Allowed**

- a. The table in Sec. 520.C. lists allowed accessory uses and structures by Use Module.
- b. An accessory use or structure is one which exists incidental to and directly associated with the principal permitted use on a lot, allowing for the flexibility of multi-use developments and facilities. To qualify as an accessory use, a use cannot exceed 50% of the gross floor area of the primary permitted use on a site.

2. **Permit Required**

All accessory uses and structures must obtain a permit pursuant to the procedures described in *Building Permit (Sec. XX.)*, unless otherwise noted in *Accessory Use and Structure Standards (Sec. 550.C.)*.

3. **Accessory Uses and Structures Not Listed**

An accessory use or structure not specifically listed in Sec. 520.C. is not allowed unless the Development Services Director determines the use:

- a. Is clearly incidental to and customarily found in connection with an allowed primary use;
- b. Is subordinate to and serving an allowed primary use;
- c. Is subordinate in area, extent and purpose to the primary use served;
- d. Contributes to the comfort, convenience or needs of occupants, business or industry in the primary use served; and
- e. Is located on the same lot as the primary use served.

4. **Module Standards for Accessory Structures**

- a. Accessory structures must meet the coverage, setback and maximum height requirements of the Form Module (*Part 3B*).
- b. New construction accessory structures are only permitted in a side or rear yard.

550.B. **Defined**

1. **Shed**

A simple roofed structure used as a storage space or a workshop. Similar structures which are sited on gravel pads or skids are also considered sheds. A structure meeting this definition which is able to fit a parked car inside, and which includes a garage door, will be considered to be a garage.

2. **Carport**

An accessory structure or portion of a main structure, open on at least 2 sides, designed for the shelter or storage of motor vehicles. A carport is considered a parking area for the purposes of measuring automobile parking (*Sec. 610.C.*).

3. **Patio**

A structure with open or glazed walls that is only used for recreational, outdoor living purposes.

4. **Sunroom**

A one-story structure attached to a dwelling unit with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.

5. **Garage**

An accessory structure or portion of a main structure, enclosed on 3 or more sides, designed for the shelter or storage of motor vehicles. A carport is considered a parking area for the purposes of measuring automobile parking (*Sec. 610.C.*).

6. **Outdoor Dining Area**

A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant, and which is either:

- a. Located entirely outside the walls of the associated building;
- b. Enclosed on two or fewer sides by walls, with or without a solid roof cover; or
- c. Enclosed on three sides by walls without a solid roof cover.

7. **Certified Farmers' Market**

A retail use involved in the sale or dispensing of agricultural products by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. Certified farmers' markets must be certified by the Los Angeles County Agricultural Commissioner.

8. **Swimming Pool**

Any structure, chamber, or tank containing a body of water intended for swimming, diving, or bathing.

9. **Home Occupation**

The secondary use of a dwelling unit for the purpose of conducting a business enterprise by a resident of the dwelling unit.

10. Home-Based Business

The secondary use of a dwelling unit for the purpose of conducting a business enterprise by a resident of the dwelling unit, with a greater degree of activity than home occupation. This definition does not include businesses conducted within an Accessory Commercial Unit (ACU) (Sec. 550.B.6.).

11. Accessory Commercial Unit (ACU)

The secondary use of a single-unit home's garage for the purpose of conducting a business enterprise that is operated by the homeowner, with a greater degree of activity than a home-based business.

12. Accessory Dwelling Unit (ADU)

An attached or a detached secondary dwelling unit that provides complete independent living facilities for one or more persons and is located on a the same lot as a proposed or existing primary dwelling. An ADU is not a JADU.

13. Junior Accessory Dwelling Unit (JADU)

An accessory dwelling unit created out of a space within an existing single-unit primary dwelling that includes a small kitchen, an interior entrance from the primary dwelling, and a dedicated exterior entrance. A JADU is not an ADU, and may include its own bathroom or share one with the primary dwelling.

550.C. Standards

1. Shed

Sheds are permitted without a permit as an accessory use in all Use Modules, subject to the following standards:

a. Form

1. Maximum height: 12 feet
2. Maximum size: 120 gross square feet

b. Placement

1. Number allowed: 1 per 2,000 square feet of lot area
2. Must be within a rear yard only
3. Setback from side or rear lot line: 5 feet

2. Patio

A Patio must only be used for recreational, outdoor living purposes and not as carports, garages, storage rooms, or habitable space.

3. **Outdoor Dining Area**

Outdoor dining areas are permitted accessory to food and beverage uses, subject to the following standards:

- a. Outdoor dining areas must not obstruct or interfere with required pedestrian, bicycle, or vehicular circulation areas.
- b. Outdoor dining areas must not encroach upon the public right-of-way.
- c. Outdoor dining areas must be adequately secured and lockable outside normal hours of operation.

4. **Certified Farmers' Market**

Certified farmers' markets are permitted accessory to any other permitted primary use, subject to the following standards:

- a. The operator is limited to certified producers, non-profit organizations, and local government agencies.
- b. If selling eggs, honey, fish and other seafood and freshwater products, live plants, and other agricultural products, the market operator and producer must secure all necessary licenses, certificates and health permits which are required to sell these products directly to consumers, provided these products are raised, grown, caught, and processed, if necessary, in California.
- c. Safety barricades must be provided to separate and protect vendors and their customers from moving vehicles wherever active motor vehicle use areas and farmer's market activities are not separated by a permanent curb.
- d. Trash containers must be provided during the hours of operation.
- e. Any portion of the lot used for market activities must be cleaned at the close of hours of operation, including the removal of stalls, materials, debris, and trash used in conjunction with market activities.
- f. (EBT) card payments must be accepted by all vendors for all hours of operation. A Food and Nutrition Service (FNS) Number issued by the United States Department of Agricultural must be available at the public's request as proof of Electronic Benefit Transfer (EBT) card acceptance.
- g. Certification of the Certified Farmers' Market and contact information for the operator must be posted at the main entry, and otherwise available at the public's request. The contact person must be available during the hours of operation and must respond to any complaints. The operator must keep a log of complaints received, the date and time received, and their disposition.

5. **Swimming Pool**

Swimming pools are allowed accessory to residential uses in all Use Modules, subject to the following standards:

- a. Swimming pools, including mechanical equipment, must not be located within 5 feet of a rear, side, or street side lot line.

- b. Swimming pools must not be located within any utility easement.
- c. Swimming pools larger than 150 square feet in water surface area must be located at least 5 feet from any wall of a primary structure.

6. Home Occupation

a. General

- 1. At least 1 person engaged in a home occupation must reside in the dwelling unit where the home occupation takes place.
- 2. No more than 1 vehicle used in association with the home occupation is permitted to be parked on-site at any time.

b. Allowed Uses

Only the following uses are permitted as home occupation businesses:

- 1. General Office
- 2. Personal Service - General
- 3. Retail - General: Online sales only.

c. Employees and Customers

- 1. No more than 1 non-resident employee is allowed on site at a given time.
- 2. No more than 1 customer or client is allowed on site at a given time.
- 3. Customers or clients are only allowed between the hours of 7AM and 7PM.

7. Home-Based Business

Home-based businesses are allowed accessory to all dwelling unit uses in all Use Modules.

a. General

- 1. No more than 1 home-based business is allowed per dwelling unit.
- 2. At least 1 person engaged in a home-based business must reside in the dwelling unit where the home-based business takes place.
- 3. No more than 1 vehicle used in association with the home-based business is permitted to be parked on-site at any time.
- 4. All activities related to the business must take place within the dwelling unit or an otherwise allowed enclosed accessory structure (such as a shed or enclosed garage).
- 5. Any activity related to a home-based business must not create sound, heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property.

b. Allowed Uses

Only the following uses are permitted as home-based businesses:

1. General Office
2. Personal Service - General
3. Retail - General

c. Employees and Customers

1. No more than 3 non-resident employees are permitted on site at a given time.
2. No more than 4 customers or clients are permitted on site at a given time.
3. No more than 20 customers or clients are permitted to visit a home-based business within a 24-hour period.
4. Customers or clients are only allowed between the hours of 7AM and 7PM.

8. Accessory Commercial Unit (ACU)

ACUs are permitted as accessory to any single-unit home located in the R1 Use Module.

a. General

1. No more than 1 ACU is permitted per single-unit home.
2. At least 1 person engaged in an ACU must reside in the single-unit home associated with the ACU.
3. All activities related to the business must take place within the ACU structure.
4. No equipment or process is permitted in connection with the ACU unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

b. Allowed Uses

Only the following uses are allowed within an ACU:

1. Veterinary Care;
2. Child Day Care;
3. Medical Clinic;
4. General Office;
5. Personal Services - General;
6. Retail - General;
7. Food and Beverage Manufacturing - Small; and
8. Product Maintenance, Restoration, and Repair

c. Design

1. Maximum structure height: 12 feet
2. Maximum area of use: 600 gross square feet
3. Location: ground floor garage conversion only
4. Must have a direct ADA-accessible entrance separate from any entrance in connection with the single-unit home.
5. Must not allow customer access to the single-unit home.
6. Any interior areas accessible to customers must be fully finished and conditioned.
7. An ACU must not be concurrently used as a garage as defined in *Sec. 550.B.3*.

d. Employees and Customers

Customers or clients are only allowed between the hours of 7AM and 10PM.

9. Accessory Dwelling Unit (ADU)

- a. One ADU is allowed in addition to 1 junior accessory dwelling unit (JADU) as defined in *Sec. 550.B.11*.
- b. Any ADU must meet the standards of the *California Government Code (Title 7)*.

10. Junior Accessory Dwelling Unit (JADU)

- a. One JADU is allowed within the primary structure, in addition to 1 accessory dwelling unit (ADU) as defined in *Sec. 550.B.10*.
- b. Any JADU must meet the standards of the *California Government Code (Title 7)*.

Sec. 560. **Temporary Uses and Structures**

560.A. **General Provisions**

This section controls and regulates temporary land use activities on private property which may adversely affect the public health, safety, and welfare. Temporary uses are distinct from accessory uses and primary uses, and are characterized by their short-term or seasonal nature. Temporary uses and structures do not include any permanent improvement made to a site.

1. **Permit Required**

All temporary uses or structures must obtain a temporary use permit pursuant to the procedures described in *Temporary Use Permit (Sec. XX.)*, unless otherwise noted in *Temporary Use Standards (Sec. 530.E.)*.

2. **Uses and Structures Not Listed**

See *Determination of Similarity (Sec. 530.A.2.)*.

560.B. **Defined**

1. **Seasonal Outdoor Sales**

Seasonal outdoor sales uses include Christmas tree lots, pumpkin lots, and other temporary sales events unrelated to the primary use (if any) on a site. Such uses are typically located on vacant lots, parking lots, or similar large open areas on private property.

2. **Outdoor Amusement or Assembly**

Events involving the assembly of groups of people outdoors for entertainment purposes, typically with vendors, booths, rides and other attractions. Examples include circuses, carnivals, fairs, festivals, or similar amusement enterprises.

3. **Garage Sale or Yard Sale**

The sale of miscellaneous household goods by a resident of a dwelling unit, customarily within the garage or front yard of said unit.

4. **Car Wash**

The outdoor cleaning of motor vehicles, other than the normal operation of a permanent car wash facility.

5. **Construction Office or Sales Showroom**

A temporary structure used to administer construction activities on a site.

6. **Mobile Food Vendor (Food Truck or Food Cart)**

A mobile food operation which sells food, beverages and related goods from a parked vehicle or tent.

7. Portable Residential Storage Unit

Portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term does not include trash containers, dumpsters, construction debris containers, or containers with a storage capacity of less than 200 cubic feet.

560.C. Standards

1. General Standards for all Temporary Uses

a. Duration and Frequency

1. The duration of a temporary use and any associated structures cannot exceed 180 consecutive calendar days. However, temporary uses and structures needed as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency.
2. A temporary use and any related structure, equipment, material, or other item must be removed from the property by the expiration date of a permit issued, or no later than 180 calendar days after the commencement of the use.

b. Compliance with Other Regulations

1. Proposed temporary uses cannot endanger or be detrimental to the public health, safety, and welfare, and cannot impair the normal and safe operation of a primary or accessory use or uses on the same property or any adjacent property.
2. Temporary uses must comply with all applicable food safety, health, fire, building and other governmental standards and regulations.
3. Temporary uses on commercial or industrial property must be limited to car washes, candy sales and other activities by tax exempt organizations pursuant to the Federal Revenue and Taxation Code (Sec. 501(c)), with no limitation on number of occasions and duration.
4. All signage associated with a temporary use must meet the standards and regulations of *Ch. 42 (Signs)*.

c. Other Conditions

1. Temporary uses must comply with any conditions imposed as a part of their temporary use permit, if applicable.

2. Seasonal Outdoor Sales

- a. Seasonal outdoor sales uses are permitted on all properties in all Use Modules.
- b. Seasonal outdoor sales uses are allowed for up to 30 consecutive calendar days, and up to twice per year per site.
- c. An on-site manager is required during all hours of operation.

3. **Outdoor Amusement or Assembly**

- a. Outdoor amusement or assembly temporary are permitted on all properties in all Use Modules.
- b. In the R1 Use Module, notices must be mailed to all property owners within 400 feet, 21 days prior to the event date.
- c. Outdoor amusement or assembly uses are limited to a maximum duration of 10 calendar days.
- d. Any related rides or equipment must meet all applicable safety regulations and certifications, and are subject to inspection.

4. **Garage Sale or Yard Sale**

- a. Garage sales are permitted only in conjunction with a permitted residential primary use.
- b. No more than 4 garage or yard sales per calendar year are allowed on a lot.
- c. A garage or yard sale cannot exceed 3 consecutive days in operation.
- d. Sale hours are limited to between 7 AM and 9 PM.

5. **Car Wash**

- a. A temporary use permit is not required.
- b. Temporary car washes may not be located on the public right-of-way.
- c. A temporary car wash may not be in place for more than 3 consecutive days.
- d. No more than 4 temporary car washes per calendar year are allowed on a lot.

6. **Construction Office or Contractor Shop**

- a. A temporary use permit is not required for a construction office or contractor shop which meets the following standards:
 1. A trailer coach, mobile home, or other manufactured housing unit may be used as a temporary construction office or contractor shop.
 2. Construction offices or contractor shops must be located on the lot where related construction activities are taking place.
 3. The office or shop must be removed from a site within 10 days after final inspection of the permanent structure, or before the expiration of the corresponding building permit, whichever occurs first.

7. **Mobile Food Vendor (Food Truck or Food Cart)**

Mobile food vendors must meet all applicable state, county, and local health and safety regulations. See *Ch. 30. (Licenses, Permits and Miscellaneous Regulations)*.

8. **Portable Residential Storage Unit**

- a. A temporary use permit is not required for a portable residential storage unit which meets the following standards:
- b. No more than 1 portable storage unit may be located on a lot at one time.
- c. A portable storage unit may not be located on a lot for greater than 30 consecutive days.
- d. A portable storage unit may not be larger than 8 feet in height, 8 feet in width, and 16 feet in length.
- e. Portable storage units must remain securely locked outside periods of loading or unloading.

PART 6.

SITE

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PART. 6A. SITE INTRODUCTION

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Sec. 600. **General Provisions**

600.A. **Site Intent**

The intent of Part 7 is to regulate site design, including location and characteristics of access, parking, landscape and other site features. Site standards consist of a combination of regulations that are appropriate to a variety of contexts ranging from auto-oriented to pedestrian-oriented.

600.B. **Site Applicability**

1. **Project Applicability**

All projects filed after the effective date of this Zoning & Development Code must comply with the Site standards and rules in this Part, as further specified below. For vested rights, see Sec. XX. (Vested Rights), and for continuance of existing development, see Sec. XX. (Continuance of Existing Development).

2. Project Activities

Categories of Site rules apply to a project based on what types of project activities are proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an addition that expands an existing use includes both new construction and a use modification).

Site Rule Categories		Project Activities						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance & Repair
Sec. 610.A.	Vehicle Access	●	○	●	○	○	○	○
Sec. 610.B.	Pedestrian Access	●	○	●	○	○	○	○
Sec. 610.C.	Automobile Parking	●	●	●	○	○	○	○
Sec. 610.D.	Motor Vehicle Use Areas	●	●	●	○	○	○	○
Sec. 610.E.	Bicycle Parking	●	●	●	○	○	○	○
Sec. 620.A.	Parking Lots	●	○	●	○	○	○	○
Sec. 620.A.	Transition Buffers	●	○	○	○	○	○	○
Sec. 620.C.	Frontage Screens	●	○	●	○	●	○	○
Sec. 620.D.	Structural Screens	●	○	○	○	○	○	○
Sec. 620.E.	Fence & Wall Standards	●	○	●	○	●	●	○
Sec. 620.F.	Planting Standards	●	●	●	○	○	○	○
Sec. 620.G.	Retaining Walls	●	●	●	○	○	○	○
Sec. 630.	Signs	●	○	●	●	●	●	○
Sec. 640.A.	Outdoor Lighting	●	○	●	●	○	●	○
Sec. 640.B.	Recycling and Solid Waste Disposal	●	○	●	●	○	●	○
Sec. 640.C.	Floodplains	●	●	●	○	○	○	○
Sec. 640.D.	Operational Performance Standards	●	●	●	●	●	●	●

● = Standards may apply ○ = Standards are not applicable

- a. Project activities are defined in Sec. 1400.X. (*Project Activities*).
- b. Where a category of Site rules is listed as generally applicable in the table above, the project activity must meet all applicable Site standards within the Section. This general applicability may be further specified for each standard in the applicability provisions for each Site standard. Project applicability may also be modified by Sec. XX. (*Nonconformities*). Where a category of Site rules is listed as not applicable in the table above, no standards from that Site rule category apply to the project activity.

3. **Nonconformity**

Sec. XX. (Nonconformity) provides relief from the requirements of Part 7 for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. No project activity may decrease conformance with any Site regulation unless otherwise specified by Sec. XX (Site Exceptions). Consider the following example:

- a. Extending a fence in a side yard: Where the existing, legally established fence located in a side yard is taller than the maximum height allowed by the fences and walls type specified by the applicable Frontage Module, all new portions of fence built in the front yard have to meet the maximum fence and wall height standard, but no existing fence alteration is required.

4. **Applicable Components of Lots and Structures**

- a. Site rules apply to all portions of a lot.
- b. Site rules apply to all portions of buildings and structures on a lot.
- c. Specific Site rules may further limit which components of structures and lots are required to comply with the rules.

PART. 6B. SITE RULES

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Sec. 610. **Parking & Access**

610.A. **Vehicle Access**

1. **Intent**

To ensure motor vehicle access to sites to support the safety of all users by minimizing conflicts with pedestrians, cyclists, emergency service vehicles, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public right-of-way, and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to structures, vehicle parking and other motor vehicle use areas.

2. **Applicability**

- a. Any lot that provides access to motor vehicles.
- b. A permit is required for any cutting of the curb or pavement of a public right-of-way to provide vehicle access to a property. A driveway may only be installed with a permit issued by the Public Works Director.

3. **General**

- a. All existing and proposed development that provides on-site parking must provide a satisfactory means of motor vehicle access to and from a street or alley.
- b. Each lot is permitted at least one driveway or one fire apparatus access road unless otherwise modified by the Development Services Director.
- c. Driveways and fire apparatus access roads must be located to minimize conflicts with pedestrians, cyclists, and motor vehicles on the abutting public right-of-way.
- d. Driveways and fire apparatus access roads near intersections must comply with city standard *A-27-10*.
- e. No new driveway is allowed within six feet of fire hydrant.
- f. On corner lots, driveways and fire apparatus access roads must be placed along a side street or alley, unless otherwise permitted by the Development Services Director.

4. **Access Road Spacing**

The minimum spacing requirements between driveway and fire apparatus access road curb cuts along a public street.

a. **Applicability**

1. All driveways serving an on-site parking area with 5 or more parking spaces.
2. All fire apparatus access roads.

b. Standards

No new driveway serving 5 or more parking spaces or new fire apparatus access road is permitted to be located closer to any other driveway on the site than the minimum spacing listed below. The table provides criteria that will be used in making a determination. Additional driveways or fire apparatus roads may be considered by the Development Services Director.

ROADWAY CLASSIFICATION	SPACING (MIN)
Major Arterial	250'
Minor Arterial	200'
Collector	150'
Local	100'
Alley	Unlimited

c. Measurement

Driveway and fire apparatus access road spacing is measured along the street lot line from edge of pavement to edge of pavement from all existing and proposed driveways located on-site.

5. Driveway Design

a. Applicability

All driveways serving an on-site parking area of any size, except for driveways that take access from an alley.

b. Standards

1. General Provisions

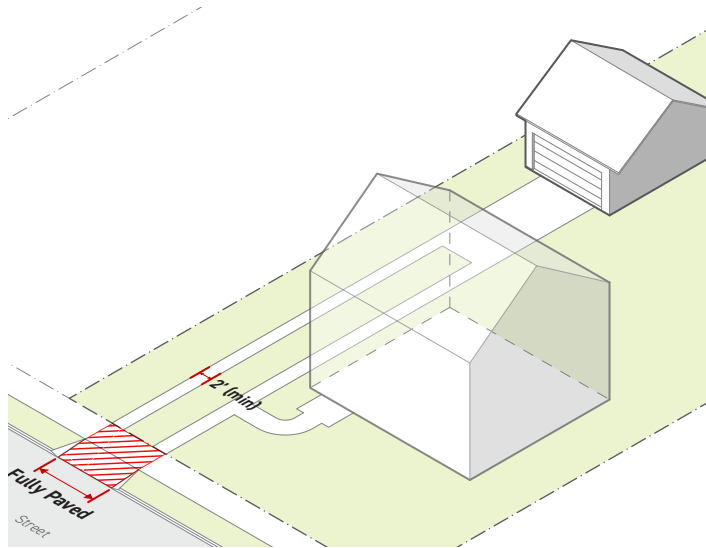
All driveways must meet the following standards.

DRIVEWAY STANDARDS				
Driveway Type	Number of driveways per lot (max)	Number of lanes per driveway (max)	Lane width (min/max)	
			Primary St.	Side St.
Driveway serving up to 10 on-site parking spaces	1	1	8'/10'	8'/11'
Driveway serving 11 to 50 on-site parking spaces	1	2	8'/11'	8'/12'
Driveway serving more than 51 to 100 on-site parking spaces	2	2	9'/12'	9'/12'
Driveway serving more than 100 on-site parking spaces	3	3	9'/12'	9'/12'
Driveway serving an off-street loading facility (of any size parking area)	--	2	12'/20'	12'/20'

2. Hollywood Driveway

For driveways serving up to 5 on-site parking spaces, a Hollywood driveway is allowed as an alternative to a fully paved driveway.

- i. The concrete strips in a Hollywood driveway must be at least 2 feet in width. When the concrete strip is also used as a walkway, the width of strips must be increased to at least 3 feet.
- ii. Within the right-of-way, the driveway must be fully paved along its total width.



6. Fire Apparatus Access Road Design

a. Applicability

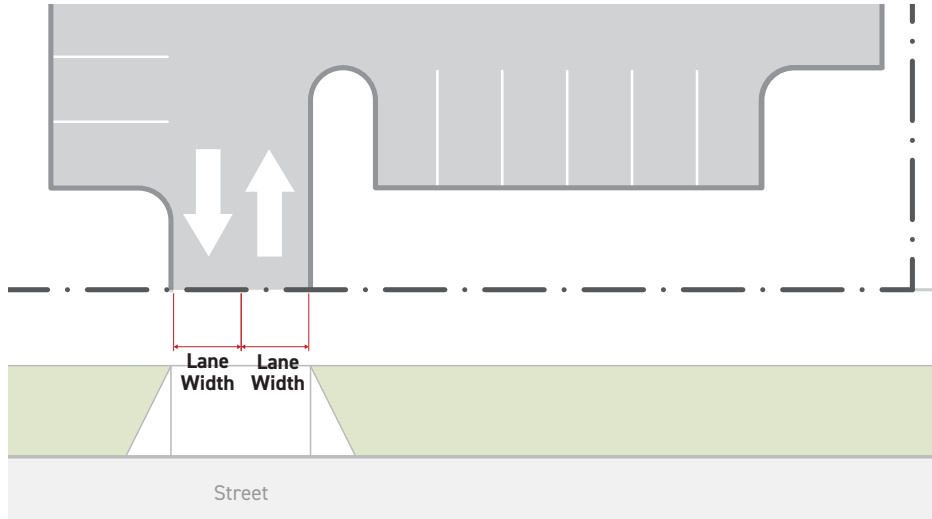
All fire apparatus access roads.

b. Standards

1. All fire apparatus access roads must meet the design standards of a Residential Case 2 roadway type as defined in the Public Works Department's *Standard Drawings (Sec. XX.)*.
2. All fire apparatus access roads are considered secondary streets and are subject to the frontage standards of *Part 4. (Frontage)*.
3. At the discretion of the LA County Fire Department, a fire apparatus access road may take access from a street or fire apparatus access road located on an adjoining property if a reciprocal easement agreement is established.

7. Measurement

- a. Driveway lane width is measured separately for each driveway lane.
- b. Driveway lane width is measured for each driveway lane from edge of designated lane to edge of designated lane along the street lot line.



- c. The outer edge of a fire apparatus access road cross section, labeled as a 'property line' or 'P.L.' in the Public Works Department's *Standard Drawings (Sec. XX.)*, is equivalent to a street lot line for the purposes of measuring frontage rules in *Part 4C. (Frontage Rules)*.

8. Relief

- a. A driveway spacing minimum standard may be reduced up to 10% in accordance with *Sec. XX. (Adjustments)*.
- b. A driveway lane width minimum standard may be reduced up to 10%, but must not be narrower than 8 feet, in accordance with *Sec. XX. (Adjustments)*.
- c. An alternative to a fire apparatus access road design standard may be requested in accordance with *Sec. 13.X. (Alternative Compliance)*.
- d. A deviation from a fire apparatus access road design standard may be allowed as a variance in accordance with *Sec. 13.X. (Variance)*.

610.B. Pedestrian Access

1. Intent

To promote walkability, improve pedestrian access from the public realm to the interior of buildings, ensure that required entrances are conveniently and effectively accessible to pedestrians, and activate the public realm with building access points and improve convenient pedestrian circulation through large sites to an extent and frequency appropriate to the context.

2. Applicability

a. Site Access

Site access standards apply to all required street-facing entrances (Sec. XX). Site access standards do not apply to non-required entrances.

b. Through Access

1. Through access standards apply only to projects that include one or more of the following project activities:
 - i. Site modification; and
 - ii. New construction.
2. Through access standards apply only to lots that meet all of the following conditions:
 - i. Lot area is greater than 2 acres; and
 - ii. Lot is a through lot or abuts either a public right-of-way or publicly accessible easement or open space.

3. Standards

a. By District

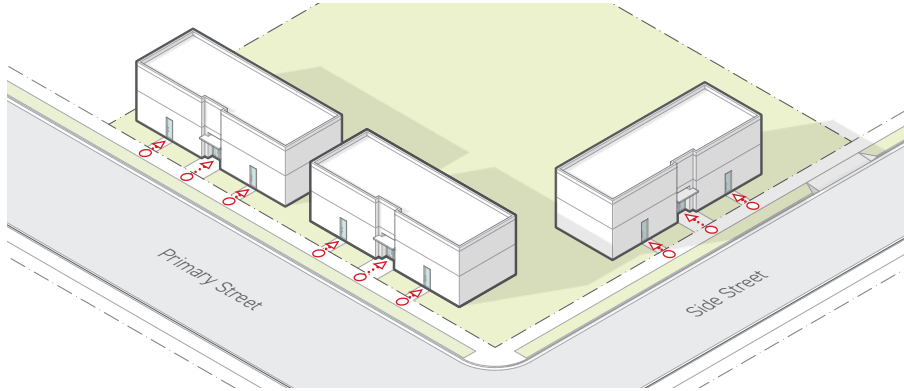
Lots must meet the following site and through access requirements for the applicable zoning district.

PEDESTRIAN ACCESS BY DISTRICT					
District Type	Site Access Packages			Through Access Standards	
	1	2	3	Passageway	Spacing (max)
RN	--	Required	--	Required	400'
NE	--	Required	--	Required	300'
UN	Required	--	--	Required	300'
AC	Required	--	--	Required	300'
TOD	Required	--	--	Required	300'
WD	--	--	Required	Required	600'
SC	--	--	Required	Required	500'
PL	--	--	--	--	--

b. Site Access Packages

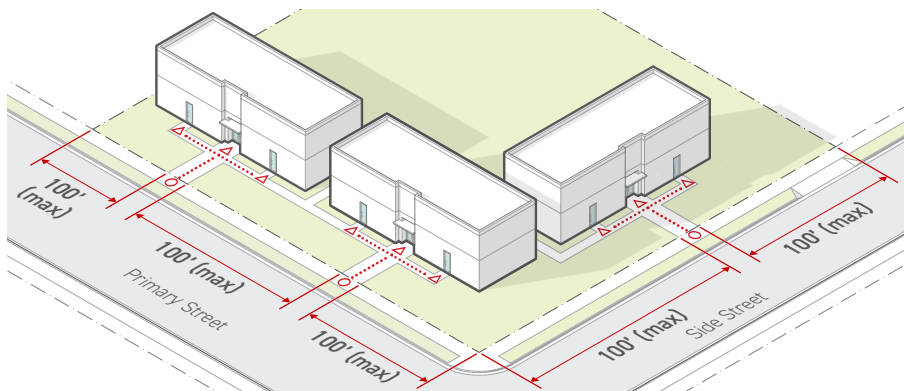
1. Site Access Package 1

- i. Intended to ensure buildings are highly integrated with the surrounding public realm and promote walking as a safe and convenient mobility option through frequent physical connections between the public realm and the interior of a building and improved porosity through large sites.
- ii. A minimum of one direct pedestrian accessway (Sec. XX) must be provided to each required street-facing entrance.



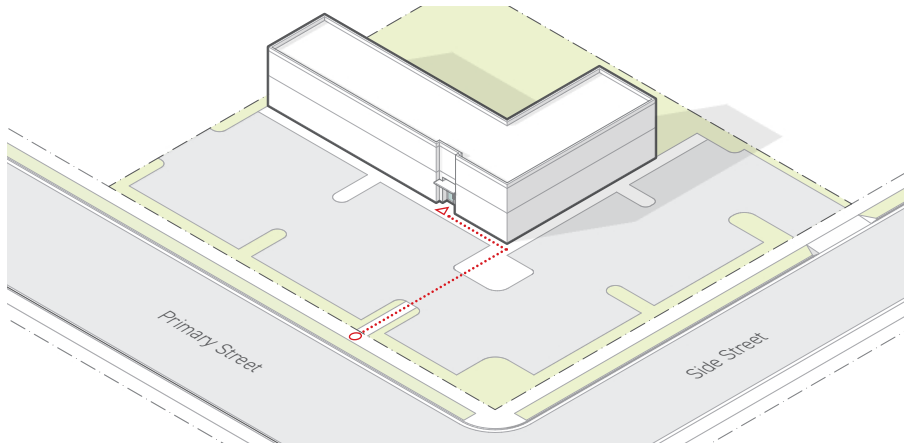
2. Site Access Package 2

- i. Intended to ensure buildings are conveniently accessible from the public realm and promote walking as a safe and convenient mobility option through regular physical connections between the public realm and the interior of a building and improved porosity through very large sites.
- ii. A minimum of one direct pedestrian accessway (Sec. XX) must be provided for each primary street lot line and side street lot line.
- iii. Pedestrian accessway spacing can be no more than 100 feet.
- iv. Pedestrian accessway spacing can be no more than 100 feet from a street intersection.
- v. All required entrances must be accessible from a pedestrian accessway.



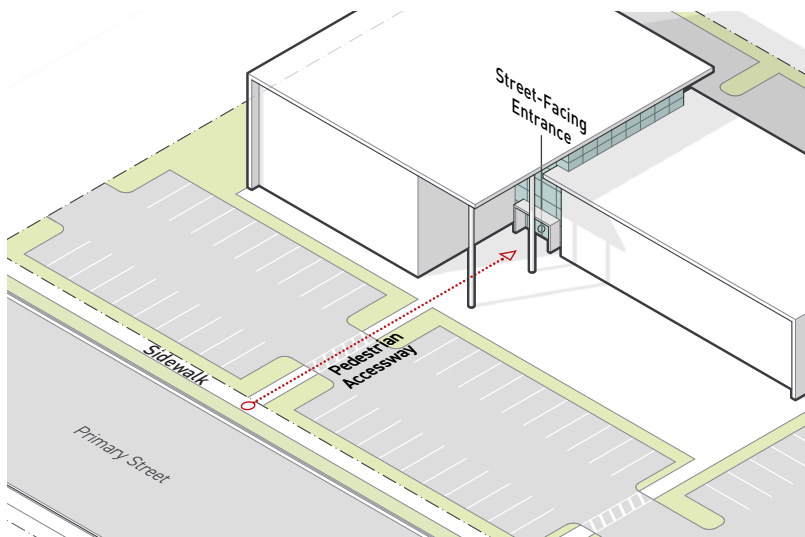
3. Site Access Package 3

- i. Intended to ensure buildings are accessible from the public realm by requiring a physical connection between the public realm and the interior of a building.
- ii. A minimum of one direct or linked pedestrian accessway (Sec. XX) must be provided along the primary street lot line.
- iii. All required entrances must be accessible from a pedestrian accessway.



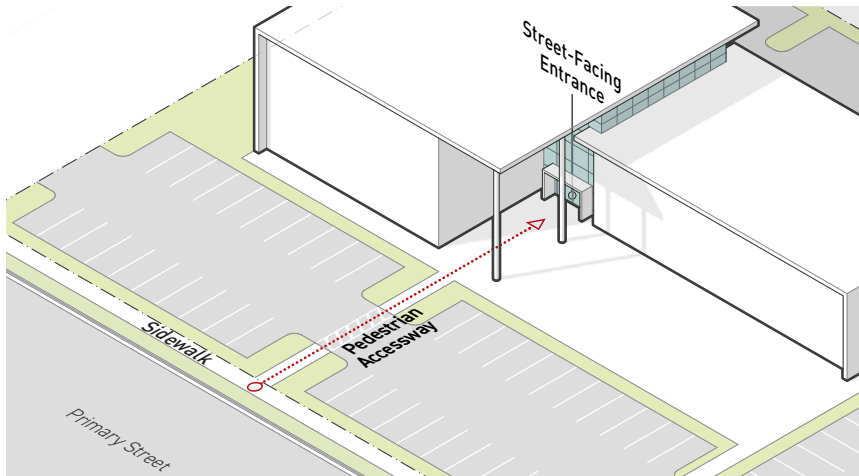
4. Pedestrian Accessways Standards

- i. Pedestrian accessways must connect to the sidewalk, or other publicly accessible pedestrian-facility along the street lot line, to a required street-facing entrance.
- ii. Pedestrian accessways must be at least 6 feet wide.
- iii. Finished ground or floor surfaces must be stable, firm and slip resistant in accordance with ADA floor and ground surface standards.
- iv. Pedestrian accessways must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical.

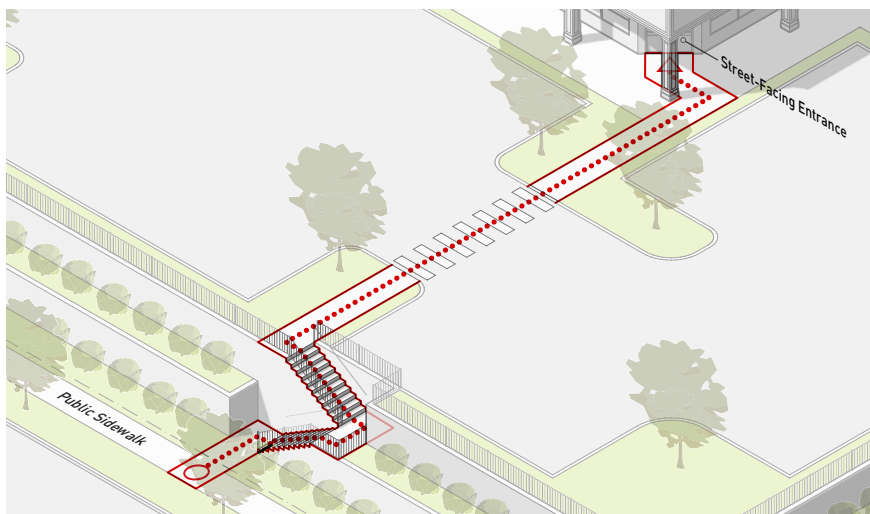


5. Linked Pedestrian Accessway Standards

- i. Must be a minimum width of 6 feet.
- ii. Must connect from the sidewalk, or other publicly accessible pedestrian facility along the applicable frontage lot line, to a street-facing entrance required by the applicable Frontage Module (Part XB) within the frontage yard.
- iii. Must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive aisle. Drive aisle crossings must be no wider than the minimum drive aisle width specified in *Sec. 6X. (Parking Bays and Drive Aisles)*. Physical separation methods may include, curbs of no less than 4 inches in height or bollards, walls, raised planters or similar containment methods, no less than 30 inches in height and separated by no more than 5 feet.

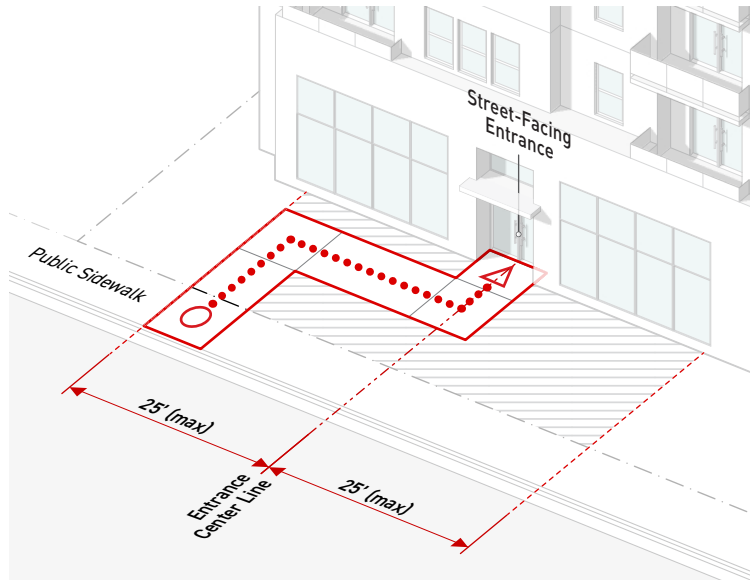


- iv. Where a retaining wall, open drainage, or similar obstacle interrupts a required pedestrian accessway, the pedestrian accessway must be designed to facilitate passage through or over the obstacle.



6. Direct Pedestrian Accessway Standards

- i. Must comply with *Sec. XX. (Linked Pedestrian Accessway Standards)*.
- ii. A minimum of one pedestrian accessway must be provided to each street-facing entrance required by the applied *Frontage District (Part 3B)*.
- iii. The connection to the public sidewalk must be within 25 feet of the center of the street-facing entrance, measured parallel to the applicable lot line.

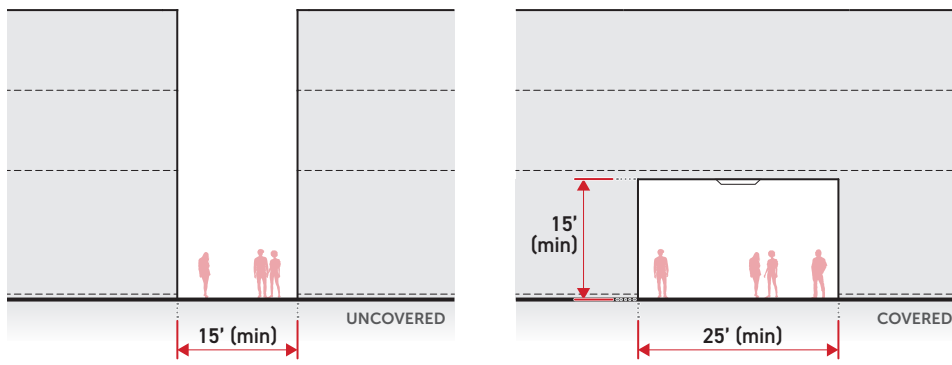


c. Through Lot

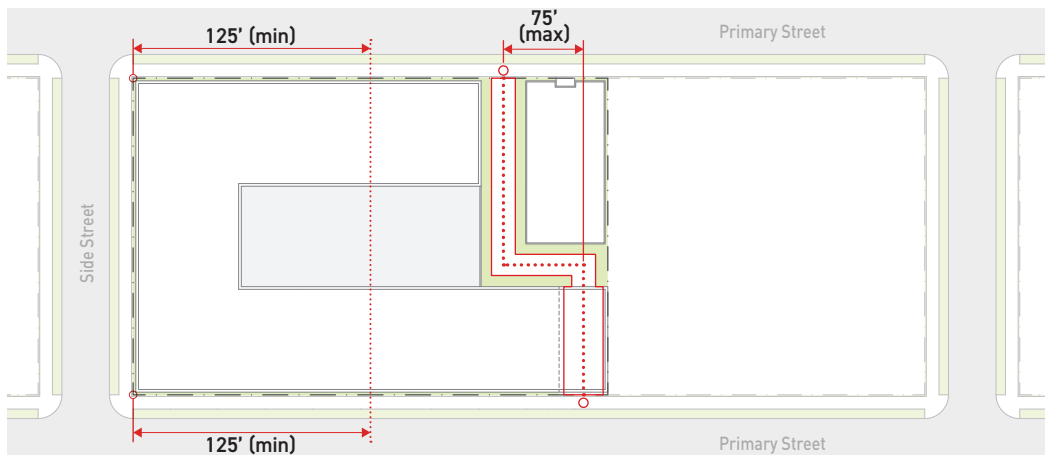
1. Pedestrian Passageway

When a pedestrian passageway is required (Sec. XX), a pedestrian passageway meeting the following requirements must be provided:

- i. The pedestrian passageway must connect from the public sidewalk on the primary street through the lot to either the public sidewalk, alley, other public way or easement abutting the opposing lot line.
- ii. The pedestrian passageway must be a minimum width of 15 feet for uncovered portions and a minimum width of 25 feet for covered portions.
- iii. The pedestrian passageway must have a minimum clear height of 15 feet, with the exception of required luminaires.



- iv. The centerline of the pedestrian passageway must be located within 75 feet of the sidewalk access point on the primary street, measured parallel to the primary street lot line.
- v. The pedestrian passageway must take access from the sidewalk along the primary street lot line a minimum of 125 feet from a street intersection.



- vi. The pedestrian passageway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical.
- vii. The pedestrian passageway must be illuminated in accordance with Sec. XX., Outdoor Lighting.
- viii. The pedestrian passageway must be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of a pedestrian passageway from pedestrian access during the required available hours.
- ix. Pedestrian passageways may count towards required outdoor amenity space if they meet the requirements of Sec. XX.

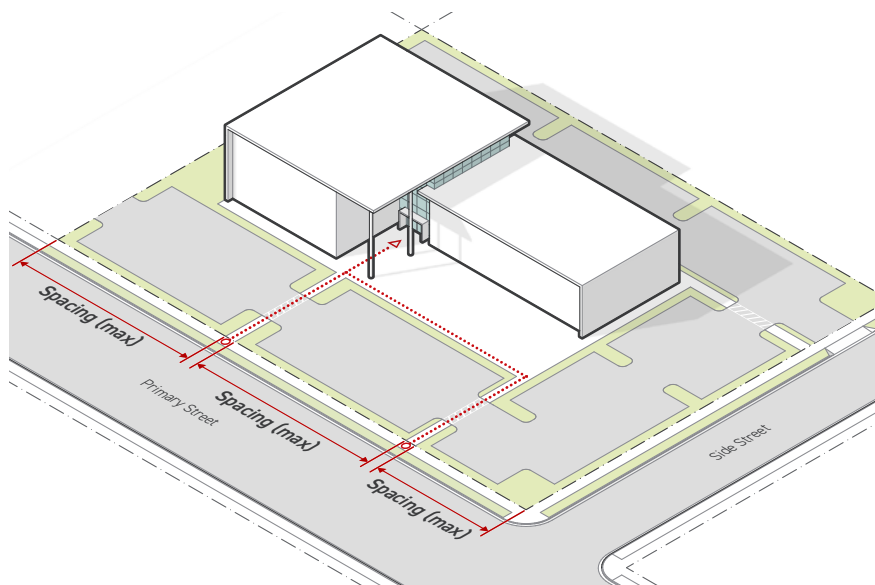
2. Pedestrian Passageway Spacing

- i. Pedestrian passageways cannot be separated from another pedestrian passageway or the end of a primary street lot line by a distance greater than the maximum allowed pedestrian passageway spacing specified in Sec. XX.
- ii. The maximum pedestrian passageway spacing requirement must be met for each lot individually and is not applicable to adjacent or abutting lots.

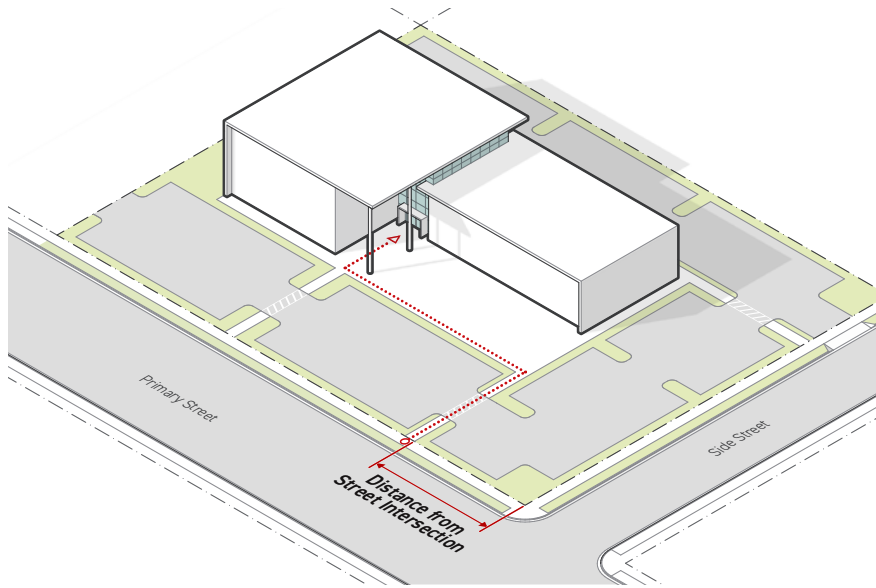
4. Measurement

a. Pedestrian Accessways

- 1. Pedestrian accessway width is measured from one edge of the accessway perpendicularly to the opposite edge.
- 2. Pedestrian accessway spacing is measured as the distance between pedestrian accessways measured following the geometry of the frontage lot line from end of lot line to edge of pedestrian accessway and from edge of pedestrian accessway to edge of pedestrian accessway.

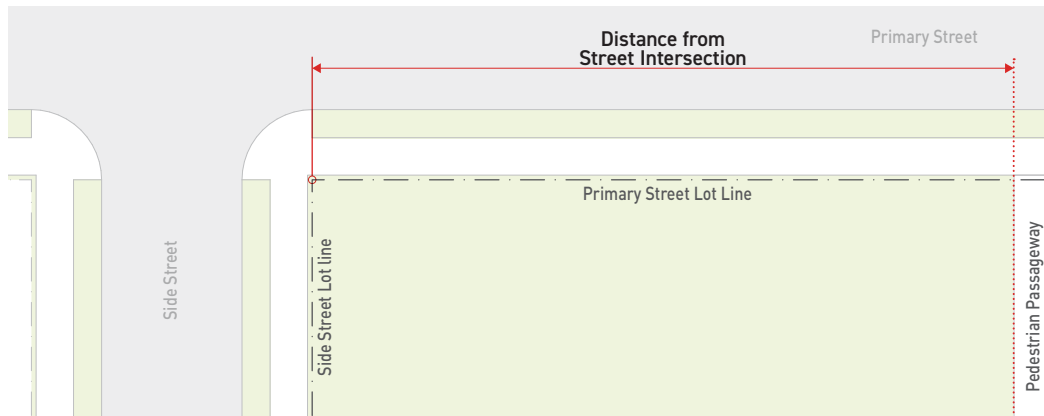


3. Pedestrian accessway distance from a street intersection is measured from the intersection of two street lot lines to the nearest edge of a pedestrian accessway measured along the street lot line.

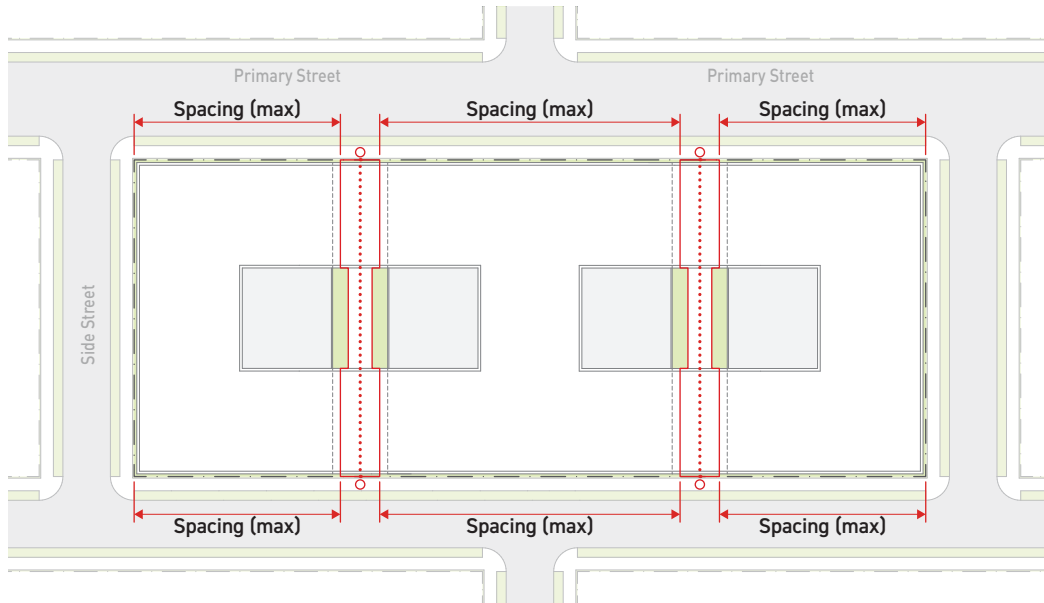


b. Pedestrian Passageways

1. Pedestrian passageway width is measured from one edge of the designated passageway perpendicularly to the opposite edge of the passageway.
2. Access distance from street intersection is measured from the point where two street lot lines intersect adjacent to a street corner to the nearest edge of a required pedestrian passageway, measured along the street lot line.



3. Pedestrian passageway spacing is measured as the horizontal distance between designated pedestrian passageway passageways measured at the primary street lot line from end of lot line to edge of passageway and from edge of passageway to edge of passageway.



5. Relief

A change from any site or through access standard of up to 10% may be requested in accordance with Sec. XX., Adjustments.

610.C. Automobile Parking

1. Intent

- a. To help ensure automobile parking areas and structures are designed to create safe, comfortable and attractive environments for users and pedestrians, while also mitigating negative environmental effects through landscaping and surface design.
- b. To reduce parking demand, support the use of alternative forms of transportation, promote reuse and redevelopment of existing buildings, reduce the overall cost of construction and development and increase the overall efficiency and use of taxable land within the city.

2. Applicability

- a. All uses established in accordance with *Part 5 (Use)*.
- b. When provided, all on-site parking areas must meet the following requirements.

3. Standards

a. Required Parking

1. General

- i. Automobile parking must be provided in accordance with the following table.

REQUIRED AUTOMOBILE PARKING	
Use	Required Off-Street Parking Spaces (min)
RESIDENTIAL	
All:	
1st 3 dwelling units	none
4th+ dwelling units	1 per 1 du after 3rd du
NONRESIDENTIAL	
All:	
Under 15,000 SF	none
15,000+ SF	subject to a parking study

- ii. When the application of these regulations results in the requirement of a fractional automobile parking space, fractions of 1/2 or more are counted as 1 space.

2. Parking Study

- i. Any nonresidential project with over 15,000 square feet of gross floor area must submit a parking study, prepared by a qualified professional with demonstrated experience in transportation planning and traffic engineering. The parking study must provide the anticipated travel demand for the project and how the anticipated travel demand will be met on-site or off-site, including:
 - a) Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements. If provided, parking ratios should be specified for each group of proposed uses.
 - b) Number of short-term and long-term vehicle and bicycle parking spaces.
 - c) Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
 - d) The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, cycling, ride-sharing, and transit.
 - e) The modal share objectives that will be sought from the implementation of Transportation Demand Management (TDM) strategies.
- ii. TDM strategies should include, but not be limited to, the following:
 - a) Walking, cycling, ride-sharing, and transit promotion and education.
 - b) Parking cash-out programs or unbundled parking/market rate pricing.
 - c) Shared parking arrangements.
 - d) Enhanced bicycle parking and services (above the minimum required).
 - e) Support for car-share and bike-share services and facilities.
 - f) Carpooling or van-pooling programs or benefits.
 - g) Free or subsidized transit passes, transit-to-work shuttles, or enhanced transit facilities (such as bus shelters).
 - h) Guaranteed ride home (GRH) programs.
 - i) Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, work from home).
 - j) Promotion of "live near your work" programs.
- iii. In making a decision on the number of required off-street parking spaces, the Development Services Director must consider the following:
 - a) The extent to which the project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.

- b) The extent to which the project meets the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as the availability of transit and on-street parking facilities within the neighborhood.

3. Substituting Required Automobile Parking

i. Bicycle Parking

- a) Required automobile parking spaces may be substituted with longterm bicycle parking in the form of bike lockers or enclosed bicycle storage rooms at a ratio of 1 automobile parking space for every 4 bicycle parking spaces that meet the standards of *Sec. 7B.X. (Required Bicycle Parking Spaces)*.
- b) Nonresidential uses subject to a parking study (*Sec. 7B.X*) may substitute up to 20% of their projected automobile parking spaces with bicycle parking.
- c) Residential uses may substitute up to 10% of the required automobile parking with bicycle parking.

ii. Ride-Sharing

- a) Required automobile parking spaces may be substituted with a dedicated ride-share pick-up/drop-off space at a ratio of 3 automobile parking spaces for every 1 off-street ride-share pick-up/drop-off space that meets the standards of *Sec. 7B.X. (Parking Area Design)*.
- b) All ride-share pick-up/drop-off spaces must be clearly and visibly marked with signage.
- c) Wayfinding signage that is visible from the primary street must be provided along the primary street frontage to direct ride-share drivers to dedicated ride-share pick-up/drop-off spaces.
- d) Nonresidential uses subject to a parking study (*Sec. 7B.X*) may substitute up to 20% of their projected automobile parking spaces with ride-share pick-up/drop-off spaces.
- e) Residential uses may substitute up to 10% of the required automobile parking with ride-share pick-up/drop-off spaces.

4. Shared Parking

To minimize underutilized parking spaces, the total number of required automobile parking spaces may be reduced when an applicant demonstrates that automobile parking spaces can be shared among multiple uses and sites. The parking strategy must meet all of the following criteria:

- i. A shared parking facility must be located within a 660-foot (1/8th of a mile) walking distance of each participating use.
- ii. Participating uses must have mutually exclusive periods of peak parking demand.
- iii. The shared parking strategy will sufficiently alleviate the demand for the specified number of required parking spaces.

5. Accessible Parking

- i. Accessible parking spaces must be provided in accordance with the requirements of the *Americans with Disabilities Act (Title III)* and the *California Building Code (Sec. 1108A)*.
- ii. One accessible parking space is equivalent to one standard parking space when calculating a project's required parking (Sec. 610.C.3.a.).

b. Parking Area Design

1. Applicability

Applies to all sites where 6 or more on-site parking spaces are provided.

2. Location

See *Sec. 4B.X (Parking Location)*

3. General

- i. All portions of a parking area or structure must be accessible by motor vehicles to all other portions of the parking area without requiring the use of a street (except for an alley).
- ii. Each parking space must be located so that no motor vehicle is required to back onto any street (except for an alley) or sidewalk to leave the parking space.
- iii. Full and permanent parking space delineation is required. Delineation may include striping, wheel stops, curbing, or other similar permanent materials which can clearly define and delineate each parking space. Full parking space delineation means clear markings for all three sides of a space.

4. Paving

- i. All parking areas must be constructed with an all-weather surface. An all-weather surface includes compacted asphaltic paving or Portland cement paving at least 6 inches thick.
- ii. Alternative materials such as porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, or restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids) may be allowed if demonstrated that the materials will be properly maintained. Proper maintenance includes ensuring that materials are kept and regularly scheduled maintenance is provided to retain parking area functionality.
- iii. Alternate paving materials are subject to the following standards:
 - a) Paving materials located in a designated fire apparatus access road must be approved by the LA County Fire Department.
 - b) Permeable interlocking concrete pavers and permeable pavers must have a minimum thickness of 80 mm (3.14 inches).
 - c) If plantings are an element of the alternative paving material, the irrigation system cannot utilize potable water except for plant establishment.
 - d) Products and underlying drainage material must be installed per manufacturers' specifications. Sub-grade soils must be compacted as required per the product installation specifications.
 - e) Decomposed granite, crushed rock and gravel are only allowed for parking areas serving 1 or 2 parking spaces.

- iv. All parking lots must be graded and drained to collect, retain and infiltrate surface water on-site by applying low impact development practices and standards.
- v. Continuous curbing or parking blocks of no less than 6 inches in height must be installed around the edge of all parking lots. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

5. Dimensions

i. Parking Spaces

- a) Parking spaces must meet the following minimum dimensions.

PARKING SPACE DIMENSIONS				
Parking Space		Dimension	Parking Space Type	
Type	Angle		Standard	Tandem
Perpendicular and Angled	30°-90°	Width	9'-0"	9'-0"
		Depth	18'-0"	33'-0"
Parallel	0°	Width	8'-0"	n/a
		Depth	24'-0"	n/a

ii. Parking Bays and Drive Aisles

- a) Parking bays and drive aisles must meet the following minimum dimensions.

PARKING BAY & DRIVE AISLE DIMENSIONS								
Parking Space	One-Way Drive Aisle				Two-Way Drive Aisle			
	Double Loaded		Single Loaded		Double Loaded		Single Loaded	
Angle	Aisle Width	Bay Width	Aisle Width	Bay Width	Aisle Width	Bay Width	Aisle Width	Bay Width
0° (Parallel)	10'-0"	26'-0"	10'-0"	18'-0"	20'-0"	36'-0"	20'-0"	28'-0"
30°	16'-0"	49'-8"	16'-0"	32'-10"	n/a	n/a	n/a	n/a
45°	18'-0"	56'-3"	18'-0"	37'-2"	n/a	n/a	n/a	n/a
60°	20'-0"	60'-3"	20'-0"	40'-2"	n/a	n/a	n/a	n/a
90°	24'-0"	60'-0"	24'-0"	42'-0"	24'-0"	60'-0"	24'-0"	42'-0"

- b) Where a parking space abuts a landscaped island, the front 2 feet of the required parking space length may overhang the landscaped island, provided that a wheel stop with a minimum height of 6 inches is provided.

iii. Tandem Spaces

- a) Automobiles may be parked in tandem in a private parking area serving a residential use, where the tandem parking is not more than 2 cars in depth.
- b) Tandem parking is not allowed for recreational vehicles or guest parking provided as part of a private parking area serving a residential use.

iv. Mechanical Automobile Lifts

- a) Mechanical automobile lifts may be used to meet the required parking requirement (*Sec. 610.C.3.a.*) when the mechanical automobile lift design allows for access to a specific vehicle on demand.
- b) One mechanical lift parking space is equivalent to one standard parking space when calculating a project's required parking (*Sec. 610.C.3.a.*).
- c) The mechanical automobile lift must be fully enclosed in a structure.

v. Lighting

Parking area lighting must meet *Sec. 7B.X (Parking and Pedestrian Area Lighting)*.

vi. Electric Vehicle Charging Stations

- a) Electric vehicle charging equipment, including pedestals, bollards, or cables must not adversely affect building elements or encroach into drive aisles or pedestrian walkways.
- b) Anchorage of either ground-mounted or wall-mounted electric vehicle charging equipment must meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions.
- c) Electric vehicle charging equipment must be designed and installed in compliance with the *California Electrical Code (Art. 625.)* and must be incorporated into load calculations of all new or existing electrical services as a continuous load.
- d) Transformers and other utility equipment associated with electric vehicle chargers must be screened from the public right-of-way according to *Sec. 620.C. (Frontage Screens)*.

vii. Landscaping

Parking lots must be landscaped and screened in accordance with *Sec. 7B.X (Parking Lots)*.

c. Parking Structure Screening

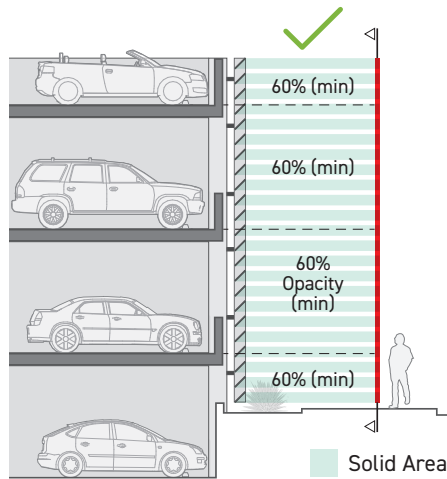
1. Applicability

Applies to all structures that include exposed above-grade parking structure facades located within 30 feet of a street lot line.

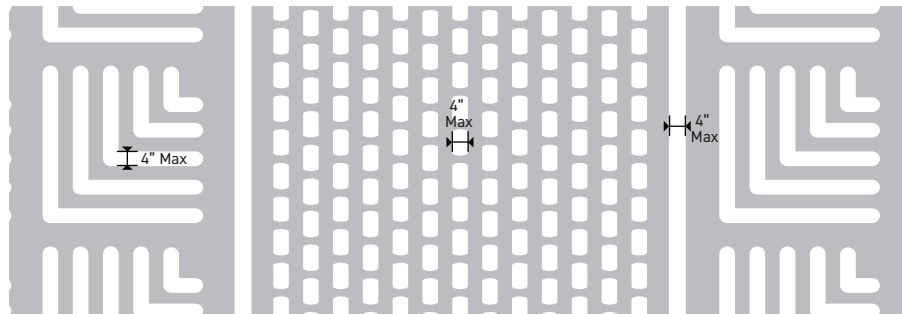
2. Standards

- i. Screened parking structure facades cannot be used to meet an active depth requirement (*Sec. 4C.X*) and must meet the frontage standards required by the applicable Frontage Module (*Part 4B*).
- ii. All exposed above-grade parking structure facades located within 30 feet of a street-lot line must be screened with a permanent structure that meets the following standards:

- a) Cannot have less than 60% opacity for any individual parking tier measured in elevation projection.



- b) Openings in screens must be 4 inches or less in at least one dimension except for openings provided for pedestrian or vehicle access.



- c) Upper story parking screening, when projected from an angle of elevation of 45 degrees must not have a lower opacity than when measured in elevation projection.
- d) Parking structure screen openings accommodating automobile access are allowed for a width no greater than the maximum allowed driveway width (Sec. 7B.X).
- e) Parking structure screen openings accommodating pedestrian accessways are allowed for a width no greater than 8 feet in width for each individual pedestrian accessway. Where an opening in the parking garage screening accommodates both pedestrian and automobile access, the maximum allowable opening width is 8 feet greater than the maximum allowed driveway width.
- f) Parking structure screen openings must have a height no greater than 1 story.

4. Measurement

a. Automobile

All vehicles including SUVs, trucks, and other vehicle under 10,000 pounds gross vehicle weight.

b. Parking Space Width

The distance measured between opposite sides of a parking space.

c. Parking Space Depth

The distance measured perpendicular to the drive aisle between opposite ends of a parking space.

d. Parking Bay Width

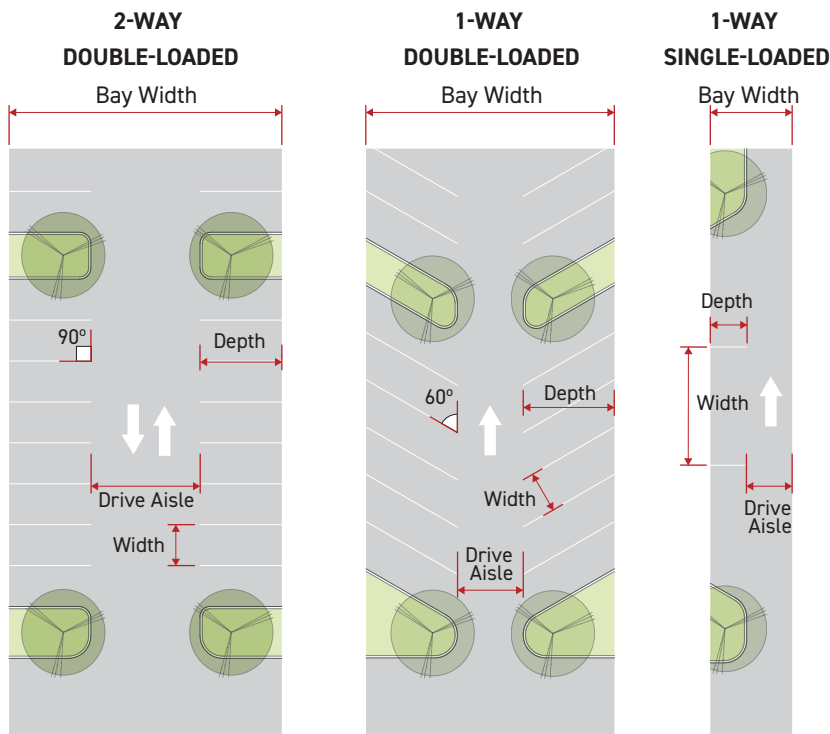
The distance measured between two rows of parking spaces and the drive aisle in-between, or for a single row, the distance between a the row of parking spaces and the end of the drive aisle.

e. Parking Angle

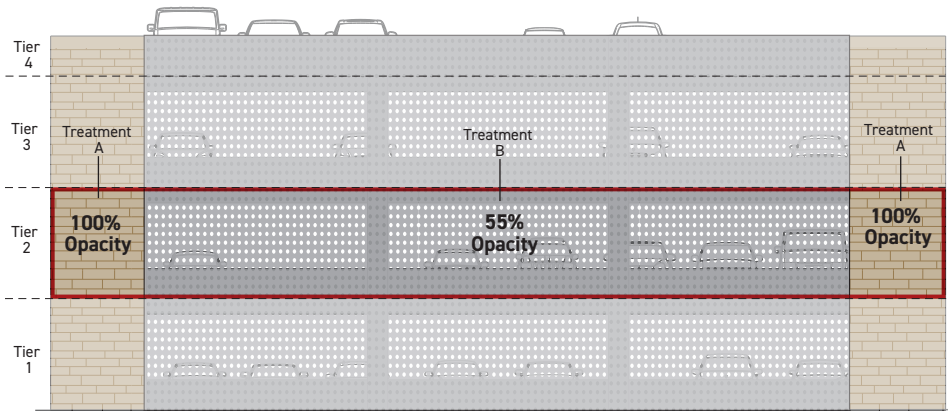
The angle measured from the long edge of a parking space to the drive aisle.

f. Drive Aisle

The distance measured from the edge of one row of parking to the edge of the opposite row of parking. If there is only one row parking space then the paved surface for a vehicle to drive on must meet the meet the minimum drive aisle width.

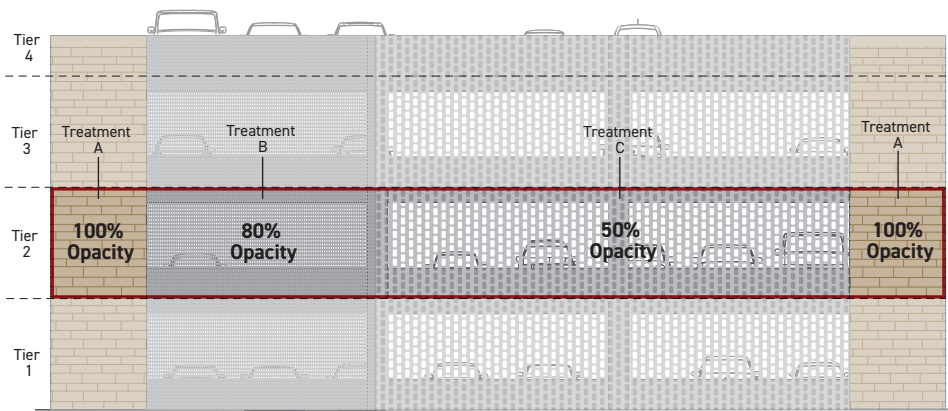


g. Parking Structure Screen Opacity



✓

TIER 2 OPACITY CALCULATION			
	% OPACITY	PORTION OF TOTAL FACADE AREA	WEIGHTED VALUE
TREATMENT A	100%	0.2	20%
TREATMENT B	55%	0.8	42%
TIER 2 TOTAL OPACITY			62%



✓

TIER 2 OPACITY CALCULATION			
	% OPACITY	PORTION OF TOTAL FACADE AREA	WEIGHTED VALUE
TREATMENT A	100%	0.2	20%
TREATMENT B	80%	0.3	24%
TREATMENT C	50%	0.5	25%
TIER 2 TOTAL OPACITY			69%

1. Opacity of screening is calculated separately for each tier of parking on each building facade.
2. Minimum opacity is measured as a percentage calculated as the sum of all solid areas on a parking facade area divided by the total parking facade area projected horizontally and perpendicular to the facade area.
3. When a parking structure tier uses more than one screening treatment with varying opacities, the opacity for the entire tier is calculated as a weighted average of the opacities of all the treatments used on the tier. The opacity of each screening treatment is weighted by the percent of the total parking screen facade area covered by that screening treatment.

5. Relief

a. General

A change to an automobile parking standard of up 10% may be requested in accordance with *Sec. 13.X (Adjustments)*.

b. Parking Structure Screening

1. An alternative to a parking structure screening standard may be requested in accordance with *Sec. 13.X. (Alternative Compliance)*.
2. A deviation from a parking structure screening standard may be allowed as a variance in accordance with *Sec. 13.X. (Variance)*.

610.D. Motor Vehicle Use Areas

1. Intent

To ensure motor vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

2. Applicability

- a. Motor vehicle use area design standards apply to portions of a lot designed and intended for use by motor vehicles, including areas to be used by motor vehicles for circulation, maneuvering, loading, staging, queuing, service areas and areas to be used for the sale or storage of motor vehicles.
- b. Parking lots and parking structures are excluded from motor vehicle use area design standards. For parking lots and parking structure design standards see *Sec. 7B.X. (Parking Area Design)*.
- c. Freight loading area standards apply to all freight loading areas on-site.
- d. Loading space standards do not apply to change-of-use projects.
- e. Drive-through standards apply to any improved and expanded drive-through facility.

3. Standards

a. General

1. Location

Motor vehicle use areas cannot be located in a primary street or side street yard.

2. Paving

- i. All vehicle use areas must be constructed with an all-weather surface. An all-weather surface includes compacted asphaltic paving or Portland cement paving at least 6 inches thick.
- ii. Alternative materials such as porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, or restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids) may be allowed if demonstrated that the materials will be properly maintained. Proper maintenance includes ensuring that materials are kept and regularly scheduled maintenance is provided to retain parking lot functionality.
- iii. Alternate paving materials are subject to the following standards:
 - a) Paving materials located in a designated fire apparatus access road must be approved by the LA County Fire Department.
 - b) Permeable interlocking concrete pavers and permeable pavers must have a minimum thickness of 80 mm (3.14 inches).

- c) If plantings are an element of the alternative paving material, the irrigation system cannot utilize potable water except for plant establishment.
 - d) Products and underlying drainage material must be installed per manufacturers' specifications. Sub-grade soils must be compacted as required per the product installation specifications.
 - e) Decomposed granite, crushed rock and gravel are only allowed for parking areas serving 1 or 2 parking spaces.
- iv. All parking lots must be graded and drained to collect, retain and infiltrate surface water on-site by applying low impact development practices and standards.
 - v. Continuous curbing or parking blocks of no less than 6 inches in height must be installed around the edge of all parking lots. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

3. Buffer/Screening

- i. A Transition Buffer may be required between the motor vehicle use area and a common lot line. See *Transition Buffer (Sec. 7B.X.)*.
- ii. A Frontage Screen may be required between the motor vehicle use area and a street lot line *Frontage Screen (Sec. 7B.X.)*.

4. Lighting

Motor vehicle use area lighting must meet *Sec. 7B.X. (Parking and Pedestrian Area Lighting)*.

b. Loading

1. A loading area is not required. If determined necessary by the Development Services Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.
2. With the exception of alleys and areas specifically designated by the City, loading and unloading activities are not allowed on a public street.
3. Loading and unloading activities cannot encroach on or interfere with the use of sidewalks, driveways, drive aisles, stacking spaces, or parking lots.

c. Drive-Through Facilities

New construction drive-through facilities are not permitted on any site in any zoning district. Improvements and expansions of existing drive-through facilities must meet the standards defined in *Sec. XX. (Nonconformities)*.

4. Measurement

- a. For lot line determination, see *Sec. 14.X. (Lot Line Designation)*.
- b. For frontage yard designation, see *Sec. 14.X. (Yard Designation)*.

5. Relief

A change to a motor vehicle use area standard of up 10% may be requested in accordance with Sec. 13.X (*Adjustments*).

610.E. Bicycle Parking

1. Intent

To promote bicycling as an alternative to automobile transportation and to help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

2. Applicability

- All uses established in accordance with *Part 5 (Use)*.
- Projects with less than 5 dwellings units are not required to provided short or long-term bicycle parking.
- Dwelling units with individually accessed private garages are not required to provide long-term bicycle parking.

3. Standards

a. Required Bicycle Parking Spaces

- Bicycle parking must be provided in accordance with the following table.

REQUIRED BICYCLE PARKING		
Use	Short-Term <i>Sec. 610.E.3.b.2.</i>	Long-Term <i>Sec. 610.E.3.b.3.</i>
RESIDENTIAL		
All:		
1st 3 Dwelling Units	none	none
4th-25th Dwelling Unit	1 per 10 du (2 min)	1 per 1 du
26th-100th Dwelling Unit	1 per 15 du (2 min)	1 per 1.5 du
101st-200th Dwelling Unit	1/20 du (2 min)	1 per 2 du
201st + Dwelling Units	1/40 du (2 min)	1 per 4 du
ASSEMBLY		
All Assembly, Except:	1 per 10,000 SF, (2 min)	1 per 5,000 SF, (2 min)
College or University	1 per 500 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 1,000 SF or 1 per 100 fixed seats whichever is greater, (2 min)
OPEN SPACE & RECREATION		
All Open Space & Recreation, Except:	1 per 10,000 SF, (2 min)	none
Indoor Recreation, Commercial	1 per 5,000 SF, (2 min)	1 per 10,000 SF, (2 min)
Sports Arena & Stadium	1 per 500 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 1,000 SF or 1 per 100 fixed seats whichever is greater, (2 min)
INFRASTRUCTURE		
All	none	none

REQUIRED BICYCLE PARKING		
Use	Short-Term <i>Sec. 610.E.3.b.2.</i>	Long-Term <i>Sec. 610.E.3.b.3.</i>
GENERAL COMMERCIAL		
All General Commercial, Except:	1 per 10,000 SF, (2 min)	1 per 10,000 SF, (2 min)
Food and Beverage: All	1 per 2,500 SF, (2 min)	1 per 5,000 SF (2 min)
Entertainment Venue: All	1 per 350 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 700 SF or 1 per 100 fixed seats whichever is greater, (2 min)
General Office	1 per 10,000 SF (2 min)	1 per 5,000 SF (2 min)
AUTO-ORIENTED COMMERCIAL		
All	1 per 10,000 SF, (2 min)	1 per 10,000 SF, (2 min)
PRODUCTION-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
DISTRIBUTION-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
FULFILLMENT-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
WASTE-ORIENTED INDUSTRIAL		
All	none	none
URBAN AGRICULTURAL		
All	none	none

2. When the application of these regulations results in the requirement of a fractional bicycle parking space, fractions of $\frac{1}{2}$ or more are counted as 1 space.

b. Bicycle Facilities

1. General

- i. Bicycle parking must consist of bicycle racks that support the bicycle frame at two points.
- ii. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.
- iii. If bicycles can be locked to each side of the rack, each side can be counted as a required space.
- iv. Spacing of bicycle racks must provide clear and maneuverable access.
- v. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips. Racks must be securely anchored to a permanent surface.
- vi. Bicycle parking spaces must be a minimum of 2 feet wide and 6 feet long.

vii. Bicycle parking must be provided in a well-lit area.

2. Short-Term Bicycle Parking

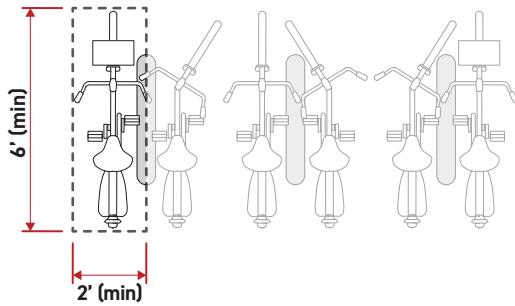
- i. Short-term bicycle parking must be publicly accessible and be located on-site or no more than 100 feet of the building it serves.
- ii. Short-term bicycle parking may be located within the public right-of-way subject to review and approval by the Public Works Director.
- iii. Business operators or property owners who choose to install bicycle parking within the public right-of-way are responsible for maintaining the racks.
- iv. Any site located within 500 feet of a City-funded bicycle corral may count up to 2 bicycle parking spaces within the bicycle corral towards their required short-term bicycle parking.

3. Long-Term Bicycle Parking

- i. Long-term bicycle parking offers a secure and weather protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours.
- ii. Long-term bicycle parking must be covered, include a bicycle repair station, and include at least one of the following:
 - a) A locked room;
 - b) A bicycle locker;
 - c) An area enclosed by a fence with a locked gate;
 - d) An area within view of an attendant or security guard or monitored by a security camera; or
 - e) An area visible from employee work areas.
- iii. The bicycle parking area must be located on-site or in an area within 200 feet of the building it serves.

4. Measurement

- a. When the application of these regulations results in the requirement of a fractional bicycle parking space, fractions of $\frac{1}{2}$ or more are counted as 1 space.
- b. Distance is measured in walking distance from the nearest point of the bicycle rack to the primary entrance of the use served.
- c. Bicycle parking space width and length are measured as shown in the image below:



5. Relief

A change to a parking standard of up 10% may be requested in accordance with Sec. 13.X (*Adjustments*).

Sec. 620. Landscaping & Screening

620.A. Parking Lots

1. Intent

To ensure parking lots are designed to create safe, comfortable and attractive environments for users and pedestrians, while also mitigating heat island effects, absorbing noise pollution, managing stormwater runoff, sequestering carbon emissions and supporting urban biodiversity through landscaping and surface design.

2. Applicability

- a. Perimeter landscape is required on all on-site surface parking lots.
- b. Interior landscape is required on all on-site surface parking lots serving 20 or more parking spaces.

3. Standards

a. Perimeter Landscape

1. A Transition Buffer may be required between the motor vehicle use area and a common lot line (Sec. 7B.X).
2. A Frontage Screen may be required between the motor vehicle use area and a street lot line (Sec. 7B.X).

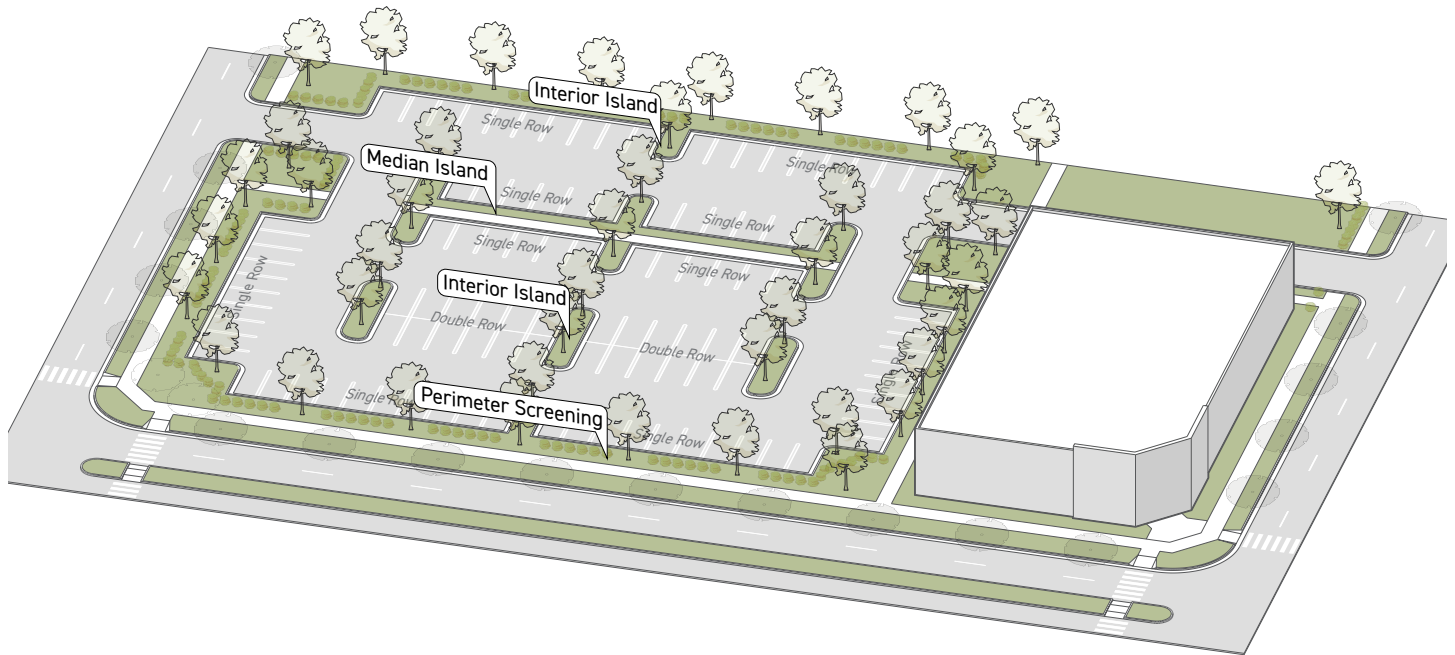
b. Interior Landscape

1. Interior Islands

- i. A landscape interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking lot. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- ii. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include 1 large tree.
- iii. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include 2 large trees.
- iv. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

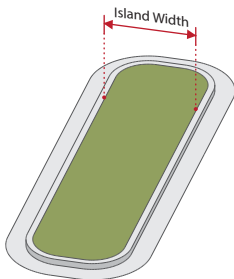
2. Median Islands

- i. A landscape median island must be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees.
- ii. A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 12 feet wide.



4. Measurement

Interior and median island width is measured as the narrowest horizontal dimension from one edge of an island to the opposite edge.



5. Relief

A change to a parking lot landscaping dimensional standard of up to 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

620.B. Transition Buffers

1. Intent

- a. To mitigate negative impacts from uses, activities, or site elements with significant impacts on abutting uses.
- b. To help reduce cumulative health impacts resulting from industrial uses that are in close proximity to residential, educational and other lower intensity uses.

2. Applicability

- a. Buffers are required along applicable common lot lines:
 1. When a more intense district abuts a less intense district. See Sec. 7B.X.
 2. When an industrial use abuts a non-industrial use. See Sec. 7B.X.
 3. For vehicle use and outdoor storage areas. See Sec. 7B.X.
- b. The applicable portion of the common lot line is the portion of the common lot line that is shared between the two abutting uses.
- c. When a conflict occurs between buffer types, the more stringent buffer type applies. In no case is more than one buffer type required.

3. Standards

a. District Boundaries

When abutting or across an alley from a site with a Use Module designation, the required buffer must be installed along all applicable portions of the common lot line as specified in the following table.

REQUIRED DISTRICT BOUNDARY BUFFER								
		Abutting Use Module						
		R1, RX1	CX1, CX2, CX3	CX4, CX5	IX1	I1, I2, I3	P1	OS1, OS2
New Project Use Module	R1, RX1	--	--	--	--	--	--	--
	CX1, CX2, CX3	Type III	--	--	--	--	--	--
	CX4, CX5	Type III	Type III	--	--	--	--	--
	IX1	Type IV, V	Type IV, V	Type III	--	--	--	--
	I1, I2, I3	Type IV, V	Type IV, V	Type IV, V	Type IV, V	--	Type IV, V	Type IV, V
	P1	Type III	--	--	--	--	--	--
	OS1, OS2	--	--	--	--	--	--	--

KEY: Type III = Type III buffer required;

Type IV, V = Type IV or Type V buffer required, at applicant's discretion;

-- = Buffer not required

See Sec. 7B.X for buffer type standards.

b. Vehicle Use & Outdoor Storage Areas

1. When located within 50 feet of a building containing a residential use on an abutting site, the following buffer must be installed along all applicable portions of the common lot line. See Sec. 7B.X for buffer type standards:
 - i. Outdoor storage areas: Type II buffer.
 - ii. Vehicle use areas:
 - a) Loading/service area: Type II buffer.
 - b) Drive-through area: Type I buffer.
 - c) Vehicle sales area: Type I buffer.
 - d) Remote parking lot: Type I buffer.
 - iii. Utility areas: Type III buffer.

c. Transition Buffer Types

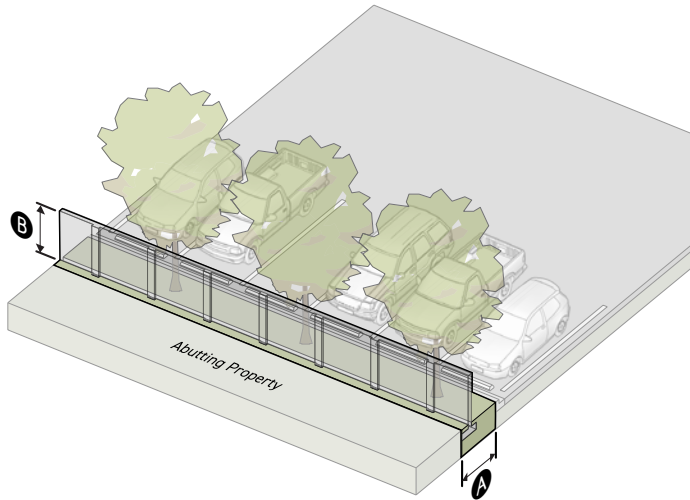
1. General Provisions

- i. To allow for access for maintenance, required trees and shrubs must be planted on the inside of the wall or fence.
- ii. Walls and fences including their sub-grade elements, such as footings or foundations, must be located entirely on site.
- iii. Breaks for pedestrian, bicycle and vehicle access are allowed, provided the break in the buffer is the minimum practical width. Driveways or walkways must cross at or near a perpendicular angle.
- iv. No buildings or structures, except for walls or fences, are allowed in the buffer area.
- v. No vehicle use areas are allowed in the buffer area, including fire apparatus access roads.
- vi. All walls and fences provided must meet the wall and fence design and installation standards as specified in Sec. 7B.X. (XX).
- vii. All required trees and shrubs must meet the standards specified in Sec. 7B.X. (*Planting Standards*).

2. Buffer Type Standards

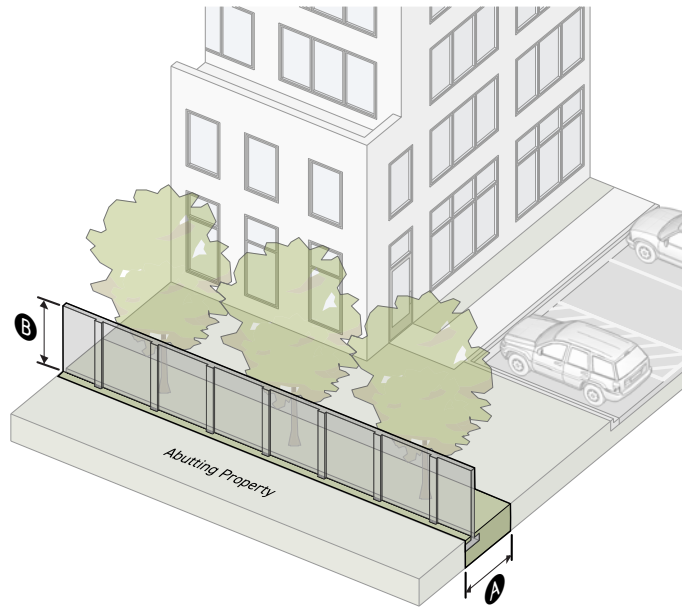
i. Buffer Type I

Narrow landscape buffer with a wall or fence.



ii. Buffer Type II

Narrow landscape buffer with a high wall or fence.

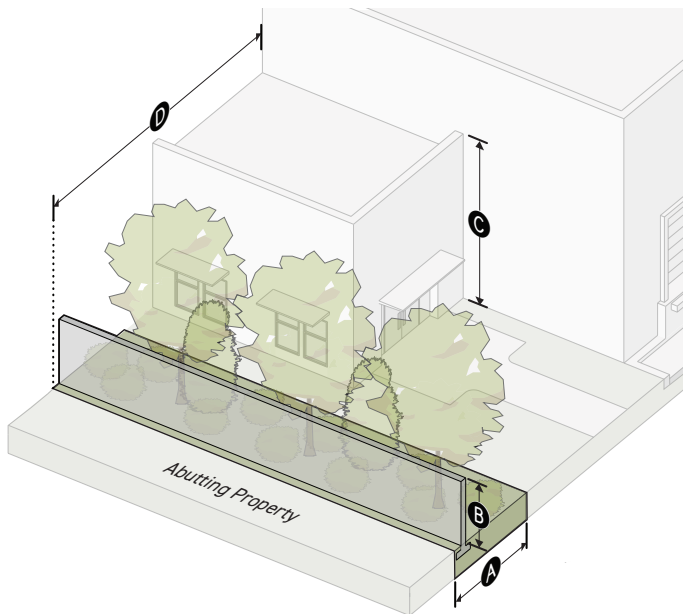


BUFFER AREA	
Ⓐ Depth (min)	7'
Large trees (min per 50')	3
WALL OR FENCE	
Ⓑ Height (min)	6'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
Not required	

BUFFER AREA	
Ⓐ Depth (min)	7'
Large trees (min per 50')	3
WALL OR FENCE	
Ⓑ Height (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
Not required	

iii. Buffer Type III

Narrow/medium width landscape buffer with a wall or fence.



BUFFER AREA

A Depth (min)	10'
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	8

WALL OR FENCE

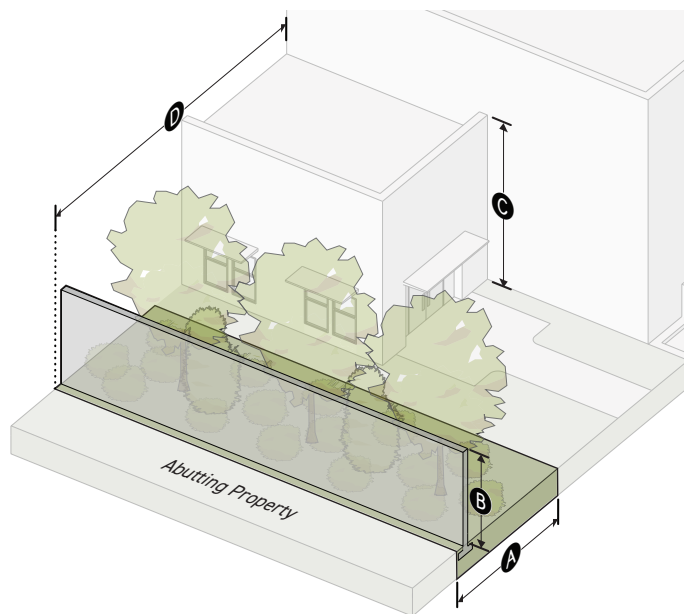
B Height (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'

UPPER-STORY SETBACK

C Height without additional setback (max stories/feet)	2/24'
D Depth of setback above 2nd story (min)	25'

iv. Buffer Type IV

Medium width landscape buffer with a wall or fence.



v. Buffer Type V

Wide landscape buffer with a no wall or fence.



BUFFER AREA

A Depth (min)	15'
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	16

WALL OR FENCE

B Height (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'

UPPER-STORY SETBACK

C Height without additional setback (max stories/feet)	2/24'
D Depth of setback above 2nd story (min)	25'

BUFFER AREA

A Depth (min)	30'
Large trees (min per 50')	3
Small trees (min per 50')	5
Shrubs (min per 50')	24

WALL OR FENCE

Not required

UPPER-STORY SETBACK

Not required

4. Measurement

a. Setbacks

1. Ground story setbacks are measured from the interior edge of buffer area.
2. Upper-story setbacks are measured from the common lot line. For measurement of setbacks see also Sec. 3C.X. (*Building Setbacks*).

b. Buffer Area Depth

Buffer area depth is measured as the narrowest horizontal dimension from one side of the buffer or screening area to the opposite side.

c. Planting Frequency

Trees, shrubs or plants per 50 feet is measured as the total number of trees, shrubs or plants within any 50-foot segment of buffer area.

d. Fence or Wall Height

For measurement of fence or wall height and opacity, see Sec. 7B.X.

5. Relief

A change to a buffer dimensional standard of up 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

620.C. Frontage Screens

1. Intent

- a. To mitigate negative impacts from uses, activities, or site elements with significant impacts on the public realm.
- b. To help reduce cumulative health impacts resulting from incompatible manufacturing and industrial uses that are in close proximity to homes, schools, day cares and other lower intensity uses.

2. Applicability

- a. Screening is required along applicable street and alley lot lines for vehicle use and outdoor storage areas, see *Sec. XX*.
- b. The applicable portion of the street or alley lot line is the portion of the street or alley lot line that abuts the activity required to be screened.
- c. When a conflict occurs between a vehicle use area screen or outdoor storage area screen, the most stringent screen standard applies. In no case is more than one screen type required.

3. Standards

a. Vehicle Use & Outdoor Storage Areas

The following areas must provide the applicable required screen along all applicable portions of the street lot line see *Sec. 620.C.3.b.2.* for screening type standards:

1. Outdoor storage areas: Type III screen.
2. Vehicle use areas:
 - i. Loading/service areas: Type III screen.
 - ii. Drive-through areas: Type I or II screen.
 - iii. Parking area: Type I or II screen.
 - iv. Vehicle sales area: Type I or II screen.
3. Utility areas: Type III screen.

b. Frontage Screen Types

1. General Provisions

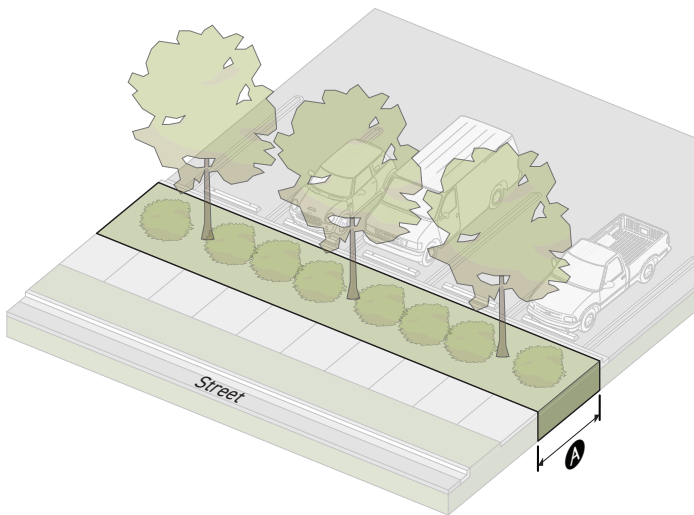
- i. To allow for appropriate screening from the street, the required trees and shrubs must be located on the outside of the wall or fence.
- ii. Walls and fences including their sub-grade elements, such as footings or foundations, must be located entirely on site.

- iii. Breaks for pedestrian, bicycle and vehicle access are allowed, provided the break in the screen is the minimum practical width. Driveways or walkways must cross at or near a perpendicular angle.
- iv. No buildings or structures, except for walls or fences, are allowed in the screening area.
- v. No vehicle use areas are allowed in the screening area, including fire apparatus access roads.
- vi. All walls and fences provided must meet the wall and fence design and installation standards as specified in *Sec. XX. (XX)*.
- vii. All required trees and shrubs must meet the standards specified in *Sec. 7B.X. (Planting Standards)*.

2. Screening Type Standards

i. Screening Type I

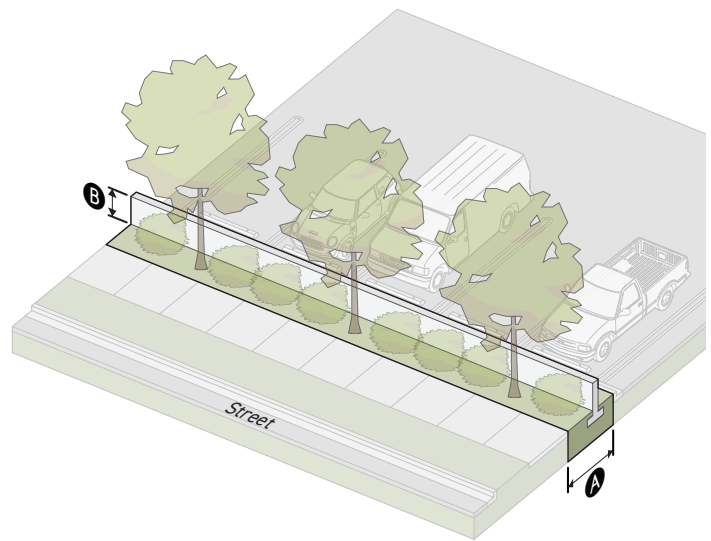
Narrow landscape screen with no wall or fence.



SCREENING AREA	
Ⓐ Depth (min)	10'
Large trees (min per 50')	3
Shrubs (min per 50')	10
WALL OR FENCE	
Not required	

ii. Screening Type II

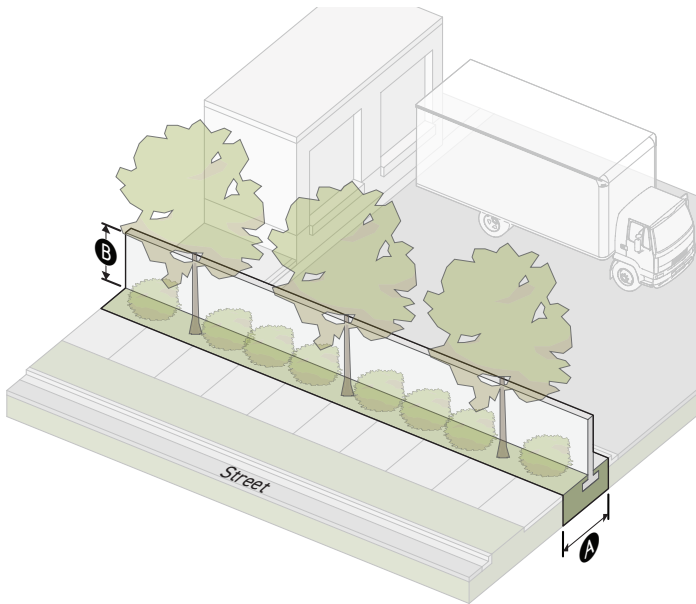
Narrow landscape screening with a low wall or fence.



SCREENING AREA	
Ⓐ Depth (min)	7'
Large trees (min per 50')	3
Shrubs (min per 50')	10
WALL OR FENCE	
Ⓑ Height (min)	30'
Opacity	3
Below 3.5' (min)	5
3.5' and above (max)	5
Setback from lot line (min)	4'

iii. Screening Type III

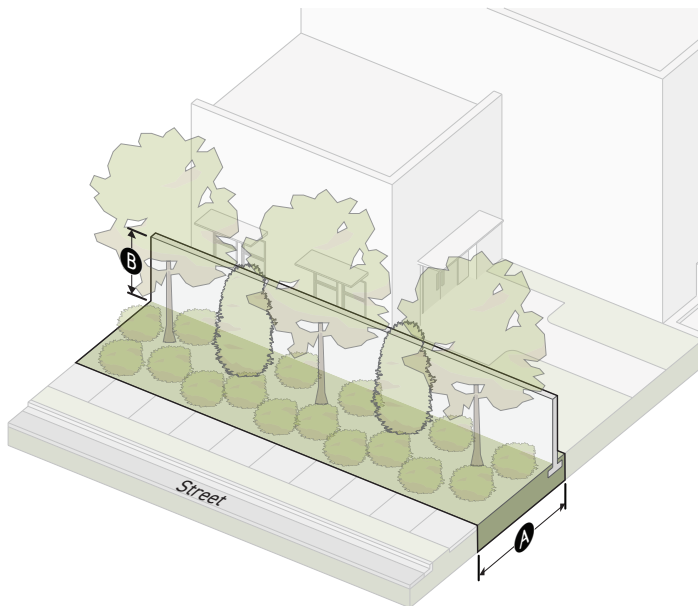
Narrow landscape screening with a wall or fence.



SCREENING AREA		
A	Depth (min)	7'
	Large trees (min per 50')	3
	Shrubs (min per 50')	10
WALL OR FENCE		
B	Height (min)	6'
	Opacity (min)	90%
	Setback from lot line (min)	4'

iv. Screening Type IV

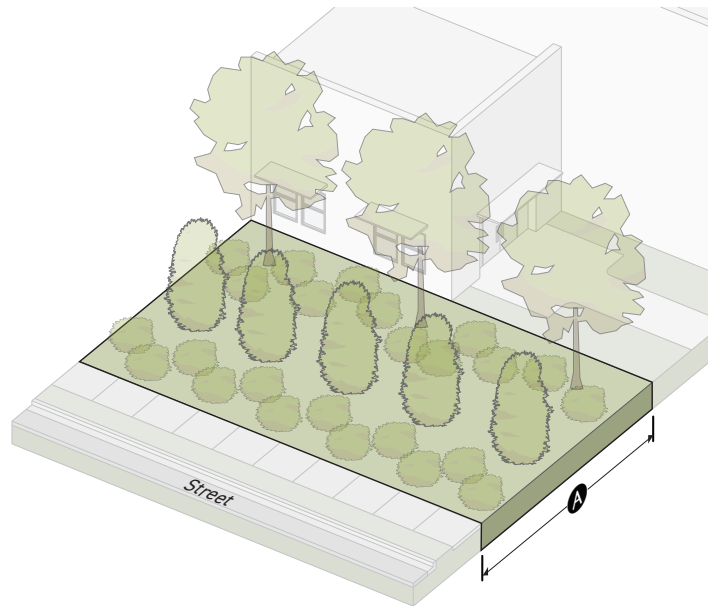
Medium width landscape screen with a high wall or fence.



BUFFER AREA	
Ⓐ Depth (min)	15'
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	16
WALL OR FENCE	
Ⓑ Height (min)	8'
Opacity (min)	90%
Setback from lot line (min)	4'

v. Screening Type V

Wide landscape screen with no wall or fence.



BUFFER AREA	
Ⓐ Depth (min)	30'
Large trees (min per 50')	3
Small trees (min per 50')	5
Shrubs (min per 50')	24
WALL OR FENCE	
Not required	

4. Measurement

a. Screening Area Depth

Screening area depth is measured as the narrowest horizontal dimension from one side of the buffer or screening area to the opposite side.

b. Planting Frequency

Trees, shrubs or plants per 50 feet is measured as the total number of trees, shrubs or plants within any 50-foot segment of screening area.

c. Fences and Walls

For measurement of fence or wall height and opacity see Sec. 7B.X (XX).

5. Relief

A change to a screening dimensional standard of up 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

620.D. Structural Screens

1. Recycling and Trash Receptacles

a. Intent

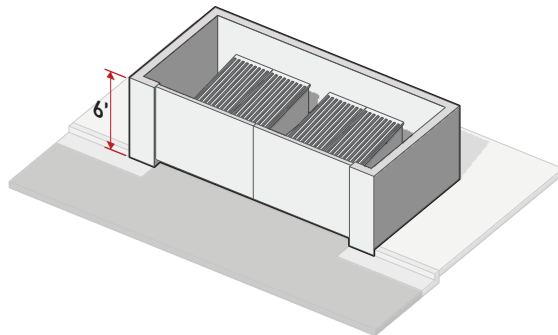
To help ensure recycling and trash receptacles service areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of the lot, neighboring lots or the public realm.

b. Applicability

1. All outdoor recycling and trash enclosures provided for new construction or modified nonresidential development.
2. All outdoor recycling and trash enclosures provided for new construction or modified residential developments with 2 or more dwelling units.

c. Standards

1. Recycling and trash receptacles and their screening enclosures cannot be located in a front or side street yard. Recycling and trash receptacles must be located to the side and rear of buildings and must meet the encroachment requirements of *Sec. 13.X. (Exceptions)*.
2. Outdoor recycling and trash receptacles must be screened on three sides by a wall or fence a minimum height of 6 feet.
3. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.
4. The wall or fence and access gate screening must meet *Sec. 620.E. (Fence & Wall Standards)*.



2. Roof-Mounted Equipment

a. Intent

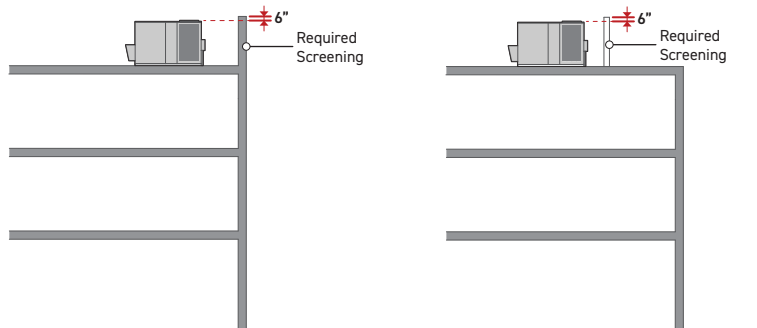
To help ensure roof mounted equipment is designed to minimize effects on surrounding properties and the public realm and to help ensure roof-mounted equipment is obscured from view on the city skyline.

b. Applicability

All outdoor mechanical, electrical or utility equipment located on a roof, with the exception of solar panels, wind turbines and equipment for wireless telecommunication uses.

c. Standards

1. Mechanical, electrical or utility equipment located on a roof must meet the encroachment requirements of *Sec. 3C.390.A.5 (Exceptions)*.
2. Mechanical, electrical or utility equipment must be screened on the roof edge by a parapet wall or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be at least 75% opaque.
4. Screening must meet the standards of *Sec. 7B.720.E.3. (Standards)*.



3. Ground-Mounted Equipment

a. Intent

To minimize visibility of ground-mounted equipment from the public realm.

b. Applicability

Mechanical, electrical or utility equipment having the following characteristics:

1. Located outdoors.
2. Publicly or privately owned.
3. Located at an elevation within 6 feet of finished grade.
4. Lot that serves more than 4 dwelling units or more than 6,000 square feet of floor area.
5. Does not include equipment for wireless telecommunication uses.

c. Standards

1. Ground-mounted mechanical, electrical or utility equipment cannot be located in a front or side street yard. Ground-mounted mechanical, electrical or utility equipment must be located to the side and rear of buildings and must meet the encroachment requirements of *Sec. 3C.390.C.5 (Exceptions)*.
2. Ground-mounted mechanical, electrical or utility equipment visible from a public right-of-way (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be a least 75% opaque.
4. Screening must meet the standards of *Sec. 7B.720.E.3. (Standards)*.

4. Wall-Mounted Equipment

a. Intent

To minimize visibility of wall-mounted equipment from the public realm.

b. Applicability

All mechanical, electrical or utility equipment attached to the exterior wall of a building or structure, with the exception of equipment for wireless telecommunication uses.

c. Standards

1. Wall-mounted mechanical, electrical or utility equipment cannot be attached to a street-facing building facade. Wall-mounted mechanical or electrical equipment can only be attached to side and rear-lot line facing building facades and must meet the encroachment requirements of *Sec. 3C.390.C.5 (Exceptions)*.
2. Wall-mounted mechanical, electrical or utility equipment visible from a public right-of-way (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be a least 75% opaque.
4. Screening must meet the standards of *Sec. 7B.720.E.3. (Standards)*.

d. Measurements

1. For measurement of opacity see *Sec. 7B.720.E.4.b (Opacity)*.
2. Height from topmost point of the equipment is measured to the top of the screen and gate at their lowest height.

e. Relief

A screening dimensional standard may be modified by up to 10% in accordance with *Sec. 13.X. (Adjustments)*.

620.E. Fence & Wall Standards

1. Intent

To balance the needs for natural surveillance and visual interest along the public realm and security and privacy for private ground story uses in a manner appropriate to context.

2. Applicability

- a. The wall and fence height standards apply to all zoning lots.
- b. Allowed wall and fences types are set in *Part 3B (Form Modules)* and *Part 4B (Frontage Modules)*.
- c. Where a buffering or screening requirement requires a taller wall or fence, the buffer or screening requirements supersede.

3. Standards

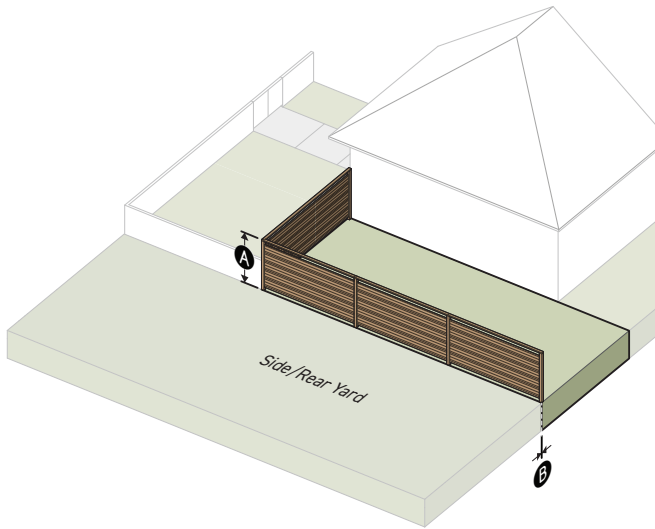
a. Front/Side Street Yard Fence and Wall Types

See *Sec. 490.B.3.b. (Frontage Yard Fence & Wall Types)*.

b. Side/Rear Yard Fence & Wall Types

1. Fence Type VI

Intended for typical side and rear yards.

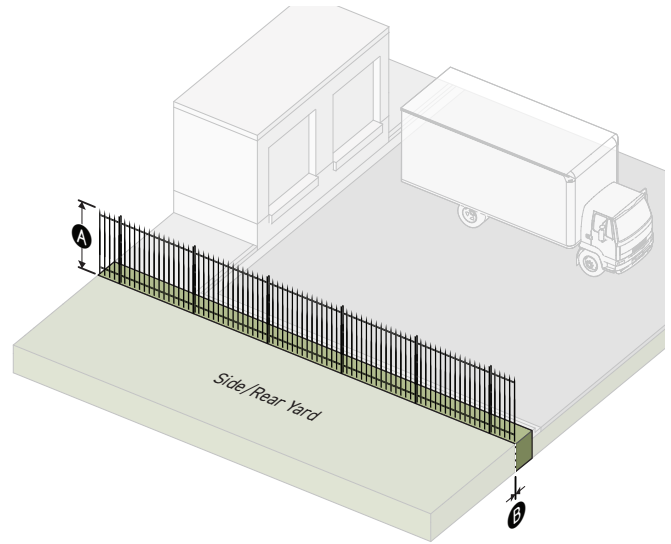


STANDARDS

A Wall/fence height (max)	6'
B Setback from lot line (min)	0.5'

2. Fence Type VII

Intended for industrial side and rear yards where additional screening and security might be needed.



SCREENING AREA

A Wall/fence height (max)	10'
B Setback from lot line (min)	0.5'

c. Design and Installation

1. Material

- i. Fences, walls, and gates must be constructed of standard building materials that are customarily used for wall and fence construction, such as brick, stone, concrete masonry, stucco, concrete, or wood. Scrap or “recycled” material may not be used. Tires, junk, recycled garage doors, sheet metal, or plywood are not allowed as fencing material.
- ii. Chain-linked fences are not allowed in front or side yards.
- iii. Barbed wire and concertina wire are not allowed.

2. Location

- i. The finished side of a wall or fence must be placed on the outside of the property.
- ii. Walls, fences and gates must be set back from the lot line in accordance with *Sec. 7B.720.B. (Transition Buffers)*, *Sec. 7B.720.C. (Frontage Screens)*, *Sec. 4C.490.B.3.b. (Frontage Yard Fence & Wall Types)* and *Sec. 7B.720.E.3.b. (Side/Rear Yard Fence & Wall Types)*.
- iii. No wall or fence is allowed within any required drainage or utility easement.
- iv. All walls, fences and gates including their sub-grade elements, such as footings or foundation, must be located on-site.

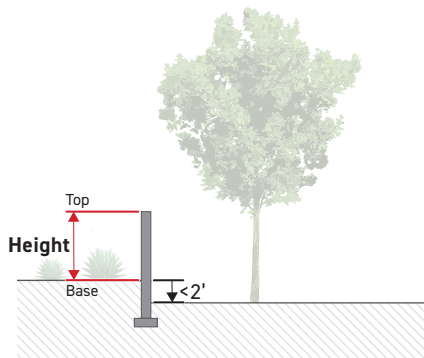
3. Maintenance

All walls, fences and gates must be maintained in good repair and must be kept vertical, structurally sound and protected from deterioration.

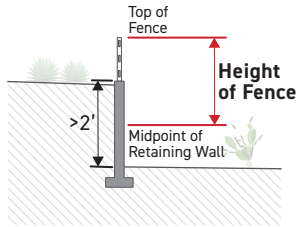
4. Measurement

a. Height: Side/Rear Yards

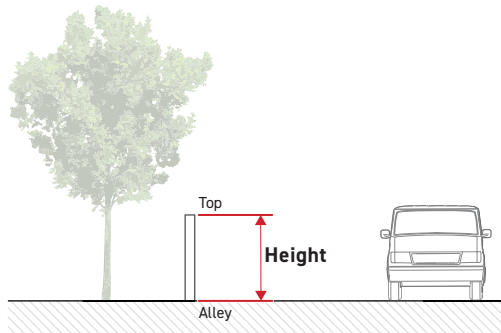
1. Where the difference in grade on either side of a wall or fence is less than 2 feet, height is measured from at the base of the wall or fence on the side with the highest grade.



- When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, height is measured from the top of the wall or fence to the midpoint of the retaining wall.

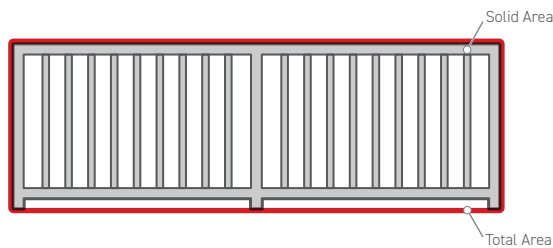


- Fences and walls located in a rear or side yard abutting an alley are measured from the surface of the adjacent alley, vertically to the topmost point of the wall or fence.



b. Opacity

- Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the fence or wall.
- The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall.



$$\frac{\text{Solid Area}}{\text{Total Area}} = \text{Opacity (\%)}$$

5. Relief

A change to a wall or fence dimensional standard of up to 10% may be requested in accordance with *Sec. 13.X. (Adjustments)*.

620.F. Planting Standards

1. Intent

To provide the necessary elements to support a healthy urban ecological system.

2. Applicability

All plants used to meet a requirement of this Ordinance.

3. Standards

a. General

1. No invasive species can be planted. Any plant listed by the California Invasive Plant Inventory as an invasive or watch plant (including the ratings of "limited", "moderate", "high" or "watch") is considered an invasive species. (<https://www.cal-ipc.org/plants/inventory/>)
2. Plants must not interfere with visibility at intersections and driveways.
3. No artificial plants, trees, or other plants may be installed as required planting.

b. Irrigation

1. Plant materials must be able to survive on natural rainfall once established with no loss of health, or be supported by an irrigation system meeting the *California Model Water Efficient Landscape Ordinance (Ch. 2.7.)*
2. Irrigation systems must be continuously maintained in working order and be designed to prevent overlap of water zones and to prevent watering of impervious areas.

c. Planting Areas

1. General

- i. Area that includes structures, foundation walls, footings or flatwork cannot count toward any planting area requirement with the following exceptions:
 - a) Planters located within 10 feet of a building can count toward required planting area.
 - b) Planters located on or above a structure (examples include: roofs, terraces, bridges, balconies, and above or below ground parking structures) can count toward required planting area.
- ii. Planting areas must have no horizontal dimension less than 3 feet.
- iii. Planting areas must have a minimum plant coverage of 75 percent.
- iv. All plants required to meet the minimum plant coverage standard must meet the applicable plant type planting specification standards in *Sec. 7B.X (Plant Type)*. When rooftop planting area standards (*Sec. 7B.X*) conflict with the plant type planting specifications, rooftop planting area standards supersede.

- v. Planting areas must include 1 large species tree or 2 small species trees for each 500 square feet of total required on-site planting area.

2. Rooftop Planting Areas

Plants provided on or over a built structure, including but not limited to, a roof, a bridge, a balcony or a parking structure, must comply with the following standards:

- i. Where rooftop planting area standards conflict with plant type planting hole standards (Sec. 4C.6.5.C.3.), rooftop planting area standards supersede.
- ii. Minimum soil depth or soil volume for required plants, is as follows:

TREES			OTHER PLANTS	
Height at Maturity	Soil Volume (min)	Soil Depth (min)	Height at Maturity	Soil Depth (min)
15' to 19'	220 ft ³	36"	<5.9"	12"
20' to 24'	400 ft ³	36"	6" to 11"	18"
25' to 29'	620 ft ³	42"	1' to 7'	24"
30' to 34'	900 ft ³	42"	8' to 14'	30"
35' to 39'	1,200 ft ³	42"	15' to 24'	36"
40' or more	1,600 ft ³	48"	25' or more	42"

- iii. All large species trees must be setback from the edge of the roof a minimum of two-thirds the mature height of the tree measured perpendicularly from the edge of the roof to the center of the tree trunk. The required setback may be reduced by an amount equivalent to the height of a guard rail or wall that is provided along the perimeter of the roof edge. The guard rail or wall height is measured vertically from the top of the roof to the topmost point of the wall or guardrail.

d. Plant Types

1. Trees

- i. All trees must be in a minimum 24-inch box container size and be a minimum caliper of 1.5 inches at time of planting.
- ii. Large trees must have a minimum canopy spread at maturity of least 30 feet.
- iii. Small trees must have a minimum canopy spread at maturity between 15 feet and 30 feet.
- iv. Where a required large tree cannot be provided due to existing spatial conflicts, 2 small trees may be provided as an alternative to meet the requirement.

2. Screening Plants

- i. Screening plants must be perennial.
- ii. Screening plants must be planted so as to form a continuous screen within the transition area except for breaks for required trees.
- iii. Screening plants must be at least 18 inches in height at time of planting.
- iv. Screening plants must be able to reach at least 3 feet in height at maturity.

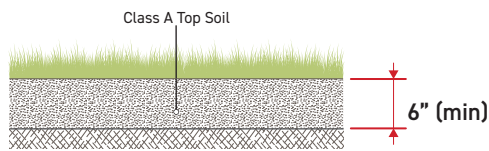
- v. Screening plants must be maintained at no less than their height at maturity.

3. Shrubs

- i. A minimum of 75% of required shrubs installed must be evergreen.
- ii. All shrubs must be at least 2 feet in height at time of planting.
- iii. All shrubs installed must be able to reach at least 4 feet in both height and spread at maturity.

4. Groundcover & Turf Plants

- i. A minimum top soil depth of 6 inches.
- ii. Top must be Class A top soil or native variety.



5. Living Walls

Living walls provided to meet a standard must meet the following standards:

- i. Permanently attached to the exterior of a building or structure.
- ii. Automatic irrigation system permanently integrated into the assembly.
- iii. Growing medium must be permanently integrated into the assembly while retaining the ability to remove, replace and maintain the plants and growing medium.
- iv. A minimum soil depth of 4 inches of Class A top soil or native variety.
- v. A minimum of 75 percent plant coverage at maturity, measured vertically.
- vi. For living walls adjacent to the public right-of-way, plants must be maintained so as not to obstruct the public right-of-way.

e. Maintenance

See Article V. (*Landscape Maintenance*).

4. Measurement

For the measurement, see the "Methods of Measurement" section of the latest version of the American Standard for Nursery Stock (ASNS).

5. Relief

- a. An alternative to a planting standard may be requested in accordance with Sec. 13.X. (*Alternative Compliance*).
- b. A change to a planting standard of up 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

620.G. Retaining Walls

1. Intent

To ensure visually appealing, high quality retaining walls that do not tower over neighboring properties and public rights-of-ways.

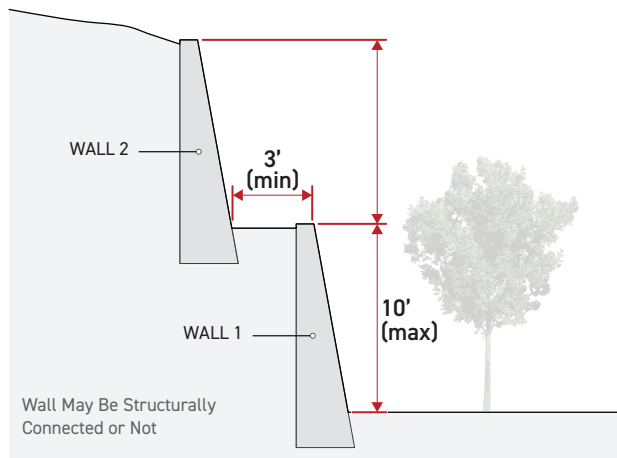
2. Applicability

All retaining walls.

3. Standards

a. General

1. No retaining wall can exceed 10 feet in height.
2. Where multiple retaining walls are located on one lot, they must meet the following standards:
 - i. Retaining walls must be spaced at least three feet apart horizontally,
 - ii. No retaining wall located in a frontage yard can exceed the frontage yard fence and wall type's maximum height, applied by the Frontage Module (*Part 4B*), except as allowed in *Sec. 7B.720.E.3.b. (Side/Rear Yard Fences & Walls)*.



b. Landscaping

Retaining walls that exceed 8 feet in height must be landscaped in accordance with any planting standard in *Sec. 7B.720.F. (Planting Standards)* and fence and wall standard in *Sec. 7B.720.E. (Fence and Wall Standards)*.

4. Measurement

Retaining wall height is measured from the top of the wall to the lowest adjacent ground elevation.

5. Exceptions

a. Exception for Public Agency Projects

This Section does not apply to projects undertaken by a public agency.

b. Exception for Retaining Walls Required by Building and Safety

This Section does not apply to retaining walls built to comply with an order issued by the Building and Safety Division to repair an unsafe or substandard condition.

6. Relief

A change to a retaining wall standard of up 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

Sec. 630. Signs

See Chapter 42. (Signs).

Sec. 640. Environmental Protection

640.A. Outdoor Lighting

1. Intent

To provide exterior lighting standards to support a variety of environments and to minimize the negative impacts of lighting on adjacent uses and users of the public realm.

2. Applicability

a. New Fixtures

All lighting fixtures installed after the effective date of this Ordinance.

b. Existing Fixtures

1. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
2. The installation of site lighting, replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Section.

3. Standards

a. Lighting Sources Not Permitted

The following light fixtures and sources cannot be used:

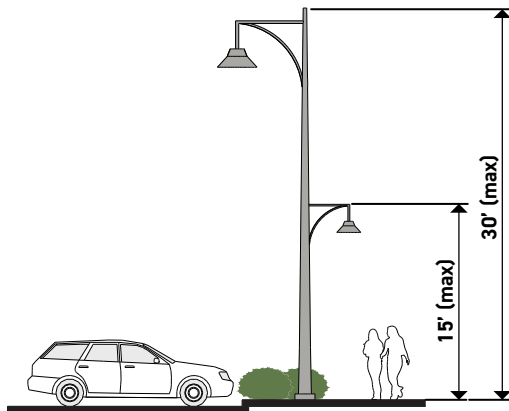
1. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not incandescent.
2. Temporary searchlights and other high-intensity narrow-beam, moving fixtures that shine light directly up to the sky.

b. Lighting Sources Permitted

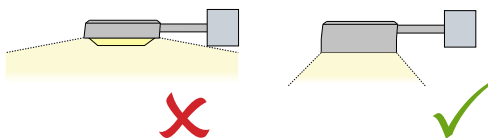
1. The maximum light level of any light fixture measured at the right-of-way line of a street cannot exceed an average of 2.5 footcandles. The uniformity ratio should be no more than 4:1.
2. Light sources must have a Color Rendering Index (CRI) value of 80 or higher.
3. Lighting cannot be oriented onto adjacent properties, streets or sidewalks.
4. Service connections for all freestanding lighting fixtures must be installed underground.

c. Parking and Pedestrian Area Lighting

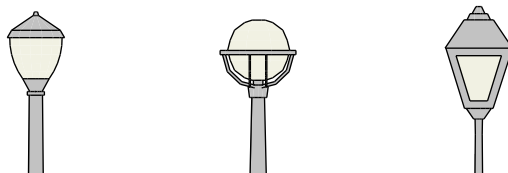
1. Light fixtures within parking lots and motor vehicle use areas can be no higher than 30 feet.
2. Light fixtures within pedestrian areas mounted on poles may be no higher than 15 feet.



3. All light fixtures must be full cutoff (shielded), except as listed below.

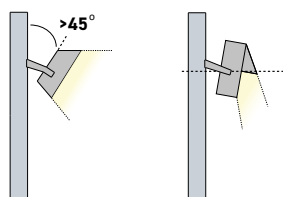


4. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9,500. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

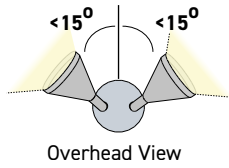


d. Flood Lights and Flood Lamps

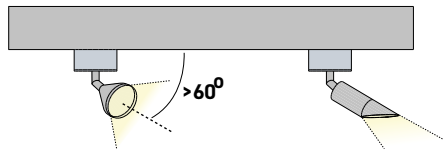
1. Flood light fixtures must either be aimed down at least 45 degrees from vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



- Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.



- All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

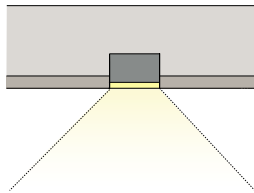


e. Canopies

Lighting under canopies must be less than 24 maintained footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

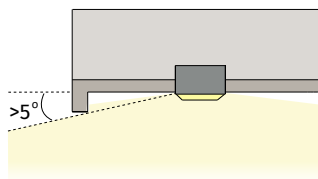
1. Recessed

Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.



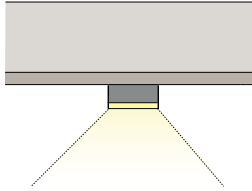
2. Shielded

Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



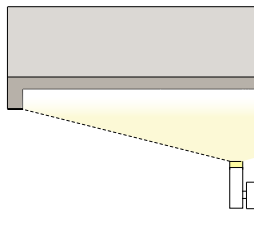
3. Surface Mounted

Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



4. Indirect

Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



f. Building Lighting

1. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
2. All wall pack fixtures must be full cutoff fixtures.



3. Only lighting used to accent architectural features, landscape or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

4. Measurement

- a. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.
- b. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

5. Relief

A change to a lighting dimensional standard of up 10% may be requested in accordance with Sec. 13.X. (*Adjustments*).

640.B. Recycling and Solid Waste Disposal

1. Intent

- a. To increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal;
- b. Decrease the impact of the consumption of renewable and nonrenewable resources on the environment; and
- c. Reduce litter.

2. Applicability

- a. All new construction or modified nonresidential development.
- b. All new construction or modified residential developments with 2 or more dwelling units.

3. Standards

a. General

1. Design and Location

- i. Outdoor recycling and trash enclosures must meet the standards of *Sec. 620.D.1.c. (Waste Receptacle Standards)*.
- ii. Dimensions of the storage area must accommodate containers consistent with current methods of collection.
- iii. The storage area must be accessible to all occupants and haulers.
- iv. Where a development is served by an alley, all outdoor storage areas must be directly accessible from the alley.

2. Instructional Signs

- i. Signs must be conspicuously posted on each recycling and trash enclosure, adjacent to the access point, giving instructions on the use of the recycling bins and containers.
- ii. Each sign must not exceed four 4 square feet in area.

3. Landscaping

The perimeter of the recycling and trash enclosure must be landscaped in accordance with any planting standard in *Sec. 620.F. (Planting Standards)*.

4. Lighting

All trash collection areas must be well lit in accordance with any planting standard in *Sec. 630.A. (Outdoor Lighting)*.

5. Use of Parking Spaces

Recycling and trash enclosures must not be located in any required parking space.

6. Existing Trash Enclosures

For a modified development with an existing trash enclosure, the existing enclosure must be improved as needed to meet standards of this Section.

b. Nonresidential Developments

Nonresidential projects must provide at least 1 trash and recycling facility for each commercial or industrial lot. Additional trash facilities may be required at the Administrator's discretion.

c. Residential Developments

Multi-unit residential projects must provide trash and recycling storage areas that meet the following requirements:

1. A minimum of 1 recycling, 1 solid waste, and 1 organics disposal container must be provided for every 15 dwelling units.
2. Trash and recycling storage areas must be located within 150 feet from the dwelling units that they serve.
3. Projects with less than 4 dwelling units are not required to provide a trash enclosure but must provide trash containers for both recyclable and solid waste disposal, subject to the approval of the Public Works Department.

4. Relief

A change to a recycling and solid waste disposal standard of up 10% may be requested in accordance with *Sec. 13.X. (Adjustments)*.

640.C. **Floodplains**

See *Article X. (Floodplain Management)*.

640.D. **Operational Performance Standards**

See *Article VII. (Noise and Vibration Control)*.

PART 7.

ALTERNATE TYPOLOGIES

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PART. 7A.

ALTERNATE TYPOLOGIES INTRODUCTION

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700.B. Alternate Typologies Applicability. 7-4
700.C. Relationship to Zoning Districts and Modules. 7-5
700.D. Relationship to Specific Plans & Overlay Districts. 7-5

Sec. 700. **General Provisions**

700.A. **Alternate Typologies Intent**

Alternate Typologies provide an option to override specific standards in the underlying zoning that may otherwise prohibit a desired development configuration. In exchange for providing greater flexibility on particular standards, Alternate Typologies require other higher standards to allow the desired development configuration while ensuring projects are contextually appropriate.

700.B. **Alternate Typologies Applicability**

1. **General**

All projects approved using an Alternate Typology and filed after the effective date of this Zoning & Development Code must comply with the applicable Alternate Typology standards in Part 7, as further specified below. For vested rights, see *Sec. XX. (Vested Rights)*, and for continuance of existing development, see *Sec. XX. (Continuance of Existing Development)*.

2. **Eligibility**

Alternate Typologies are only allowed in eligible districts. Each Alternate Typology lists all zoning districts where the Alternate Typology is allowed. Any lot within one of the eligible zone districts may use the Alternate Typology.

3. **Project Activities**

- a. Alternate Typology standards apply to project activities as shown in the applicability tables in *Part 3A (Form Introduction)*, *Part 4A (Frontage Introduction)*, *Part 5A (Use Introduction)*, and *Part 6A (Site Introduction)*. More than one project activity may apply to a project (for example, an addition may also include the expansion of a use).
- b. Where a rule is listed as generally applicable in the applicability tables, the project activity must meet the applicable Alternate Typology rules within the section. This general applicability may be further specified for each standard in the applicability provisions in *Part 3C (Form Rules)*, *Part 4C (Frontage Rules)*, *Part 5C (Use Rules)*, and *Part 6B (Site Rules)*. Project applicability may also be modified by *Sec. XX. (Nonconformity)*. Where a section of the Alternate Typology rules is listed as not applicable in the applicability tables, the standards within the section do not apply to the project activity.
- c. Project activities are defined in *Sec. 1400.X. (Project Activities)*.

4. **Applicable Components of Lots, Buildings, and Structures**

- a. Alternate Typology regulations apply to all portions of a lot.
- b. Alternate Typology regulations apply to all portions of buildings and structures on a lot.
- c. Specific Alternate Typology regulations may further limit which components of buildings and lots are required to comply with the rules in *Part 7C. (Alternate Typologies Rules)*.

5. Nonconformity

- a. Where an existing lot, site, building, or structure is nonconforming as to the standards specified by the underlying applied first zoning district bracket, a project is eligible to use Alternate Typology for proposed project activities, provided that the uses on the lot will conform to the use standards of the proposed Alternate Typology once the proposed project is complete. Once any project activity is approved under the rules of an Alternate Typology, no future project activity on that lot may decrease the conformance with any Alternate Typology standard in *Part 7 (Alternate Typologies)*, except as specified by the following provision.
- b. *Sec. XX. (Nonconformity)* provides relief from the requirements of *Part 7 (Alternate Typologies)*, for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. No proposed project activity using an Alternate Typology may decrease the conformance with any Form, Frontage, Use, or Site standard in *Part 7 (Alternate Typologies)*, unless otherwise specified in *Sec. XX. (Form Exceptions)*, *Sec. XX. (Frontage Exceptions)*, *Sec. XX. (Use Exceptions)*, or *Sec. XX. (Site Exceptions)*.

700.C. Relationship to Zoning Districts and Modules

- a. Where a standard is listed in an Alternate Typology, the specification listed for the standard in the Alternate Typology supersedes the specification listed in the underlying zoning district for the same standard.
- b. The underlying zoning module standard applies where an Alternate Typology:
 1. Defers to the underlying module (for example, "Set by Form Module");
 2. Provides no specification for a standard listed by the underlying module; or
 3. Does not list a standard that is listed by the underlying module.

700.D. Relationship to Specific Plans & Overlay Districts

- a. Alternate Typologies do not supersede the requirements of Specific Plans.
- b. Alternate Typologies are eligible in Overlay Districts.

PART. 7B.

ALTERNATE TYPOLOGIES

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Sec. 710. **Open Lot**

710.A. **Open Lot**

1. **Intent**

The Open Lot Alternate Typology is intended for parks, open space and utility uses as well as land based project uses such as urban agriculture, gardening, beautification and other productive uses.

2. **Eligible Districts**

The Open Lot Alternate Typology is allowed in any district.

3. **Eligible Lots**

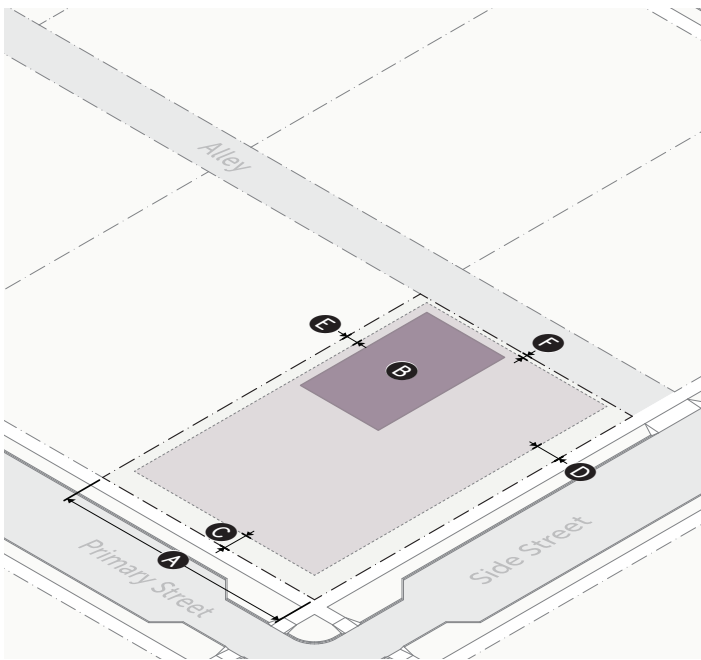
The Open Lot Alternate Typology is only allowed on vacant lots.

4. **Review**

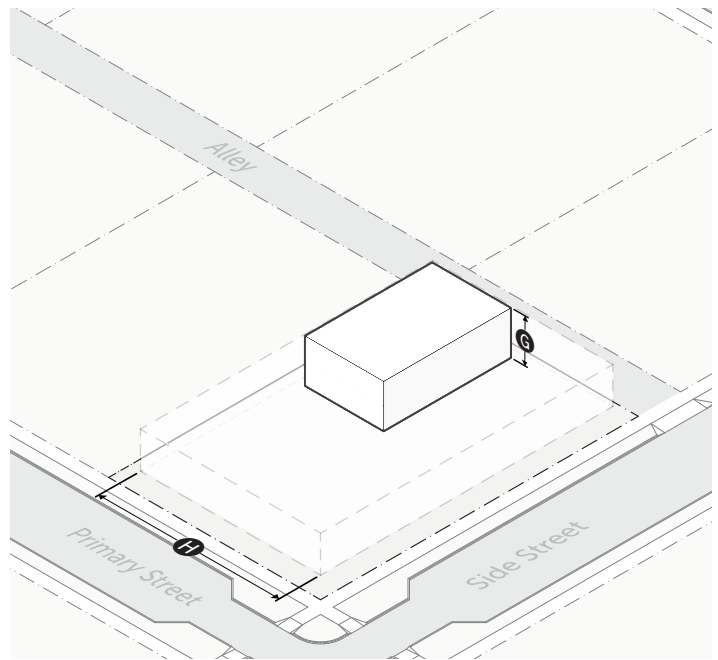
Administrative review is required. See *Sec XX. (Administration)*.

5. FORM

a. Building Placement



b. Building Form

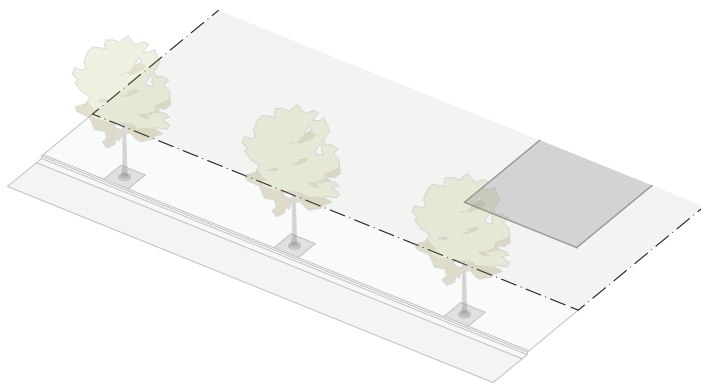


LOT SIZE		Sec. 360.
	Lot Area (min)	n/a
A	Lot Width	
	Front access (min)	n/a
	Side/alley access (min)	n/a
COVERAGE		Sec. 370.
	Impervious coverage (max)	25%
B	Building coverage (max)	15%
Building setbacks		
C	Primary street lot line (min)	10'
D	Side street lot line (min)	10'
E	Side lot line (min)	0' or 5'
	Rear lot line (min)	0' or 5'
Alley setbacks		
F	Alley lot line (min)	3' or 20'
	Alley centerline (min)	13' or 30'
AMENITY		Sec. 380.
	Outdoor amenity space (min)	n/a

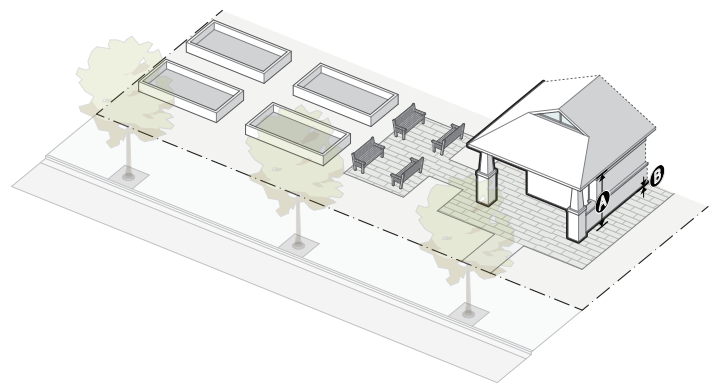
BUILDING		Sec. 390.
G	Building height (max stories/feet)	2.5/32'
H	Building width (max)	80'
	Building break (min)	n/a
I	Building depth (max)	80'
FENCES & WALLS		Sec. 620.E.
	Front yard type	See Landscaping
	Side/rear yard type	Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
	1-3 dwelling units (min)	Not required
	4+ dwelling units (min)	1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
	<15,000 square feet (min)	Not required
	≥15,000 square feet (min)	Parking study required

6. FRONTAGE

a. Street Orientation



b. Street-facing Facade



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	1	1
Build-to depth (max)	n/a	n/a
Build-to width (min)	n/a	n/a
Pedestrian amenity allowance	n/a	n/a
Active depth (min)	n/a	n/a
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Allowed	Allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	n/a	n/a
Frontage yard fence & wall type allowed	Type A3	Type A3

	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
Ground story transparency	n/a	n/a
Upper story transparency	n/a	n/a
Active wall spacing (max)	n/a	n/a
ENTRANCES	<i>Sec. 4110.</i>	
Street-facing entrance	n/a	n/a
Entrance spacing (max)	n/a	n/a
Required Entry feature	No	No
GROUND STORY	<i>Sec. 4120.</i>	
A Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	16'	16'
B Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

7. USE

a. Use Standards

1. No less than 90% of the total site area on the lot must be used for one or more of the following uses:
 - i. Nature reserve;
 - ii. Open space - public;
 - iii. General public utility infrastructure; and
 - iv. Any urban agricultural use
2. For projects approved using the Open Lot Alternate Typology only the uses listed above are allowed on the lot for a period of 2 years after the project receives its certificate of occupancy.
3. Once 2 years have elapsed, any use allowed in the applied Use Module (*Part 5B*) is permitted.
4. For additional Use Module standards, see the applied Use Module (*Part 5B*).

Sec. 720. **Manufactured Housing Park**

720.A. **Manufactured Housing Park**

1. **Intent**

The Manufactured Housing Park Alternate Typology is intended to accommodate manufactured housing parks where residential uses are permitted.

2. **Eligible Districts**

The Manufactured Housing Park Alternate Typology is only permitted in zoning districts with the R1 Use Module.

3. **Eligible Lots**

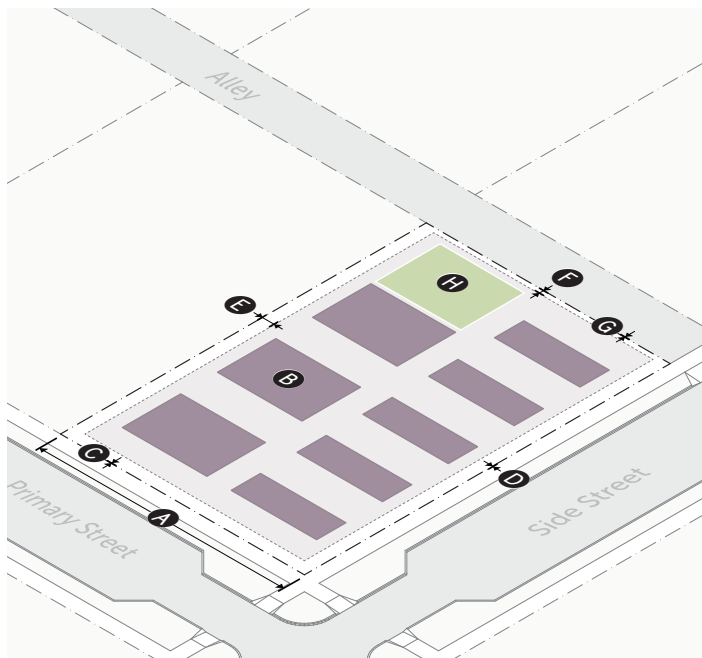
The Manufactured Housing Park Alternate Typology is only permitted on lots larger than 5 acres.

4. **Review**

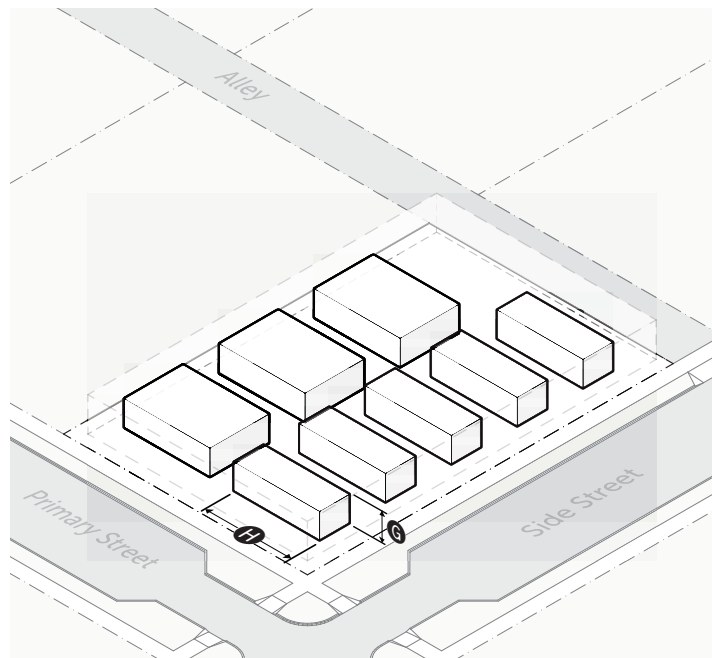
Administrative review is required. See *Sec XX. (Administration)*.

5. FORM

a. Building Placement



b. Building Form

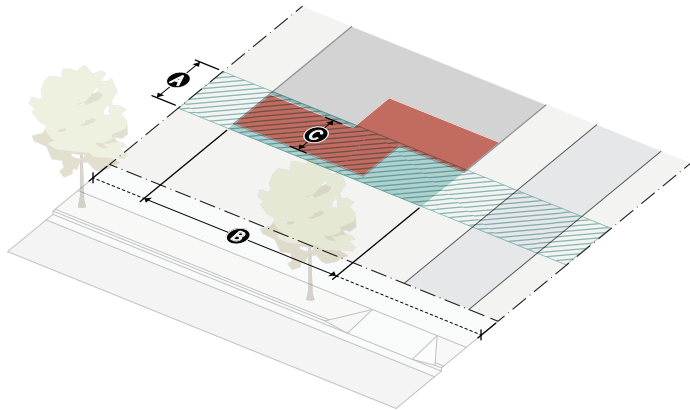


LOT SIZE		Sec. 360.
Lot Area (min)		217,800 SF
A Lot Width		
Front access (min)		100'
Side/alley access (min)		80'
COVERAGE		Sec. 370.
Impervious coverage (max)		60%
B Building coverage (max)		45%
Building setbacks		
C Primary street lot line (min)		10'
D Side street lot line (min)		10'
E Side lot line (min)		0' or 5'
Rear lot line (min)		0' or 5'
Alley setbacks		
F Alley lot line (min)		3' or 20'
Alley centerline (min)		13' or 30'
AMENITY		Sec. 380.
Outdoor amenity space (min)		15%

BUILDING		Sec. 390.
G Building height (max stories/feet)		1/16'
H Building width (max)		80'
Building break (min)		n/a
I Building depth (max)		80'
FENCES & WALLS		Sec. 620.E.
Front yard type		See Landscaping
Side/rear yard type		Type VI
REQUIRED PARKING		Sec. 610.C.
Residential		
1-3 dwelling units (min)		Not required
4+ dwelling units (min)		1 parking space per dwelling unit required after 3rd dwelling unit
Nonresidential		
<15,000 square feet (min)		Not required
≥15,000 square feet (min)		Parking study required

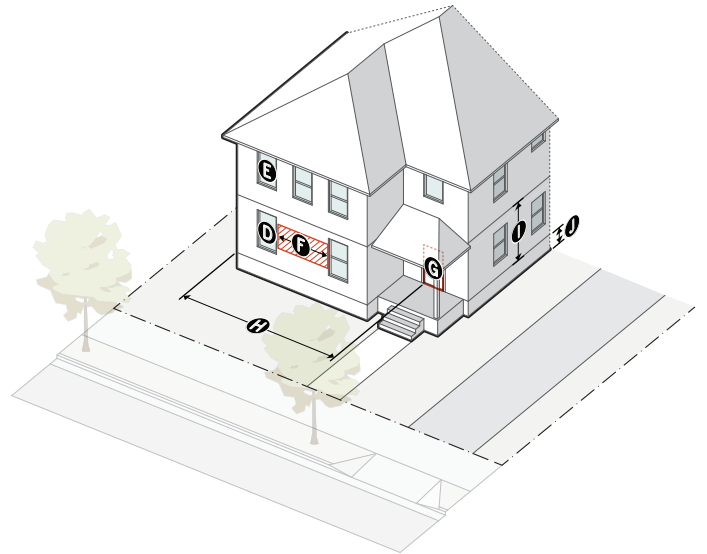
6. FRONTAGE

a. Street Orientation



	Primary Street	Side Street
BUILD-TO	<i>Sec. 470.</i>	
Applicable stories (min)	All	All
A Build-to depth (max)	25'	20'
B Build-to width (min)	50%	30%
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	9'	5'
PARKING LOCATION	<i>Sec. 480.</i>	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	<i>Sec. 490.</i>	
Frontage planting area (min)	50%	50%
Frontage yard fence & wall type allowed	Type A3	Type A3

b. Street-facing Facade



	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
D Ground story transparency	20%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	<i>Sec. 4110.</i>	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Porch • Stoop • Forecourt 	
GROUND STORY	<i>Sec. 4120.</i>	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

7. USE

a. Use Standards

See the use standards for Manufactured Housing Park (Sec. 540.A.X).

PART. 7C.

ALTERNATE TYPOLOGY RULES

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Sec. 730. **Alternate Typology Rules**

730.A. **Form Rules**

1. For form standards set by the Form Module, see the applied Form Module in *Part 3B. (Form Modules)*.
2. For form rules set by the Form Module, see the applied form rules in *Part 3C. (Form Rules)*.

730.B. **Frontage Rules**

1. For frontage standards set by the Frontage Module, see the applied Frontage Module in *Part 4B. (Frontage Modules)*.
2. For frontage rules set by the Frontage Module, see the applied frontage rules in *Part 4C. (Frontage Rules)*.

730.C. **Use Rules**

1. For use standards set by the Use Module, see the applied Use Module in *Part 5B. (Use Modules)*.
2. For use rules set by the Use Module, see the applied use rules in *Part 5C. (Use Rules)*.

730.D. **Site Rules**

1. For site rules, see *Part 6B. (Site Rules)*.

PART 8.

HISTORIC PRESERVATION, SPECIFIC PLANS, & OVERLAY DISTRICTS

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Sec. 800. Historic Preservation

800.A. Purpose and Intent

The purpose of this section is to preserve the city of Pomona's cultural, historical, and architectural heritage and resources as living parts of community life, which will benefit and enrich the lives of its present and future residents. To these ends, this section is intended to accomplish the following:

1. Preserve the diverse architectural styles reflecting phases of the city of Pomona's history and encourage complementary contemporary development to inspire a more livable urban environment;
2. Build civic pride by promoting the understanding, appreciation, and enjoyment of the city's rich heritage and cultural resources;
3. Enhance property values and increase economic and financial benefits to the city;
4. Enhance the city of Pomona for residents, tourists and visitors thereby stimulating business and industry; and
5. Conserve valuable material and energy resources by fostering ongoing use and maintenance of the existing built environment.

800.B. Applicability

This Section applies to all designated local historic landmarks, designated local historic districts, and properties listed on the National Register of Historic Places and the California Register of Historic Resources.

800.C. Standards

1. Determination of Historic Eligibility

Any request for a determination of Historic Eligibility must follow the requirements of Sec. XX. (XX).

2. Designations

The City may develop, from time to time, historic context(s) and historic resource survey(s). Historic contexts and historical resource surveys can serve many purposes, including providing the basis to identify and evaluate properties that have the potential to be considered Eligible Historical Resources.

a. Historic Landmark Designation Criteria

Any Eligible Historical Resource may be designated an Historic Landmark by the City Council pursuant to Sec. XX. if it meets the criteria for listing in the National Register of Historic Places, the California Register of Historical Resources, or it meets one of the following:

1. Architecture / Physical Features

- i. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship (*Criterion 3 in previous ordinance*);

- ii. It is the work of a notable builder, designer, landscape designer or architect (*Criterion 5 in previous ordinance*);
- iii. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation (*Criterion 7 in previous ordinance*);
- iv. It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif (*Criterion 8 in previous ordinance*);
- v. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Pomona (*Criterion 6 in previous ordinance*);
- vi. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning (*Criterion 9 in previous ordinance*);
- vii. It is one of the few remaining examples in the city of Pomona, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen (*Criterion 10 in previous ordinance*).

2. Person(s) and Events Important in Our History

- i. It is identified with persons or events significant in local, state, or national history (Criterion 2 in previous ordinance);
- ii. It exemplifies or reflects special elements of the city of Pomona's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history (Criterion 1 in previous ordinance);

3. Archaeology

Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

b. Historic Designation Criteria

Any Eligible Historic District may be designated as an Historic District by the City Council pursuant to Sec. XX. if the neighborhood meets the criteria for listing in the National Register of Historic Places, the California Register of Historical Resources, or the neighborhood meets the following:

- 1. It is a contiguous area possessing a concentration of eligible historic resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and (b) embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values (*Criterion 4 in previous ordinance*);
- 2. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning (*Criterion 9 in previous ordinance*); and

3. Meets at least one of the following:

i. Architecture / Physical Features

- a) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship (*Criterion 3 in previous ordinance*);
- b) It is the work of a notable builder, designer, landscape designer or architect (*Criterion 5 in previous ordinance*);
- c) It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation (*Criterion 7 in previous ordinance*);
- d) It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif (*Criterion 8 in previous ordinance*);

ii. Person(s) and Events Important in Our History

- a) It is identified with persons or events significant in local, state, or national history (*Criterion 2 in previous ordinance*);
- b) It exemplifies or reflects special elements of the city of Pomona's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history (*Criterion 1 in previous ordinance*);

c. Considerations in Evaluating Properties (Integrity)

In addition to having significance, a resource must have integrity for the time period in which it is significant. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a Historical Resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance. Only after significance has been established, should the issue of integrity be addressed. The following should be considered when evaluating properties for integrity:

1. Design

Any alterations to the property should not have adversely affected the character-defining features of the property. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance.

2. Setting

Changes in the immediate surroundings of the property (buildings, land use, topography, etc.) should not have adversely affected the character of the property.

3. Materials and Workmanship

Any original materials should be retained, or if they have been removed or altered, the replacements have been made that are compatible with the original materials.

4. Location

The relationship between the property and its location is an important part of integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a structure and its historic associations is destroyed if the structure is moved.

5. Feeling

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

6. Association

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield the natural and manmade elements of which have remained intact since the 18th century retains its quality of association with the battle.

7. Because feeling and association are subjective criteria, their retention alone is never sufficient to support eligibility. Historical Resources must retain enough of their historic character or appearance to be recognizable as Historical Resources and to convey the reasons for their significance.

d. Designation Procedures

The designation of a local historic landmark or district must follow the designation procedures in *Sec. 1310X*.

3. Removal from Pomona Register of Historic Places

The Historic Preservation Commission must not recommend that a resource be removed from the Local Register unless it is discovered that the information relied on by the Historic Preservation Commission and the City Council in making the original designation was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resources ineligible for designation based on the criteria listed in *Sec. XX*, and it would be infeasible to restore the resource. A resource cannot be removed from the Local Register merely because the value of the resource has been degraded by neglect.

4. Non-Contributing Resource Status Change

- a. The City Council may change a non-contributing resource's designation status under the following circumstances:
 1. A non-contributing resource has been restored so that it would be considered contributing to an historic district the City Council may; or
 2. A non-contributing resource that will be restored through a Mills Act contract.

- b. The process for changing the status of a non-contributing resource must be the same as the designation process.

5. Points of Historical Interest

The Point of Historical Interest program is a program designed to recognize those locations where significant historical resources once existed, but either no longer exist or have been so heavily altered that they are no longer eligible for designation.

- a. Any property may be designated by City Council as a Point of Historical Interest pursuant to Sec. XX. if the property meets the following:
 - 1. The location was associated with significant events, the lives of significant people, or businesses, or an architecturally significant building;
 - 2. The location no longer has any architectural or historical integrity; and
 - 3. The location is not eligible for Designation.
- b. Points of Historical Interest are recognized, but not designated historic. They are not considered historic and they do not qualify as an eligible historic resource.
- c. The purpose of the Points of Historical Interest program is to recognize otherwise-intangible historic facts about a place in the City. Points of Historical Interest are strictly informational in nature.
- d. Relationship with other laws. Points of Historical Interest are not historic under the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.) or the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the National Environmental Protection Act, or any other environmental law, statute, or regulation.

6. Historic Compliance

When alterations, restorations, rehabilitations, remodeling and additions to Historical Resources are accomplished in substantial accord with the Guidelines set forth in this section, as determined by the Director, a Certificate of Appropriateness from the Historic Preservation Commission is not required prior to issuance of a building permit in the following cases:

a. Minor Work

The Director may deem that certain work to Historical Resources are "minor". "Minor" work is intended for those projects that do not change the design, character-defining features, or materials of the resource. This may include, but is not limited to, like-for-like re-roofs, foundation repairs / seismic retrofit, chimney repairs, solar panel installation, construction, demolition or alteration of fences not visible from the public right-of-way, replacement, or addition of mechanical, electrical, or plumbing equipment; and wall or monument signs, provided that no change in appearance occurs or the proposed change restores period feature(s)

b. Appeals

Minor work is ministerial in nature and there is no appeal of staff's determination.

7. Certificate of Appropriateness

A Certificate of Appropriateness process is established to ensure that any alteration to an Historical Resource is in keeping with the historic character of the resource.

a. General Requirements

1. Minor Certificates of Appropriateness (Alterations)

Projects that alter, or have the potential to alter character-defining features and/or the historic character of historic resources require approval of the Planning Division. Review of these projects is to determine if a proposed project meets the applicable design standards and guidelines, as adopted by the Historic Preservation Commission. Projects that do not meet the applicable design standards and guidelines require a Major Certificate of Appropriateness. Additions to historic resources, construction of accessory structures, and infill development, are not considered alterations and require a Major Certificate of Appropriateness.

2. Major Certificates of Appropriateness

Projects that alter, or have the potential to alter character-defining features and/or the historic character of historic resources and fit into one of the categories below require approval of the Historic Preservation Commission. Projects requiring approval of the Historic Preservation Commission include, but are not limited to, the following:

- i. Alterations that do not meet applicable design standards and guidelines
 - ii. Additions to historic resources
 - iii. Construction of accessory structures, and
 - iv. New Construction / infill development.
 - v. Development projects that may impact archaeological resources.
3. No permit must be issued for work on a Historical Resource until a Certificate of Appropriateness or Certificate of Historic Compliance has been issued in accordance with this section.
 4. Once a Certificate of Appropriateness has been issued, the Director, may inspect the work to ensure that the work complies with the approved Certificate of Appropriateness.

b. Procedures

Applications for a Certificate of Appropriateness must be processed in accordance with the procedures listed in *Sec. 1310X* of this code.

c. Secretary of the Interior's Standards for the Treatment of Historic Properties

Any proposed work on an Historical Resource should follow the intent of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. These standards were developed by the federal government to set up very broad, general philosophical principles regarding work done to historic properties. Any proposed work should follow these general principles along with any standards and guidelines adopted by the Historic Preservation Commission.

d. Environmental Review

The City of Pomona must conduct an environmental review of all Certificates of Appropriateness pursuant to CEQA (PRC Section 21000 through Section 21178) and the CEQA Guidelines (CCR Section 15000 through Section 15387). Any required Negative Declaration, Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR), must be adopted by the Historic Preservation Commission before approving the project.

e. Infill Development

1. New structures constructed within a Historic District must be designed to be compatible with the architectural style, features and historic character of the district.
2. New buildings must be compatible with the original style of the contributing buildings within an Historic District. The design of the new building must incorporate the following considerations:
 - i. The design must incorporate the design features and details of contributing structures.
 - ii. The height, width, and length of the new building must be consistent with the original characteristic of the contributing structures.
 - iii. The exterior materials and treatment must be similar to the contributing structures.

f. Hardship

The Historic Preservation Commission may, in cases of hardship, defer requirements and/or Conditions of Approval in order to remedy a hardship on a property owner.

1. In order to be eligible for hardship, the following conditions must exist:
 - i. The property must be a single-family, owner occupied, and non-income producing property.
 - ii. The work proposed is required to be completed in order to comply with codes, and/or to meet life/safety requirements of the Building Code(s).
 - iii. The conditions that exist and require the proposed work were created through no fault of the property owner.
2. In making a determination for hardship, the Historic Preservation Commission must take into account whether all means involving City-sponsored incentives, such a transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants, and reimbursements, have been explored to relieve the asserted economic hardship.

8. Certificate of Economic Hardship

The Historic Preservation Commission may issue a Certificate of Economic Hardship to allow alteration or demolition of a historic landmark or contributing resource where denial of a Certificate of Appropriateness would create an undue hardship upon the owner.

a. Procedures

Applications for a Certificate of Appropriateness must be processed in accordance with the procedures listed in Sec. XX.

b. Approval

1. Upon approval, copies of the Economic Hardship Exception must be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.
2. Decisions of the Historic Preservation Commission regarding a Certificate of Economic Hardship on are subject to appeal in accordance with Sec. XX. (*No Economic Hardship Exception*) must become effective until the time to appeal its approval has expired.

9. Demolition Review of Structures 50+ Years Old

The Historic Preservation Commission must review any property 50 years old, as of the date of the demolition permit application or older to determine the eligibility for historic designation prior to the issuance of a demolition permit. This a 2-step process:

a. Step 1: Determination of Historic Eligibility

Any property 50 years old or older proposed for Deconstruction must be evaluated to determine if the property is eligible for historic designation as required in Sec. XX. Properties determined eligible will proceed to step two (2) below. For properties determined not eligible for historic designation, they are no longer in the purview of the Historic Preservation Commission. Any determination by the Historic Preservation Commission is subject to appeal per Sec. XX.

b. Step 2: Certificate of Deconstruction

Any property determined by the Historic Preservation Commission to be eligible for historic designation must follow the Certificate of Deconstruction requirements in Sec. XX.

10. Certificate of Deconstruction

A Certificate of Deconstruction process is established for deconstructions to ensure that any deconstruction of an eligible or designated Historic Resource complies with the requirements of this chapter to mitigate the impacts of deconstruction.

a. General Requirements

1. A Certificate of Deconstruction is required for any demolition, in whole or in part, of an Historic Resource.
2. No permit must be issued for demolition of an Historic Resource until a Certificate of Deconstruction has been issued in accordance with the provisions of this section.

b. Procedures

Applications for a Certificate of Deconstruction must be processed in accordance with the procedures listed in Sec. 1310X of this Code.

c. Environmental Review

The deconstruction of an Historic Resource is an adverse impact under CEQA and a Draft Environmental Impact Report (EIR) is required prior to a project being deemed complete. As part of that review, any mitigation fee required under Sec. XX will be included in the Draft EIR as a mitigation measure.

11. Demolition Mitigation Fee

a. Purpose

The City has declared that vacant, abandoned and distressed properties, especially when the owner of the property fails to maintain the property, is a major cause and source of blight in the City. In addition, the owners of historic properties have a duty to keep their properties in good repair. The purpose of this Section is to establish the Demolition Impact Fee whereby the impacts resulting from the demolition (either in part or whole) of historic resources and buildings 50 years old or older; that may be lessened by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

b. Applicability

1. A mitigation fee, in an amount established by this Section, must be paid prior to the issuance of any permit for demolition, whether in whole or in part, of any historic resource, including accessory buildings and structures that do not contain living space, such as garages and workshops, which contribute to the historic significance of a property; or any building 50 years old or older. The mitigation fee must be deposited in the Historic Preservation Trust Fund established pursuant to Sec. XX (*Historic Preservation Trust Fund*).
2. The City Council may reduce the amount of mitigation fee to be paid if it can be clearly established that the amount of fee to be paid would amount to a regulatory taking of property.
3. Additions and accessory buildings and structures determined not to be contributing to the significance of the property must not be assessed a mitigation fee.

c. Mitigation Fee Formula

1. The Mitigation Fee must be calculated as follows: Square footage x Building Valuation x Historic Significance Percentage
 - i. The square footage is based on County Assessor information or building permit information. If there is a discrepancy between the County Assessor and building permit information, the Director must determine which data to use.
 - ii. The building valuation is based on the most current International Code Council (ICC) Building Valuation Data (current valuation at time of application) for the applicable type of construction for the building.
 - iii. The historic significance percentage based on the percentages identified in subparagraph F below and on the Grading System established in Sec. XX.

d. Process

The Mitigation Fee must be included as part of the EIR process, as required by CEQA. This process will determine potential adverse impacts to historic resources and provide mitigation measures.

e. Historic Significance Percentage

The Historic Significance Percentage for each grade must be as follows:

1. Grade I: 30 percent
2. Grade II: 20 percent
3. Grade III: 10 percent
4. Grade IV: 5 percent

12. Deconstruction Grading System

The Historic Preservation Commission must be responsible for the adoption of the Historic Resource Grade List, which must be maintained by the Director. A historic resource may be designated "Grade I, Grade II, Grade III, or Grade IV", as defined in subparagraph A below by the Historic Preservation Commission based on the criteria listed below to establish a ranking of historic resources within the City, based upon the determined significance of each resource, as specified below. For the purpose of this Section, upon determining the appropriate Grade for a historic district, the Historic Preservation Commission may rank all contributing structures within that district into the same Grade designation. Grade I, II and III historic resources must be judged based upon their determined degree of significance, pursuant to the criteria contained in *Sec. XX. (Historic Resource Tiering Criteria)*.

a. Preservation Categories**1. Grade I**

Grade I resources consists of historic resources that should not be demolished or significantly altered under any circumstances, regardless of their designation status. Resources within this grade are determined to be the City's most significant historical or cultural resources. Grade I resources must meet one or more of the following:

- i. A resource listed on the Pomona Register that meets at least one of the criteria within the Architecture category, and 3 criteria within the History category; or
- ii. A contributing resource within a district that meets at least one of the criteria within the Architecture Category and 3 criteria within the History Category.

2. Grade II

Grade II consists of historic resources wherein demolition of these properties should be avoided. Grade II resources must meet one or more of the following:

- i. Any historic resource listed or determined eligible for listing in the National Register of Historic Places;

- ii. Any historic resource listed or determined eligible for listing in the California Register of Historic Resources;
- iii. A historic resource listed on the Pomona Register and meets at least 2 criteria within the Architecture or History categories; or
- iv. A contributing resource within an eligible historic district wherein the district meets at least 2 of the criteria in either the Architecture or History categories.

3. Grade III

Grade III consists of historic resources that are Designated Local Historic Landmarks, are contributing properties within Designated Local Historic Districts, or are eligible historic resources. Demolition of these resources should be avoided where possible but may be appropriate under certain circumstances.

4. Grade IV

Grade IV consists of properties over 50 years old that are not determined to be historic.

b. Grade Criteria

The following listing contains criteria to be used in determining the Tier designation of a historic resource:

1. Landmark Architecture Criteria

- i. The resource is prototypical, or one of the finest examples, of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archaeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or
- ii. The resource is the first, last, only, or one of the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

2. District Architecture Criteria

- i. The district contains resources that are a prototype of, or one of the finest examples of, or the first, last, only, or few remaining groupings of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or
- ii. The district contains resources that are the first, last, only, or the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

3. Landmark and District History Criteria

- i. The resource is the location of a historic event(s) that has significantly contributed to the history of the City, State, or Nation;

- ii. The resource is associated with a business, company, or individual that has made a significant cultural, social, or scientific contribution to the City, State, or Nation;
- iii. The resource is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;
- iv. The resource has a direct relationship to one of the principal historic contexts in the City's history; or
- v. The resource is related to the archaeological past of the region.

13. Historic Preservation Trust Fund

a. Purpose

The purpose of the Historic Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

b. Applicability

The Historic Preservation Trust Fund is hereby established as means to receive, recycle, and replenish monies to assist the funding of historic preservation projects within the City. All funds deposited in the Historic Preservation Trust Fund must be used solely for the conservation, preservation, restoration, and rehabilitation of historic resources, as provided in this Section.

c. Trust Fund Administration

1. The City Council must have authority for establishing policy for Historic Preservation Trust Fund expenditures.
2. The Historic Preservation Commission must have authority to make recommendations to the City Council regarding grant and loan applications, acquisition of property, contracts and lease agreements, and any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation Trust Fund.
3. The City Manager, or designee of the City Manager, must serve as financial administrator of the Historic Preservation Trust Fund and must be responsible for management of its finances, which must be carried-out pursuant to all applicable federal, State and local laws.
4. The Director, or his/her designee, must serve as program administrator of the Historic Preservation Trust Fund and must be responsible for its day-to-day management and operations.

d. Historic Preservation Trust Fund Proceeds

1. Deposits

All funds received by the City for historic preservation purposes must be deposited in the Historic Preservation Trust Fund. The City's Finance Department may establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

2. Grants, Gifts, and Donations

In addition to any public funds appropriated expressly for the purpose of this Subsection, the program administrator may apply for grants, gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources, pursuant to City policies. All money received from private sources must be deposited in a separate account established pursuant to *Sec. XX. (Deposits)*, above, and must be appropriated to the program administrator for expenditures for historic preservation projects pursuant to this Section.

3. Deposit of Proceeds from Any Lease, Rental, Sale, Exchange, or Transfer of Real Property

All proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, must be deposited in the Historic Preservation Trust Fund, together with any other reimbursements, repayments, and income received by the program administrator.

e. Historic Preservation Trust Fund Program Activities

1. Properties

i. Acquisition

Pursuant to State Property Acquisition Law (*GC Section 15850 et seq.*), the City may acquire, fee title, or any lesser interest, in any real property whose preservation is required to meet the policies and objectives of the City's historic preservation program. The City may accept gifts or dedications of real property and may enter into an option to purchase real property in order to meet the purposes of this provision.

ii. Agreements for Preservation and Management

In order to carry out historic preservation projects, the financial administrator may initiate, negotiate, and participate in agreements with public agencies, nonprofit organizations, private entities, or individuals for the preservation and management of historic resources under their control, and enter into any other agreements authorized by state law, as approved by the City Council.

iii. Real Property Transactions; Authorization

Notwithstanding any other provision of federal, State or local law, the financial administrator may lease, rent, sell, exchange, or otherwise transfer any real property acquired under this section, or interest therein or option to purchase, provided that the City Council first determines that the action is in the best interests of the City.

iv. Acquisition, Conservation, Return, and Transfer of Title

- a) The City Council may acquire any interest in real property pursuant to *Sec. XX (Properties)*, with historic (including archaeological) significance, or necessary for the preservation or management of a property, in order to prevent the loss of historic integrity, prevent imminent destruction, or to otherwise secure the preservation of the historical resource.
- b) The program administrator may undertake conservation or preservation activities for historic resources acquired Pursuant to this Section.

- c) The program administrator must encourage, to the greatest extent feasible, the acquisition of historic resources by other qualified purchasers.
- d) The City Council must take all feasible action to return or transfer title to historic resources, to a nonprofit organization, another public agency, private entity, or individual, for all properties acquired for historic resource preservation pursuant to this Section.

2. Loans and Grants

Money in the Historic Preservation Trust Fund must be available, upon recommendation of the Historic Preservation Commission and appropriation by the City Council, for all loans and grants to public agencies, nonprofit organizations and private entities, to carry out the purposes of this Section.

i. Qualifying Properties

The City Council may award a grant or loan for properties that are designated a local historic landmark or a contributing structure in a designated local historic district, or are listed on the California Register of Historic Resources or the National Register of Historic Places, excepting those projects that are “interpretative,” as described in Sec. XX. (*Interpretive Projects*).

ii. Agreements

No loan or grant must be made except pursuant to an agreement with the City, and subject to terms and conditions approved by the City Council, upon recommendation of the Historic Preservation Commission, which must ensure that each requested loan or grant carries out the purposes of this Section.

iii. Authorization to Contract and Issue Grants or Loans

The financial administrator may, upon City Council approval, enter into contracts and make grants or loans with public agencies, nonprofit organizations, or private entities, to further the purposes of City’s historic preservation program, and to carry out activities for this purpose.

iv. Matching Funds

All grants and loans should include a cash match for the historic preservation project. Guidelines for determining the amount of required matching funds, if any, must be adopted by resolution of the City Council. Donated materials and services, staff salaries and organizational overhead costs may be eligible sources of match. The City Council may waive the matching funds requirement.

v. Excess Funds

After completion of a historic preservation project, a grant or loan recipient must return to the Historic Preservation Trust Fund, the amount of the grant or loan that exceeds the eligible project’s costs.

3. Qualifying Projects for Competitive Grants and Loans

Competitive Grants and loans are hereby established for the following project types:

i. Construction Projects

Construction projects include the preservation, restoration, exterior rehabilitation, or rehabilitation of the foundation, structural, electrical, or plumbing systems of a historic resource. Qualifying construction projects do not include new additions, routine maintenance such as simple, small-scale activities requiring only minimal skills or training associated with regular (daily, weekly, monthly, etc.) and general upkeep of a property against normal wear and tear, reconstruction, demolition, or relocation.

ii. Planning Projects

Planning projects identify, document, and record historic resources according to applicable local, state, and federal standards, and/or contribute to the development of the City's historic context, and/or contribute to the development of a Historic Structures Report, Building Conditions Assessment, conservation plan or preservation plan.

iii. Interpretative Projects

Interpretative projects consist of the creation of interpretative media to educate the public on the City's history and/or historic resources.

4. Project Selection Criteria

The award of a grant or loan for a historic preservation project must be based upon consideration of the following criteria:

- i. Level of historic significance of the resource, based upon the Grade;
- ii. Level of urgency for the project to avoid the loss of a historic resource;
- iii. Value of improvement to ensure preservation of the historic resource;
- iv. Overall benefit to the community through the public's ability to observe and experience the historic resource;
- v. Ability to match funds, if required; and
- vi. Level of professional qualifications for administering project to demonstrate the ability to successfully complete the project.

5. Qualifying Projects for Emergency Non-Competitive Grants and Loans

In the event that a historic resource is in need of immediate and unanticipated work to prevent its demolition resulting from an unforeseen disaster, such as fire, flood, wind, earthquake or other calamity, the public enemy, or other cause that is beyond the control of the property owner and could not otherwise have been prevented by reasonable care and maintenance of the structure, the City Council may establish a non-competitive emergency grant and/or loan for the following emergency project types, which are not otherwise covered by property owner insurance:

- i. Securing, shoring and/or stabilizing a historic resource;

- ii. Abatement of hazardous health materials and sources which lead to structural deterioration; and
- iii. Preparing a historic Structure Report and/or Preservation Plan approved by Director.

14. Time Extensions for Certificates of Appropriateness

- a. A Minor Certificate of Appropriateness must lapse and become void 12 months after the date of approval, unless a building permit (if required) has been issued and work authorized by the Certificate of Appropriateness has commenced prior to such expiration date and is diligently pursued to completion.
- b. A Major Certificate of Appropriateness must lapse and become void 24 months after the date of approval, unless a building permit (if required) has been issued and work authorized by the Certificate of Appropriateness has commenced prior to such expiration date and is diligently pursued to completion.
- c. Upon request of the property owner 30 day prior to the expiration of the application, and a showing of delays due to no fault of the applicant or reasonable diligence by the applicant, the Director may extend a Certificate of Appropriateness for an additional 2 periods of 12 months each. The Director may approve, approve with conditions, or deny any request for extension.

15. Revocation of Certificates

- a. A Certificate of Appropriateness or Economic Hardship may be revoked or modified following notice to the applicant and property owner and a hearing pursuant to Sec. XXX. of this Code upon a finding by the Historic Preservation Commission that the applicant or property owner is responsible for:
 - 1. Noncompliance with any terms or conditions of the Certificate,
 - 2. Noncompliance with any provision in this article, or
 - 3. Fraud or misrepresentation in the obtaining of the Certificate.
- b. **Procedures**
 - 1. Revocation proceedings may be initiated by a dated writing signed by the Secretary who must give notice of the potential revocation to the applicant and the property owner by certified mail. Upon receipt of such a notice, the applicant and property owner, and their agents and contractors, must cease all work pursuant to the Certificate until a final determination by the Historic Preservation Commission can be made unless the Secretary provides written authorization for specified work to secure the project site and protect historic resources pending a Historic Preservation Commission decision.
 - 2. A proposal to revoke a certificate must be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing pursuant to Sec. XX.
 - 3. The Historic Preservation Commission must determine whether or not to revoke the certificate within 60 days of initiation of the proceedings.
 - 4. The applicant shall be notified of the Historic Preservation Commission's decision by mail within 10 days.

16. Tree Preservation

Tree on historic properties and in historic districts are important character-defining features. This section provides for the protection of mature trees.

a. Coordination with Southern California Edison on Line Clearing Activities

1. Annual Line Clearing Schedule Notification

Annually, Southern California Edison must submit to the Public Works Department a schedule of anticipated tree trimming in all City historic districts and historic sites. The schedule must identify contractors and locations.

2. Palm Tree Identification

Annual notification must include identification of all palm trees in City historic districts and historic sites that have the potential to encroach on power lines.

3. Line Clearing Standards

All line clearance work on mature significant trees, specimen (heritage) trees, or City street trees must be in compliance with the utility pruning standards established by the International Society of Arboriculture and the Utility Arborists Association. A summary of the standards is presented in Sec. XX.

4. Historic Preservation Commission Notification

All notifications provided to the Public Works Department must be sent to the Historic Preservation Commission within 10 days of a scheduled tree trimming within all City historic districts and historic sites.

b. Removal of Character-Defining Landscaping

1. Application Process

All requests to remove Character-Defining Landscaping must be accepted and processed by the Planning Division through a Minor Certificate of Appropriateness application.

2. Permitted Removals

Removal of Character-Defining Landscaping must be permitted if one of the following criteria is met, subject to approval of a Minor Certificate of Appropriateness.

i. Danger to Public Welfare

A Minor Certificate of Appropriateness must be obtained prior to removal of any and all character-defining landscaping within historic districts and historic sites throughout the City that is clearly a danger to the public welfare, including trees that are in danger of toppling, blocking traffic visibility and cannot be trimmed to allow a clear line of sight, damaging structures that threaten lives, and/or damaging infrastructure that provide essential services such as electrical power or communications that could threaten lives or the provision of essential services such as electrical power or communications. The City Building Official, City Engineer, and/or City Arborist must assess all potential dangers to the public welfare, determine the severity of the situation and provide a recommendation to the Planning Manager. This does not include damage to sewer and

water lines that disrupt service to private property unless a danger to the public welfare is present. A Minor Certificate of Appropriateness may be approved after removal of any character-defining landscaping in situations where there is a verified imminent danger to the public welfare so as not to delay removal of the imminent danger.

ii. **Dead or Diseased Trees**

A Minor Certificate of Appropriateness must be obtained prior to removal of any dead or diseased trees within historic districts and historic sites throughout the City that are not likely to recover and/or have the potential to infect other nearby trees. The City Arborist must assess all dead or diseased trees and provide a recommendation to the Planning Manager.

3. **Unpermitted Removal**

A retroactive Minor Certificate of Appropriateness be obtained for all unpermitted removal of any and all character-defining landscaping within historic districts and historic sites throughout the City.

4. **Major Certificates of Appropriateness**

A request to remove a tree that does not meet the criteria in Sec. XX. above, or the requirements in the design guidelines must require the approval of a Major Certificate of Appropriateness by the Historic Preservation Commission.

c. **Pruning and Trimming**

All trees, except Oak Trees, located within historic districts and historic sites throughout the City pruned or trimmed in conformance with the most current guidelines of International Society of Arboriculture and the American National Standards Institute (ANSI) A300-Pruning Standards must not require a permit. Pruning or trimming that deviates from these guidelines must require a Minor Certificate of Appropriateness. Trimming of Oak trees require a Minor Certificate of Appropriateness.

d. **Replacement**

The removals of any and all character-defining landscaping within historic districts and historic sites throughout the City must be subject to replacement as defined below.

1. **Permitted Removals**

Permitted removal of any and all character-defining landscaping subject to a Minor Certificate of Appropriateness must be replaced based on a ratio that replaces the benefit loss of the removed tree(s) using an objective methodology acceptable to the City Arborist. The replacement trees must be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-lieu fee may be paid into the City's tree mitigation and planting fund, which must be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals.

2. Unpermitted Removals

Unpermitted removal of any and all character-defining landscaping subject to a retroactive Minor Certificate of Appropriateness must be replaced based on a ratio that replaces the benefit loss of the removed tree(s) multiplied by 2 using an objective methodology acceptable to the City Arborist. The replacement trees be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-lieu fee may be paid into the City's tree mitigation and planting fund, which be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals. This section must not apply to the removal of character-defining landscaping that is an imminent danger to the public welfare.

3. Unpermitted Removals during Construction Activities

If a tree removal occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the City, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Planning Manager, agreed to in writing by the property owner(s) and either implemented or guaranteed by the posting of adequate security. The mitigation plan include measures for the protection of any remaining Protected Trees.

17. Appeals

Appeals related to historic resources will be processed in accordance with *Sec. XX. (Appeals)* of this code.

18. Archaeological Resources

a. Requirements for Archaeological Resources

The following studies are required for any project that has the potential to affect archaeological resources. All reports will be prepared in accordance with federal and state guidelines and by persons that meet the Secretary of the Interior's Professional Qualification Standards.

1. Phase I Archaeological Assessment

A Phase I Archaeological Assessment is required for any property listed or located within a potentially eligible historic merit or thematic districts or any other historical resources identified in the General Plan.

2. Exceptions to a Phase I Study

Exceptions to the Phase I study requirement can be made by the Director in cases where:

- i. Prior archaeological or historic studies have been performed and no significant deposits have been found;

- ii. Building additions and modifications will not exceed five percent (5%) of the existing building footprint square footage;
- iii. Interior remodeling or exterior facade renovation is proposed; or
- iv. Other circumstances that, in the Development Services Director's judgment, warrant an exemption from the Phase I study requirement. Exemption decisions should be coordinated as part of Planning staff review of a project. Exemptions must not be permitted for Phase I, II, or III studies on any parcel where archaeological deposits or historic structures meeting CEQA definitions of significance are met.

3. Phase II Study

- i. Archaeological Significance Evaluations. A Phase II study is required if archival or physical evidence on the surface of a location proposed for development indicates that historic or prehistoric archaeological resources or important Historical Resources may be present. Any Phase II (subsurface) archaeological test excavations be designed and implemented by trained historic and/or prehistoric archaeologists. The Phase II requirements are mandatory where any significant cultural resource is identified as a result of Phase I evaluation.
- ii. A Phase II study also determine the probable area and vertical extent of archaeological remains and determine whether the deposits are intact and meet CEQA eligibility requirements pursuant to CEQA Guidelines. In the cases of historic structures, the Phase II study identify the significance of the structure and any potential mitigation plan which may reduce impacts to the structure. The Phase II report include a plan for mitigation complying with Appendix K of the CEQA Guidelines if significant deposits or historic buildings or sites are encountered.

4. Phase III Data Recovery and Mitigation Program

A Phase III Data Recovery and Mitigation Program must be required when any archaeological resources are determined to be eligible Historical Resources under this ordinance or the CEQA Guidelines. Any impacts to a significant historic or prehistoric archaeological site or standing structure must be mitigated through a Phase III (subsurface testing or architectural documentation) data recovery program. Financial limitations on Phase III programs must conform to Appendix K of the CEQA Guidelines, unless construction is undertaken with Federal funds in which case mitigation funding must comply with and be limited by Federal standards and guidelines. If feasible, construction impacts to significant archaeological deposits must be minimized through the use of less destructive footing construction technology (post-tensioned slabs, pier footings, etc). All studies must include mitigation measures to reduce the impact of the proposed project on the archaeological resources. These studies must be completed as part of a Certificate of Appropriateness Application.

5. Public Records Act

The City of Pomona will treat all archeological site information, including reports with specific site locations, as confidential information. However, since many non-sensitive properties (such as rock walls, ditches, Victorian buildings, etc.) have been recorded on archeological site records, a review of the individual site record should be accomplished to determine whether this property's location and information should be withheld in any given circumstance. This information will be kept on file with the City of Pomona Planning Division. The Development Services Director, in consultation with the Historic Preservation Commission will develop a policy regarding access to such records. Any policy should be consistent with state or federal regulations.

19. The Mills Act

A Mills Act contract process is established to provide economic incentives for the preservation of a Designated Historic Landmark or contributing structure within a Designated Historic District.

a. General Requirements

All Designated Historic Landmarks, contributing structures in Designated Historic Districts and properties listed on the National Register of Historic Places or the California Register of Historical Resources are eligible for Mills Act Contracts, pursuant to the California Government Code (*Sec. 50280 through 50289*).

b. Consideration of Non-Contributing Resources

A non-contributing resource to a designated historic district may be considered for a Mills Act Contract if it will be restored to a point that is would qualify for redesignation as a contributing structure by the completion of the projects approved under the contract. The resource must be re-designated as a contributing resource prior to the approval of the Mills Act Contract.

c. Required Provisions of a Mills Act Contract

All Mills Act contracts must comply with the California Government Code (*Sec. 50281.*), which include, but are not limited to:

1. The term of the contract shall be for a minimum of 10 years.
2. The applicant and property owners must be required to comply during the term of the contract with the U.S. Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the State Historic Building Code.
3. The City must be authorized to conduct periodic inspections to determine the applicant's and property owner's compliance with the contract.
4. The contract must be binding upon, and inure to the benefit of, all successors in interest of the owner and the applicant.
5. The contract must require written notice to the State Office of Historic Preservation within six months of execution of the contract

d. Qualifying Projects

The Historic Preservation Commission must develop and regularly update a list of priority projects and a list of non-qualifying projects for Mills Act contracts.

e. Applications

All applications must be filed with the Department. The applicant is encouraged to confer with the Department before submittal of the application. All Applications must include:

1. A copy of the latest grant deed for the property
2. A rehabilitation plan/maintenance list of the work to be completed within the 10 year contract period, including cost estimates and the year in which the work will be completed.
3. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract.
4. Required Fee(s).

f. Procedures

Applications for a Mills Act Contract must be processed in accordance with Sec. XX.

g. Findings

To grant approval of a Mills Act contract, the City Council must make the following findings:

1. That based on information contained in the program application including, but not limited to the Restoration, Rehabilitation and Preservation Plan, cost estimates, estimated tax savings to the property owner and other related information, the approval of the Mills Act contract will serve to compensate the City for the reduction in property taxes received.
2. That the Restoration, Rehabilitation and Preservation Plan will extend the life of the structure(s), protect the historic and aesthetic value of the property, and comply with the rules and regulations of the State Office of Historic Preservation of the Department of Parks and Recreation; the United States Secretary of the Interior's Standards for Rehabilitation; the State Historic Building Code; and the City of Pomona Municipal Code, Historic Preservation Ordinance and Design Guidelines.

h. Recordation

The approved contract must be recorded with the County Recorder within 20 days of approval.

i. Non-renewal

A Mills Act contract must be a perpetual, 10-year contract that automatically renews annually unless and until either party gives written notice to the other that the contract will not be renewed upon the expiration of its current term.

j. Cancellation

A Mills Act contract may be canceled or modified if the Historic Preservation Commission finds after written notice to the applicant and the property owner and a hearing pursuant to Sec. XX. that:

1. The owner or applicant is responsible for:
 - i. Noncompliance with any terms or conditions of the contract,
 - ii. Noncompliance with any provision in this article, or
 - iii. Misrepresentation or fraud used in the process of obtaining the contract.
2. The historic resource has been:
 - i. Destroyed by fire, flood, wind, earthquake or other calamity, or the public enemy,
 - ii. Taken by eminent domain.

k. Cancellation Procedures

Cancellation proceedings may be initiated by any member of the Historic Preservation Commission.

1. Once notice of possible cancellation has been given under Sec. XX. (*Findings*), the proposed cancellation must be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with Sec. XX.
2. The Commission shall make a recommendation to the City Council which the secretary shall transmit to the City Council and to applicant and the property owner(s) by certified mail.
3. City Council, within 60 days of initiation of the proceedings, must cancel or continue the contract.
4. The secretary must notify the applicant and the property owner of the Council's decision by certified mail within 10 days.

l. Cancellation Fee

If a Mills Act contract is canceled pursuant to subparagraph 1. of paragraph G. of this section above, the property owner must be liable to the City for a cancellation fee equal to 12½ percent of the current fair market value of the property.

20. Historic Rehabilitation Financing Program

The Marks Historic Rehabilitation Act of 1976 was established by the State of California to allow cities and counties to provide long-term, low-interest loans to finance the preservation, restoration, and rehabilitation of Historical Resources. The City of Pomona hereby establishes a Historic Rehabilitation Financing Program in accordance with and subject to, the provisions of the Marks Historic Rehabilitation Act of 1976.

a. Rehabilitation Area

This area must consist of all properties within the City.

b. Eligible Structures

Any property eligible for funding under this program must be within a rehabilitation area as defined in Sec. XX., and must be a designated a Local Historic Landmark or Landscape, a contributing structure to a designated Local Historic District, or listed or determined eligible for listing, on the California Register of Historical Resources or the National Register of Historic Places.

c. Rehabilitation Requirements

Any property rehabilitated with funding from this program must meet the following requirements:

1. Rehabilitation Standards

Any rehabilitation must use the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring Reconstructing Historic Buildings and any local preservation and design guidelines adopted by the City.

2. Maintenance

Any property rehabilitated with funding from this program must be maintained in good condition for a period of at least ten (10) years from the completion of the rehabilitation.

d. Advisory Board

The City Council will establish an Advisory Board pursuant to and in accord with State Law, if and when an application for funding under this section is received by the City.

21. Incentives for Historic Preservation

The following section is provided to allow for incentives to be used to support the preservation, maintenance and appropriate rehabilitation of the City's designated Historical Resources.

a. Eligible Properties

Preservation incentives must be made available to owners of any property subject to this ordinance.

b. Eligible Projects

The following types of projects are eligible for preservation incentives. Any project listed below must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and be approved by the Historic Preservation Commission.

1. Restoration or Exterior Rehabilitation that includes the restoration, repair or replacement, in kind, of significant architectural features; or
2. Relocation to another site if relocation would prevent demolition; or
3. Restoration of designated interior spaces; or

4. Seismic reinforcement or structural rehabilitation; or
5. Replacement of building systems that will further the preservation of the historical resource.
6. Additions must be eligible for development incentives only.

c. Incentives

The following incentives may be used for eligible projects as listed above:

1. Economic and Financial Incentives

- i. Approval of a Mills Act contract pursuant to Sec. XX.
- ii. Approval of funding through the Historic Rehabilitation Financing Program, as prescribed in Sec. XX.
- iii. Approval of funds through the Historic Preservation Trust Fund, as prescribed in Sec. XX.
- iv. Grants or loans through other City Funding Sources, including but not limited to Housing funds
- v. Preservation Easements
- vi. Reduction or elimination of building plan-check or permit fees
- vii. Reduction or elimination of development-impact fees
- viii. Reduction or elimination of any other applicable City fees
- ix. Federal Rehabilitation Tax Credits (applied through the California Office of Historic Preservation)

2. Development Incentives

- i. State Historic Building Code.

ii. Setback Reductions

Reductions in required setbacks or changes in height requirements may be granted when a reduction allows for the restoration of a character-defining feature, or allows for character-defining features to be replicated in additions to historic structures. In no case must a reduction in a setback be granted when the reduction will cause an adverse affect to the property or cause an adverse affect to the character of the neighborhood or district.

22. Preservation Easement

Preservation easements on the facades of buildings designated as an Historical Resources may be acquired by the City, or on the City's behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to the California Civil Code (Sec. 815).

23. California State Historic Building Code

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures surveyed and identified as

Historical Resources. The SHBC must be used in evaluating any building permit for work affecting an Historical Resource.

24. Duty to Keep in Good Repair

In addition to any duty of maintenance established by another provision of this code or other applicable law, the owner, or other person in possession of an Historical Resource has a duty to keep in good repair all of the exterior features of such Resource, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of such resource to deteriorate, decay become damaged or fall into a state of disrepair.

- a. All Historical Resources must be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:
 1. Facades which may fall and injure a member of the public or property,
 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports,
 3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle,
 4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors,
 5. Defective or insufficient weather protection for exterior walls, including lack of paint or weathering due to lack of paint or other protective covering,
 6. Any fault or defect in the building, which renders it not watertight or structurally unsafe.
- b. A Certificate of Appropriateness must not be issued for the demolition of an Historical Resource because of the failure of the owner to comply with this section.
- c. It must be the duty of the Building Official and Code Compliance Officers to enforce this section.

25. Normal Maintenance and Repair

Nothing in this section must be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof.

26. Unsafe and Dangerous Conditions

- a. Nothing contained in this section must prohibit the construction, alteration, restoration, demolition, or relocation of any Historical Resource when such action is required for public safety due to an unsafe or dangerous condition, which cannot be rectified through the use of the California State Historic Building Code.
- b. The Department must, upon an assessment and recommendation of the Building Official, certify that such a condition exists and inform the Historic Preservation Commission of that determination. Upon such a certification, a Certificate of Appropriateness must not be required for work within the scope of this section.

27. Enforcement and Penalties

- a. Any person who violates a requirement of this ordinance or fails to obey an order issued by the Historic Preservation Commission or comply with a condition of approval of any certificate or permit issued under this section must be guilty of a misdemeanor punishable pursuant to Sec. XX.
- b. Any alteration or demolition of an Historical Resource in violation of Sec. 800. (*Historic Preservation*) is expressly declared to be a nuisance and must be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of Sec. 800. (*Historic Preservation*), must be liable for a civil penalty pursuant to Sec. 800.AC.4. and/or Sec. XX. (XX.), as well as any other criminal or civil remedy authorized by this Zoning & Development Code or other law.
- c. Alteration or demolition of an Historical Resource in Violation of this chapter must authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed 24 months from the date the City becomes aware of the alteration or demolition in violation of this article. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the director must be imposed as a condition of any subsequent permit for development of the subject property.
- d. In the case of demolition, the civil penalty authorized by Sec. 800.AC.2. must be equal to half of the assessed value of the Historical Resource prior to the demolition. In the case of alteration, the civil penalty authorized by paragraph B. of this section must be equal to half of the cost of restoration of the altered portion of the Historical Resource. Building and construction permits and/or a Certificate of Occupancy may not be issued for additional work on the property (other than work pursuant to Sec. XX. (XX.)) until the penalty has been paid in full to the City.
- e. In addition to any other remedies available at law or in equity, the City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of Sec. 800. (*Historic Preservation*).

28. Design Standards and Guidelines

In order to ensure that Pomona's historic buildings are preserved for future generations, the Historic Preservation Commission will develop guidelines and standards to assist owners in the preservation, rehabilitation, protection and maintenance of historic buildings. Any guidelines must be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

800.D. Established Historic Districts

1. Intent

- a. Pomona's Historic Districts, as defined in Sec. XX., include:
 - 1. Hacienda Park Historic District
 - 2. Lincoln park Historic District
 - 3. Wilton Heights Historic District
 - 4. Edison Historic District
 - 5. Civic Center Historic District; and
 - 6. Landmark Quarter Historic District

2. Zoning District

Each historic district uses an abbreviation for inclusion into the zoning map by adding an (-H) to the zoning district name where the overlay district applies. An example of this would be 'NE2-H'.

3. Zoning District Brackets

Each overlay district is also represented within the second bracket of a zoning district as defined in *Sec. 110.A.2.d*. An example of this would be 'NE2-H = [LM2-G1-CX2] [WHHD]'. All historic districts are abbreviated within the second zoning district bracket as follows:

- a. **HPHD**: Hacienda Park Historic District
- b. **LPHD**: Lincoln Park Historic District
- c. **WHHD**: Wilton Heights Historic District
- d. **CCHD**: Civic Center Historic District
- e. **LQHD**: Landmark Quarter Historic District
- f. **EDHD**: Edison Historic District

800.E. Definitions

The following definitions apply to *Sec. 800. (Historic Preservation)*:

Alteration. Any exterior change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this section. Such changes or modifications may be made to structures, architectural details, or visual characteristics, grading or surface paving. Also, changes or modifications may include the addition of new structures; cutting or removal of trees, landscaping, or other natural features; disturbance of archaeological sites or areas; and the placement or removal of visually or architecturally significant signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories.

ANSI A300 Pruning Standards. Industry-developed, national consensus standards for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owners, property managers, and utilities.

Applicant. An individual or an organization (private or public) submitting an application for a certificate of appropriateness for any proposed work on any designated historic landmark, or on any building, structure, or improvement on private or public property within a designated historic district.

Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission approving such plans, specifications, statements of work, and any other information which is reasonably required by the Historic Preservation Commission to make a decision on any proposed exterior alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part, of or to a designated resource, designated site, or to a building or structure within a historic district.

Certificate of Deconstruction. A certificate issued by the Historic Preservation Commission approving the demolition and salvage, in whole or in part of an individual historic resource, a contributor to an historic district, or any other primary structure legally constructed that is 50 years old or older.

Certificate of Economic Hardship. A certificate issued by the Historic Preservation Commission to an applicant for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Pomona's historic preservation design standards and guidelines, and the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property.

Character-Defining Landscaping. Landscaping that includes all the trees currently designated on the City's "Protected Species List" and located in the historic districts and historic sites throughout the City. This definition also includes trees not on the "Protected Species List" and located outside historic districts but on historic sites.

Circumference Measured at Breast Height. The measurement around the tree trunk that is measured at 4½ feet above ground level. Trees that split into multi-trunks below 4½ feet must use the sum of each individual trunk measured at 4½ feet above ground level to determine the circumferences.

Construction. The act of constructing an addition to an existing building or structure or the erection of a new principal or accessory structure or building on a lot or property.

Contributing Resource or Structure. Any property which contains an improvement or natural feature included in the application for an historic district which provides substance to the district's character. A contributor must be considered an historic landmark in all respects.

Demolition. Any act or process that destroys in part or whole an individual historic resource, a contributor to an historic district, or any other primary structure legally constructed that is 50 years old or older.

Design Guidelines. The principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using a set of design guidelines is to aide design and decision-making with regard to retaining the integrity of scale, design intent, materials, feeling, patterns of development, and historical character of a landmark building or historic district. These principles are listed in the Secretary of Interior's Standards for Rehabilitation, set forth by the United States Department of the Interior.

Designated Historic Landmark. Any improvement or natural feature that has special historical, cultural, aesthetic, or architectural character, archaeological importance, interest, or value as part of the development, heritage or history of the city of Pomona, the state of California, or the nation, that has been designated a historic landmark of the city of Pomona and placed on the Pomona historic register.

Diameter at Breast Height (DBH). A form of measurement of an existing tree trunk. Diameter is measured at 4½ feet above ground level. Trees that split into multi trunks below 4½ feet must use the sum of each individual trunk measured 4½ feet above the natural grade to determine the diameter.

Drip Line. A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

Eligible Historic District. Any group of properties surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the Historic Preservation Commission to meet the applicable designation criteria set forth in this section is considered an Eligible Historical Resource.

Eligible Historic Resources. Any property or properties surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the Historic Preservation Commission to meet the applicable designation criteria.

Exempted Properties. Properties which are specifically exempted by the City Council during consideration of a historic district designation. For purposes of determining district boundaries, such properties must be considered part of the subject historic district. Property owners at the time of exemption must be exempt from the provisions of the historic preservation ordinance so long as they retain ownership of the property. Transfer of ownership between relatives must constitute a change of ownership.

Hazard or Hazardous Condition. Any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.

Historic Contexts. An Historic Context Statement provides the background and the basis for evaluating properties to determine their historical significance. An historic context statement is an organizational framework for historic preservation. The historic context organizes information based on an historical theme and its geographical and chronological limits. Contexts describe the significant broad patterns of development in an area that may be represented by historic properties. The development of

historic contexts is the foundation for decisions about identification, evaluation, registration and treatment of historic properties. An historic context provides an understanding of the relationship of individual properties to other similar properties, which allows decisions about the identification, evaluation, registration and treatment of historic properties to be made reliably. Information about historic properties representing aspects of history, architecture, archeology, engineering and culture must be collected and organized to define these relationships.

Historical Resource. Improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, archaeological objects, or historical significance to the citizens of the city of Pomona, the state of California, the Southern California region, or the nation which may be eligible for landmark status, and therefore, appropriate for historic preservation by the Historic Preservation Commission and the City Council.

Historical Resource Surveys. Surveys are performed to identify properties that have the potential to become eligible Historical Resources as well as areas and neighborhoods that, due to the concentration of potential Historical Resources, have the potential to be historic districts. Surveys are conducted at two different levels, Reconnaissance and Intensive. Properties surveyed at the reconnaissance level in accordance with the standards set forth by the California Office of Historic Preservation are identified but not evaluated for historic significance. Intensive-level surveys identify and evaluate properties for historic significance. Intensive-level surveys must identify the applicable theme (in an adopted historic context statement), the designation criteria met and how the property meets historic integrity standards.

Historic Landscape. A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in *Preservation Brief 36*.

Historic Sites. Historic landmarks and contributing and non-contributing structures within historic districts and historic sites outside historic districts throughout the City. Structures legally exempted from the historic district must not be subject to the private property restrictions of this program. Landscaping within the public right-of-way adjacent to an exempted structure must be subject to this program.

Improvement. Any fixture or emblems affixed to public or private real property such as a building, structure, fence, gate, landscaping, tree, wall, parking facility, streetscape, sidewalk, paving, street light, street sign, bollard, park furniture, work of art, or other object constituting a physical feature of real property or any part of such feature.

International Society of Arboriculture (ISA). A professional association of arborists and tree workers that is recognized internally as one of the leading agencies in the research and establishment of high standards for all aspects of tree care.

Integrity. The ability of a property to convey its historical significance. A property would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.

Landmark Tree. A tree designated as a landmark of historic or cultural significance and of importance to the community due to any of the following factors: It is one of the largest or oldest trees of the species located in the city; it has historical significance due to an association with a historic building, site, street, person or event; or it is a defining landmark or significant outstanding feature of a neighborhood.

Landmark-Eligible Tree. A tree which meets the criteria for designation as a landmark tree, as determined by the review authority.

Sec. 810. **Specific Plans**

810.A. **General**

1. **Intent**

A Specific Plan provides regulatory controls in-lieu of those provided in the zoning districts established in *Part 2 (Summary of Zoning Districts)* for the systematic implementation of the General Plan.

2. **Applicability**

Any property located within one of the following Specific Plans:

- a. Downtown Pomona Specific Plan (2020)
- b. Pomona Corridors Specific Plan (2020)
- c. Phillips Ranch Specific Plan (2016)
- d. Mountain Meadows Specific Plan (2020)
- e. Mission 71 - Business Park Specific Plan (2005)
- f. Pomona Valley Hospital Medical Center Specific Plan (2010)

3. **Zoning District Brackets**

- a. Similar to the zoning district names established in *Sec. 110.A.4. (Zoning Districts)*, each Specific Plan uses an abbreviation for inclusion into the zoning map. All Specific Plans are abbreviated as follows:
 1. **DTSP**: Downtown Pomona Specific Plan (2020)
 2. **COSP**: Pomona Corridors Specific Plan (2020)
 3. **PRSP**: Phillips Ranch Specific Plan (2016)
 4. **MMSP**: Mountain Meadows Specific Plan (2020)
 5. **71SP**: Mission 71 - Business Park Specific Plan (2005)
 6. **MCSP**: Pomona Valley Hospital Medical Center Specific Plan (2010)
- b. For more details about Specific Plans within zoning district brackets, see *Sec. 110.A.2. (Zoning Modules)*.

810.B. **Standards**

1. Standards and permitted uses are established by the adopted Specific Plan covering the subject area.
2. Where the Specific Plan is silent regarding certain development standards, the Administrator will determine the applicability of similar development standards established in this Zoning & Development Code.
3. When a use is not listed in the permitted uses section of the Specific Plan covering the subject area, the use is not permitted unless a determination of similarity is approved (Sec. 530.A.2.).

810.C. **Procedures**

See Sec. 11XX (*Review and Approval Procedures*).

Sec. 820. **Overlay Districts**

820.A. **General**

1. **Intent**

An overlay district provides regulatory controls in addition to those provided in the zoning districts established in *Part 2 (Summary of Zoning Districts)* for the systematic implementation of the General Plan.

2. **Applicability**

Any property located within one of the following overlay districts:

- a. Cannabis Overlay Districts:
 1. SA1 - Retail Only
 2. SA2 - Retail Only
 3. SA3 - Cultivation, Distribution, Manufacturing, Testing
 4. SA4 - Cultivation, Distribution, Manufacturing, Testing
- b. AB 2097 Parking Reduction Overlay District
- c. Fairplex Overlay District

3. **Zoning District**

Each overlay district uses an abbreviation for inclusion into the zoning map by adding an additional letter to the zoning district name where the overlay district applies. An example of this would be 'NE1-T'. All overlay districts are abbreviated as follows:

- a. **-C**: Cannabis Overlay District
- b. **-T**: Parking Reduction Overlay District
- c. **-F**: Fairplex Overlay District

4. Zoning District Brackets

Each overlay district is also represented within the second bracket of a zoning district as defined in Sec. 110.A.2.d. An example of this would be 'NE1-T = [LM2-G1-CX1] [THF]'. All overlay districts are abbreviated within the second zoning bracket as follows:

- a. Cannabis Overlay Districts:
 - 1. **SA1**: SA1 - Retail Only
 - 2. **SA2**: SA2 - Retail Only
 - 3. **SA3**: SA3 - Cultivation, Distribution, Manufacturing, Testing
 - 4. **SA4**: SA4 - Cultivation, Distribution, Manufacturing, Testing
- b. **THF**: AB 2097 Parking Reduction Overlay District
- c. **F**: Fairplex Overlay District

820.B. Standards

1. Cannabis Overlay Districts (-C)

Cannabis overlay districts regulate commercial cannabis locations and activities. See the City Code (*Ch. 68*) for any standards related to cannabis overlay districts.

2. AB 2097 Parking Reduction Overlay District (-T)

- a. The AB 2097 parking reduction overlay district identifies any property within a half-mile of a major transit stop where minimum off-street parking spaces, as specified in *Sec. 6XX. (Required Parking)*, are not required to be provided.
- b. See the California Government Code (*Sec. 65585.*) for any additional standards.

3. Fairplex Overlay District (-F)

The Fairplex overlay district regulates any properties affiliated with the Fairplex as public fairgrounds in a manner that does not create smoke, gas, odor, dust, sound, vibration, soot, lighting, or other nuisance to persons residing in or near the Fairplex.

The Fairplex overlay district permits a range of public entertainment, exhibition, commercial, conference, equine, and other events and uses on a year-round basis as previously permitted by *Ord. 2450*.

a. Uses Permitted

1. The following fair related uses are permitted within this overlay district without any permit except for building and grading permits as applicable:
 - i. Child Care
 - ii. Commercial uses related to other permitted uses in structures less than 30,000 square feet
 - iii. Consumer Shows
 - iv. Drag Racing
 - v. Exhibitions
 - vi. Fairs and Festivals
 - vii. Filming and photographic shoots
 - viii. Financial Services
 - ix. Fireworks Displays
 - x. Food Service including Banquets, Catering, and Concessions
 - xi. Horse Exhibition, Sales, Racing, Wagering including Satellite Wagering
 - xii. Live Entertainment
 - xiii. Livestock

- xiv. Pet and Other Animal Exhibitions, Training, and Sales
 - xv. Meetings and Conferences
 - xvi. Outdoor Recreation including but not limited to Camping, Picnics, Rallies, Social Events, and Sporting events
 - xvii. Religious, educational, charitable, community and political activities
 - xviii. Testing and Demonstration of Mechanical Equipment and Devices to the Extent that such Uses Do Not Violate the City's Noise Ordinance
 - xix. Trade Shows
 - xx. Business Support services for permitted uses
 - xxi. Facility and Vehicle Maintenance for Permitted Uses
2. The following fair related structures may be maintained, altered, expanded or erected within this overlay district without any permits except for building and grading permits as applicable:
- i. Auditoriums and Meeting Halls
 - ii. Banks and ATMs
 - iii. Bars and Drinking Facilities
 - iv. Campgrounds
 - v. Caretaker and/or Employee Residential Quarters
 - vi. Child Care Centers
 - vii. Community and Cultural Centers
 - viii. Concert and Performing Art Theaters, both Indoor and Outdoor
 - ix. Drag Racing Facility
 - x. Equestrian Facilities including Horse Race Tracks, Equine Hospitals, Off-Track Wagering Facilities
 - xi. Paddocks, Sales Pavilions, Show Rings, Trails and Water Quality Systems
 - xii. Exhibit Buildings
 - xiii. Governmental Buildings and Sponsored Uses
 - xiv. Grandstand/Suite Complex
 - xv. Libraries and Museums
 - xvi. Livestock Stables
 - xvii. Offices for Administrative Purposes
 - xviii. Off-Street Parking

- xix. Outdoor Public Address Systems except as restricted by *Sec. 820.B.3.b.1.i.*
- xx. Parking Structures
- xxi. Pipeline and Utility Lines
- xxii. Public Safety Facilities
- xxiii. Recreational Vehicle (RV) Parks
- xxiv. Restaurants
- xxv. Signs and Signage, On-site Only
- xxvi. Trade & Conference Centers
- xxvii. Tents and Temporary Structures
- xxviii. Warehouses

b. Uses Permitted by Conditional Use Permit

1. The following uses are permitted only upon the granting of a conditional use permit:
 - i. Use of Outdoor Public Address Systems between 10PM to 9AM at Times Other Than During the Regular Fair Season
 - ii. Convention Centers
 - iii. Sports Arenas
 - iv. Wireless Communication Facilities, Subject to *Sec. 540.C.2.*
 - v. Hotels and Motels
 - vi. Heliports
 - vii. Amateur/Ham Radio Antenna Greater Than 35 feet in Height
 - viii. Commercial/Retail Developments in Excess of 30,000 Square Feet
 - ix. Residential Developments Except for Caretaker/Employee Quarters
 - x. Other Uses Not Specifically Listed
2. Before approving any such conditional use permit, the Planning Commission must make the findings required in *Sec XX. (Conditional Use Permit).*
3. The fairgrounds delineated for conditional use permit applications must include all buildings and parking areas used by the subject use and the amount of permit fee to be determined by this area.
4. The conditionally permitted use listed above must also comply with the requirements of the provisions of the California Environmental Quality Act (CEQA) guidelines, as applicable.

c. Uses Expressly Prohibited

Medical Marijuana Dispensaries

820.C. Procedures

1. Cannabis Overlay Districts (-C)

See *Sec. 11XX (Review and Approval Procedures)* and the City Code (*Ch. 68*).

2. AB 2097 Parking Reduction Overlay District (-T)

See *Sec. 11XX (Review and Approval Procedures)* and the California Government Code (*Sec. 65585.*).

3. Fairplex Overlay District (-F)

a. Design Review Compliance

For all conditionally permitted uses listed in *Sec. 820.B.3.b.* that involve the physical development of permanent structures, said structures are subject to site design and architectural review and approval by the Development Services Director prior to the issuance of any building permit for said structure or use.

b. See *Sec. 11XX (Review and Approval Procedures)*.

PART 9.

STREETS

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[Reserved]

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[Reserved]

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[Reserved]

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[Reserved]

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[Reserved]

PART 10.

DIVISION OF LAND

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Sec. 1000. **General Provisions**

1000.A. **Intent**

1. *Part 12 (Division of Land)* regulates the division of land within the City of Pomona pursuant to the *Subdivision Map Act* to provide for:
 - a. The design, subdivision improvement and survey data of subdivisions;
 - b. The form and content of parcel and tract maps; and
 - c. The dedication of land, the payment of fees in lieu of dedication of land, or a combination of both, for the acquisition and development of park and recreation sites, streets, and other public rights-of-way and facilities to serve a subdivision.
2. *Part 12 (Division of Land)* supplements the *Subdivision Map Act* to ensure:
 - a. That subdivided lots are appropriately sized and compatible with other lots in the immediate neighborhood;
 - b. Compliance with the design standards for streets and alleys in *Part X (Streets)* where street or alley dedication or subdivision improvements are required;
 - c. Proper opening or extension of streets necessary for emergency vehicle access, multi-modal circulation, and future development of adjacent properties; and
 - d. That subdivided lots in hillside areas are safely graded.

1000.B. **Applicability**

Applies to all subdivision of land, condominiums, community apartments, and stock cooperatives.

1. **Parcel Map (Minor Subdivision)**

- a. A parcel map is required for all subdivisions creating 4 or less parcels except if a parcel map waiver request is approved by the Planning Commission upon an affirmative finding that the proposed division of land meets all City requirements related to:
 1. Area;
 2. Improvements and design;
 3. Flood water drainage control;
 4. Appropriate improved public roads;
 5. Sanitary disposal facilities;
 6. Water supply availability;
 7. Environmental protection; and
 8. All other requirements of the *Subdivision Map Act* and any applicable City Code provisions.

- b. An applicant may apply for a parcel map waiver request at the discretion of the Director of Development Services.
- c. Land must not be separated in ownership or otherwise divided into 2, 3, or 4 parcels or condominiums, and must not be separately maintained unless the division conforms to what is shown on a parcel map approved by the City Council and recorded by the Los Angeles County Registrar-Recorder/County Clerk.

2. Tract Map (Major Subdivision)

A tract map is required for all subdivisions creating 5 or more parcels, 5 or more condominiums as defined in the *California Civil Code (Sec. 783)*, or a community apartment project containing 5 or more parcels, except where:

- a. The land before division contains less than 5 acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the City Council;
- b. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;
- c. The land consists of a parcel or parcels having approved accesses to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Planning Commission as to street alignments and widths;
- d. Each parcel created by the division has a gross area of at least 40 acres or is not less than a quarter of a quarter section; or
- e. Each parcel created by the division will be part of an environmental subdivision.

Sec. 1010. **Subdivision Design Standards**

1010.A. **Conformance with the General Plan**

1. Each parcel map or tract map must be designed in compliance with the zoning applicable to the property or approved by Planning Commission and City Council for change.
2. Each parcel map or tract map must also conform to all other elements of the General Plan, including park and recreation sites to serve the future inhabitants of each new subdivision.
3. A report as to General Plan conformity, pursuant to the *Subdivision Map Act (Sec. 65402)* may be required as part of an action taken by the Planning Commission for a subdivision. This report is not required for a proposed subdivision involving:
 - a. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;
 - b. Acquisitions, dispositions or abandonments for street widening; or
 - c. Alignment projects, provided the Planning Commission expressly finds that any such disposition for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects is of a minor nature.
4. If applicable, only the area being designated for residential use and land being dedicated for public uses need to be considered for density calculations. Exceptions include land set aside for streets or park and recreation purposes in accordance with *Part X (Streets)*.

1010.B. **Streets, Alleys, Blocks, and Pedestrian Walks**

1. **Public Rights-of-Way and Roadway Widths**

All streets and alleys must be designed to conform with the standards and exceptions defined in *Part X (Streets)*.

2. **Street Grades**

- a. All street grades must:
 1. Be as flat as consistent with adequate surface drainage requirements and conform to the standards defined in the Public Works Department's Standard Drawings (*Sec. XX.*).
 2. Have a grade no steeper than 5 percent unless, because of topographical or other exceptional conditions, the City Engineer determines that a steeper grade is necessary.
- b. Variations from these requirements may be granted by the Planning Commission upon recommendation by the Administrator.

3. **Streets Dedications**

- a. Where subdivision street and alley locations have been approved and reserved for future public use, they must be indicated on the final tract map or parcel map and offered for future

dedication. Certificates providing that the City may accept the offer to dedicate the easement at any time must be shown on the final tract map or parcel map.

- b. Except to give drainage outlet, or where the City Engineer deems strict enforcement to be impracticable, part-width streets must not be accepted by the City Council for dedication.
- c. Any land intended to be a part of a full-width street, adjacent to the boundary of any lot or subdivision, must include at least half of the full width required for the full-width street.
- d. A boundary line street may be accepted by the City Council for dedication, provided that the side line of the street, adjacent to any other property, is separated from the other property by a reserved strip that is at least one foot wide.

4. **Streets Extensions**

Where the tentative map of a proposed subdivision shows any street or boundary line extending from an existing street, that street or boundary line must be imposed to the same width and specifications as the existing street being extended.

5. **Street Intersections**

- a. Street intersections must be as near to a right angle as possible, avoid more than four approaches, and conform to the standards defined in *Part X (Streets)* and the Public Works Department's Standard Drawings (Sec. XX.).
- b. Where two streets intersect, a street nameplate sign adequately mounted with the street name must be added on the diagonally opposite sides of the intersection so that there will be a minimum of two street nameplate signs. At a "T" intersection, there must be one street nameplate sign. Signs and their installation must be in accordance with the Public Works Department's Standard Drawings (Sec. XX.).

6. **Cul-de-Sac Streets**

- a. Cul-de-sac streets and dead-end streets are not permitted, except where conditionally approved by the Planning Commission where physical constraints prohibit the continuation of the street.
- b. Where cul-de-sac streets are conditionally approved, they must terminate with a turning area in conformance with the Public Works Department's Standard Drawings (Sec. XX.) and LA County Fire Department standards, and include passageways for bicycles and pedestrians to access the surrounding area. Where feasible, existing cul-de-sacs should be modified to connect to new streets.

7. **Reserved Strips**

Reserved strips are not allowed, except when conditionally approved by the Planning Commission for the protection of the public health and safety, and when the control and disposal of the land comprising such strips are placed entirely within the City's jurisdiction under conditions approved by the Planning Commission.

8. **Street Paving and Improvements**

- a. All streets must be graded and paved to the lines and grades approved by the City Engineer and in accordance with the standards and specifications approved by the City Engineer.

- b. All streets within or immediately adjacent to the subdivision must be improved with curbs and gutters, in accordance with the specifications approved by the City Engineer, except where conditionally approved by the Planning Commission upon the recommendation of the City Engineer.
- c. All streets within or immediately adjacent to the subdivision must be improved with sidewalks, except where conditionally approved by the Planning Commission for streets located in hillside areas where sidewalks may be omitted or only provided on one side of the street.

9. Alleys

- a. All new or improved alley must be at least 20 feet wide, unless specified otherwise in *Part 9 (Streets)*.
- b. All existing alleys adjoining and serving the subdivision must be improved over the entire length within the block limits.
- c. All dead-end alleys must be constructed or modified to include adequate turning areas.
- d. All "T" alley intersections must be rounded or cut off.
- e. Alleys are required at the rear or side of all new lots within Residential Use Modules, except where conditionally approved by the Planning Commission where physical constraints prohibit them. Alleys may also be required at the rear or side of new lots in Commercial or Industrial Use Modules.
- f. Residential waste collectors are not be required to collect from an unpaved alley at the rear of a property or from:
 - 1. An existing alley narrower than 15 feet wide;
 - 2. An existing alley the surface of which could endanger the safety of the truck personnel.

10. Blocks

- a. New blocks must be designed in accordance with the standards listed within *Part X., Streets*.
- b. Where a parcel is first subdivided into acre tracts, blocks must be sized and shaped to provide for:
 - 1. The extension and opening of major and secondary highways; and
 - 2. The extension and opening of main streets and alleys at intervals that permit a subsequent division of any parcel into lots that meet the requirements of the applied Form Module (*Part 3B*).
- c. All block corners must be rounded or cut off.
- d. Blocks must not exceed 550 feet long between street lines, except where topographical conditions or previous surrounding layout require longer blocks, or acre subdivisions justify or require a variation from this requirement.
- e. The width of each block must be sufficient for an ultimate layout of two lot tiers, unless the surrounding layout, lines of ownership or topographical conditions justify or make necessary a variation from this requirement.

11. Pedestrian Walks

- a. Inner-block pedestrian walks must be included as defined in *Sec. 710.B., Pedestrian Access*.
- b. Pedestrian walk dedications must be at least 12 feet wide, except where conditionally approved by the Planning Commission where physical constraints prohibit them. No pedestrian walk dedication may be narrower than 6 feet wide.

1010.C. Lots

1. Every new lot's minimum width and area must comply with the requirements specified in the applied Form Module (*Part 3B*).
2. All lots must front a public or private street or publicly accessible pedestrian walk.
3. The Planning Commission may conditionally approve lot averaging if the subdivider demonstrates that such averaging is consistent with proper subdivision design, and will produce one or more of the following benefits:
 - a. Require less grading than a conventional subdivision design not using lot averaging;
 - b. Result in improved lot design; or
 - c. Produce better environmental benefits.
4. In a tract where one or more lots have less than the average requirement for the applicable Form Module, no lot may be rearranged or divided unless the average requirement for the original final tract map or parcel map is maintained.
5. No lot must be cut by the boundary of an incorporated city, Torrens Title boundary or mortgage or deed of trust description boundary line.
6. Side lot lines must be approximately at right angles to the streets, or radial to the street on curved streets, except where physical constraints prohibit this.

1010.D. Easements

1. Design

- a. Easements for public utilities, water system, sewers, street lights, storm drains or flood control channels, and slope rights, must be provided where deemed necessary by the Planning Commission upon recommendation by the City Engineer.
- b. At their discretion for the safety of adjoining property, the City Engineer may demand that an existing easement for drainage or flood control must be improved in a manner approved by the City Engineer.

2. Mapping and Labeling

- a. If future easements are necessary, a certificate must be placed on the final tract map or parcel map indicating that the City will accept such easements at any time.

- b. If any recorded easement cannot be definitely located, a statement of the existence, its nature and recorded references must appear on the title sheet.
- c. Distances and bearings on the side lines of lots which are cut by an easement must be mapped clearly to indicate actual lot line lengths, easement widths, and sufficient ties to locate them within the subdivision.
- d. All easements must be clearly labeled and identified. If an easement shown on the map is already of record, its recorded references must be given. If an easement is being dedicated by the map, it must be set out in the owner's certificate of dedication.

1010.E. Grading and Erosion/Sediment Control Plans

The Planning Commission may require a proposed grading plan with the tentative parcel map or tentative tract map of any subdivision. If recommended by the City Engineer based on their concern of where cuts and fills will occur during a property's grading, the Planning Commission may require the subdivider to submit grading and erosion/sediment control plans for all or part of the tract before action on the tentative parcel map or tentative tract map will be taken.

1010.F. Utilities

1. General

- a. Service mains for gas, sanitary sewer, and water must be laid and all service connections stubbed into each lot.
- b. Utility lines, including but not limited to those required for electricity, communication, street lighting, and cable services necessary for the general use of the lot owners in the subdivision, must be installed or guaranteed to be installed in the same manner as other required subdivision improvements.
- c. Utility lines, including but not limited to electric communications, street lighting and cable television, must be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and must make the necessary arrangements with the utility companies for the installation of such facilities.
- d. Appurtenance and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed aboveground. The City Council, after review and recommendation by the Planning Commission, may conditionally waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical. This section does not apply to utility lines which do not provide service to the area being subdivided.

2. Storm Drains

- a. Storm drains must be designed based on the Public Works Department's Standard Drawings (Sec. XX.) and any other standards approved by the City Engineer.
- b. Storm drain facilities to intercept and convey all runoff to a suitable point of disposal are required when runoff from the entire area tributary to, and including, the subdivision exceeds the limiting depth of street flow as determined by the City Engineer.

3. Sewers

Sanitary sewer facilities and connections to each lot must be laid in all cases. The determination of method must be made by the City Engineer based upon the City's Master Sewer Plan and the economic practicability of extending sanitary sewer lines to certain areas to be served by the sanitary sewer system.

4. Fire Hydrants

Gate valves, extensions and risers extending 30 inches above the finished grade of the gutter must be installed for fire hydrants. The size and location must be approved by the Chief of the Fire Department.

5. Lighting

- a. Poles, posts, wires, pipes, conduits, tunnels, lamps and other necessary appliances for the purposes of lighting streets, places or public ways, property or rights-of-way owned by the City must be required in all subdivisions.
- b. Lighting specifications must be in accordance with the Public Works Department's Standard Drawings (Sec. XX.), and any other standards prepared by the City Engineer and approved by the City Council.
- c. Lighting maintenance must be in accordance with the City of Pomona Citywide Street Lighting and Landscaping Maintenance District, pursuant to the California Streets and Highway Code (*Div. 15., Part 2.*)

Sec. 1020. Subdivision Map Standards

1020.A. Tentative Map

1. Requirements

- a. Tentative maps filed with the Planning Division of the Development Services Department must be prepared by or under the direction of a licensed surveyor and registered civil engineer. Maps must clearly show all information required by this Part (*Division of Land*) and must contain all the following:
 1. The tract number.
 2. Sufficient legal description of the property to define its boundaries.
 3. Names, addresses, and other contact information of the record owner, subdivider, and person preparing the map.
 4. The widths and approximate locations of all existing and proposed public easements or rights of way, or private streets or private road easements, within and adjacent to the property involved.
 5. Locations, widths, and approximate grades of existing and proposed highways, streets, alleys or ways, whether public or private within and adjacent to the property involved.
 6. Existing street names, and names or designations for all proposed streets and highways.
 7. Approximate radii of all centerline curves for streets, highways, alleys or ways.
 8. Lot layout, approximate dimensions of each lot, and number of each lot.
 9. The locations of potentially dangerous areas, including:
 - i. Geologically hazardous areas and areas subject to inundation or flood hazard;
 - ii. The location, width and direction of flow of all watercourses, flood control channels, and mud or debris paths where ravines or swales will exist within and adjacent to the property involved;
 - iii. Building setbacks from such hazards, the proposed method of providing flood, erosion, and mud or debris control; and
 - iv. Areas where access and emergency paths will be located in the event flood design capacity is exceeded.
 10. The existing contour of the land at intervals of not more than 5 feet, and of not more than two foot intervals if the slope of the land is less than 10%.
 11. The approximate location of all buildings or structures on the property involved which will be retained, notations concerning all buildings which will be removed, and approximate locations of all existing wells.
 12. The proposed method of providing sewage disposal and drainage for the property.

13. A statement regarding existing and proposed zoning.
- b. The general form and layout of the map, including size and type of lettering, drafting, and location of acknowledgments, is determined by the City Engineer.
- c. If more than 3 sheets are necessary to show the entire subdivision, an index map must be included on one of the sheets. The boundary line of a subdivision must be indicated by distinctive symbols and clearly designated.
- d. Where a parcel to be subdivided is separated or divided into two or more parts by any land other than streets, alleys, railroads or flood-control rights-of-way, each separate parcel or portion of a parcel must be subdivided as a separate parcel and shown on a separate map.

2. Boundary Evidence

Stakes, monuments or other evidence determining the boundaries of the subdivision as are found on the ground must be clearly and fully shown on the map.

a. Deferment

When any or all of the monuments required to be set are subsequent to the recordation of the final tract map, the map must show and describe such monuments.

b. Surveys

1. Requirements

The procedure and practice of all survey work, done on any subdivision, must conform to the accepted standards of engineering and surveying professions.

2. Identification Marks

All monuments set as required by this Part (*Division of Land*) must be permanently and visibly marked or tagged with the registration or license number of the civil engineer or surveyor under whose supervision the survey was made.

c. Lot Numbers

The lots must be numbered consecutively, except as otherwise provided in this Part (*Division of Land*), with no omissions or duplications.

d. Curve Data

1. The length, radius, and total central angle and bearings must be shown on the final tract map.
2. City boundary lines crossing or abutting the subdivision must be clearly designated and tied in.

e. Easement

1. The final tract map must show all the necessary data including width and side lines of all public easements.
2. Easements being dedicated must be so indicated in the Certificate of Dedication.

1020.B. Map Review

1. Incomplete Map

If the Administrator deems that a tentative map has been improperly prepared or that required pertinent information has not been submitted, the applicant must be promptly notified in writing by mail of the defect and of further information or correction required. The time limits specified must not begin until the omitted or inaccurate information is furnished in a proper manner.

2. Approval

When the Planning Commission determines that a tentative map complies with all the provisions of *Sec. 1010 (Subdivision Design Standards)*, and no dedication or subdivision improvement is required, the Planning Commission will approve the tentative map.

3. Conditional Approval

The Planning Commission may conditionally approve a tentative map if the Planning Commission or City Engineer determines that additional site elements are necessary including:

- a. Street or alley dedications;
- b. Subdivision improvements;
- c. Storm drain easements;
- d. Sanitary sewer easements; and
- e. Slope easements.

4. Disapproval of Maps

The Planning Commission will disapprove a tentative map when the Department of Public Works or the City Engineer has submitted a report to the Planning Commission recommending disapproval of the tentative map because of any existing or potential geologic hazards lacking satisfactory engineering solutions.

5. Lot Size Increasing

- a. Where the Planning Commission finds it necessary in order to promote the general welfare, or to provide for a more consistent development for the area, it may require that lots or parcels described in a tentative map and located in a Residential Use Module be increased in size from that proposed so as to more closely conform to the size of existing contiguous lots or nearby parcels on the same street.
- b. Where the Planning Commission finds that a future public easement will be needed on a portion of the lots or parcels for street or other public uses, it may require that the lots or parcels be increased in size from the proposed to provide space for such easement. Additionally, the Planning Commission may impose conditions prohibiting or restricting the erection for buildings or structures on that portion needed for the easement.

6. Maps with Private Road Easements

The Planning Commission may approve, conditionally approve, or disapprove a tentative map subject to the applicable provisions of this Part (*Division of Land*) or Part X (*Streets*).

7. Lots in Fire Hazard Severity Zones

The Planning Commission may disapprove a tentative map for land located in High and Very High Fire Hazard Severity Zones because of inadequate fire protection facilities and for the protection of the public health and safety.

8. Maps Involving Private Road Easements

If the Planning Commission determines that certain streets or alleys in a proposed subdivision must be dedicated for future public use, the dedications must be indicated on the tentative map and offered for dedication as future streets or future alleys prior to recording the final map.

9. Modification of Approved Tentative Parcel Maps

- a. The Planning Commission may grant slight modifications to a tentative parcel map upon its own initiative or upon a request from a subdivider in accordance with *Sec. 13XX.X. (Modification of Entitlement)*.
- b. Each tentative parcel map must be identified with a number assigned by the Los Angeles County Department of Public Works and the date of filing. The number must be shown on the recorded parcel map.

1020.C. Map Filing

1. Requirements

- a. A final parcel or tract map must be prepared and filed with the City Engineer in compliance with the provisions of this Part (*Division of Land*). The map must conform to the approved tentative parcel map, or the approved tentative tract map. The final map will be accepted by the Planning Commission provided that:
 1. The necessary subdivision improvements and grading or retaining structure construction, as set forth in the approval of the tentative map, have been installed and approved by the City.
 2. Any special assessment or bond required to be paid or guaranteed in accordance with the *Subdivision Map Act (Sec. 66439.(c))* has been paid in full, or such payment has been guaranteed.
- b. Where there are no dedications being made by the map, a certificate signed and acknowledged by all parties, of the real property being subdivided, consenting to the preparation and recordation of the map, is required.

1020.D. Subdivision Improvements

1. Requirements

- a. Subdivision improvements must be installed by the subdivider when required as a conditional approval of the final tract map or parcel map. Subdivision improvements include:
 1. Monuments;
 2. Public and private streets and highways;
 3. Street name signs, guardrails, street lights, street trees, traffic warning devices other than traffic signals;
 4. Barricades, safety devices, fire hydrants;
 5. Grading, retaining walls, water, stormwater and sewer infrastructure, erosion control structures; and
 6. Other applicable provisions of this Code; or
 7. Other applicable improvements identified by this Code or deemed necessary by the Planning Commission.
- b. All streets and alleys and other public ways and easements within and immediately adjoining the subdivision, together with any drainage and sanitary sewer easements, must be graded and improved to a width and grade in accordance with plans approved by the City Engineer. Other subdivision improvements as authorized by the *Subdivision Map Act* may be required.
- c. In addition to permanent subdivision improvements, temporary subdivision improvements may be required to be made prior to or concurrent with permanent subdivision improvements.

2. Improvement Plans

- a. The plans, profiles and specifications of all improvements required by the provisions of this Section and other improvements, must be filed by the subdivider in the City Engineer's office at least 10 days prior to submitting the final subdivision map.
- b. Plans and profiles must show full and complete details of the proposed improvements, which must be according to the Public Works Department's Standard Drawings (Sec. XX.) and any other City standards.
- c. Plans, profiles, and specifications must be approved by the City Engineer before the final map is filed with the City Council.
- d. All improvements must be installed to the approval of the City Engineer.

3. Guarantees

- a. No final tract map or parcel map may be presented to City Council for approval until the subdivider has completed the subdivision improvements, or has guaranteed that all subdivision improvements will be constructed and installed within a specified time. To the satisfaction of the City Engineer, any public improvements must include the following:
 1. A faithful performance surety bond;
 2. Labor and material bond;
 3. Warranty bond; and
 4. Bond release.
- b. California non-profit corporations are exempt from these requirements to the extent provided in the *Subdivision Map Act*.

4. Time Extension

If subdivision improvements cannot be completed by the date specified in the improvement agreement, a written application may be made to the City Engineer for an extension of the completion date. One extension of time may be granted to a time when the City Engineer determines the improvement work should reasonably be completed.

1020.E. Reversion to Acreage

1. Proceedings for reversion to acreage of subdivided real property may be initiated by the City Council on its own motion or by petition of all of the owners of record of the real property within the subdivision.
2. After approval of the reversion by the City Council, the final tract map or parcel map must be delivered to the Los Angeles County Registrar-Recorder/County Clerk. The filing of the final tract map or parcel map constitutes legal reversion to acreage of the land affected and also constitutes abandonment of all streets and easements not shown on the map.

1020.F. **Lot Mergers and Re-Subdivision**

1. Subject to approval by the City Council, subdivided land may be merged and re-subdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided in this Part (*Division of Land*).
2. After approval of the merger and re-subdivision by the City Council, the map must be delivered to the Los Angeles County Registrar-Recorder/County Clerk. The filing of the map constitutes legal merger and re-subdivision of the land affected and also constitutes abandonment of all streets and easements not shown on the map.

1020.G. **Modification of Recorded Final Map**

No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.

PART 11.

ADMINISTRATION

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Sec. 1100. Authority

1100.A. Summary of Review Authority

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Zoning & Development Code.

Review & Approval Process	Review & Approval Authority					Public Notice			Reference
	Zoning Administrator	Development Services Director	Historic Preservation Commission	Planning Commission	City Council	Mailed	Published	Posted	
LEGISLATIVE REVIEW									
Development Agreement	R	-	-	R-PH	D-PM	-	Y	-	[Sec. 1160.X.]
Zoning & Development Code Amendment	R	-	-	R-PH	D-PM	-	Y	-	[Sec. 1160.X.]
General Plan Amendment	R	-	-	R-PH	D-PM	-	Y	-	[Sec. 1160.X.]
Zone Change	R	-	-	R-PH	D-PM	-	Y	-	[Sec. 1160.X.]
Specific Plan Amendment	R	-	-	R-PH	D-PM	Y	Y	-	[Sec. 1160.X.]
DISCRETIONARY REVIEW									
Billboard Relocation	R	-	-	D-PH	A	-	Y	-	[Sec. 1170.X.]
Conditional Use Permit	R	-	-	D-PH	A	-	Y	-	[Sec. 1170.X.]
Variance	R	-	-	D-PH	A	-	Y	-	[Sec. 1170.X.]
Development Plan	D	-	-	A	-	-	-	-	[Sec. 1170.X.]
ADMINISTRATIVE REVIEW									
Sign Plans	R	D	-	A	-	-	-	-	[Sec. 1180.X.]
Administrative Exception	R	D	-	A	-	-	-	-	[Sec. 1180.X.]
Fair Housing and Reasonable Accommodations	R	D	-	A	-	-	-	-	[Sec. 1180.X.]
Alternative Compliance	R	D	-	A	-	-	-	-	[Sec. 1180.X.]
Director Determination	R	D	-	A	-	-	-	-	[Sec. 1180.X.]
Adjustment	R	D	-	A	-	-	-	-	[Sec. 1180.X.]

KEY: R = Review/recommend; D = Final decision; -PM = Public meeting; -PH = Public hearing; A = Appeal; Y = Required; - = Not applicable

Review & Approval Process	Review & Approval Authority					Public Notice			Reference
	Zoning Administrator	Development Services Director	Historic Preservation Commission	Planning Commission	City Council	Mailed	Published	Posted	
SUBDIVISION REVIEW									
Certificate of Compliance	R	-	-	D-PM	A	-	Y	-	[Sec. 1190.X.]
Final Map and Parcel Map	R	-	-	-	D-PM	-	Y	-	[Sec. 1190.X.]
Map Correction and Amendment	R	-	-	D-PM	A	-	Y	-	[Sec. 1190.X.]
Parcel Map Waiver	R	-	-	D-PM	A	-	Y	-	[Sec. 1190.X.]
Lot Merger	R	D	-	-	A	-	-	-	[Sec. 1190.X.]
Reversion to Acreage	R	D	-	-	A	-	-	-	[Sec. 1190.X.]
Tentative Tract, Parcel Map, Vesting Map	R	D	-	-	A	-	-	-	[Sec. 1190.X.]
HISTORIC PRESERVATION REVIEW									
Historic Compliance	R	-	D	-	A	-	-	-	[Sec. 11100.X.]
Certificate of Appropriateness (COA), Minor	D	-	A	-	-	-	-	-	[Sec. 11100.X.]
Certificate of Appropriateness (COA), Major	R	-	D	-	A	Y	-	-	[Sec. 11100.X.]
Certificate of Economic Hardship	R	-	D	-	A	Y	-	-	[Sec. 11100.X.]
Certificate of Deconstruction	R	-	D	-	A	Y	-	-	[Sec. 11100.X.]
Mills Act Contract	-	-	R	-	D	-	-	-	[Sec. 11100.X.]
Historic Landmark Designation	-	-	R	-	D	Y	-	-	[Sec. 11100.X.]
Historic District Designation	-	-	R	-	D	Y	-	-	[Sec. 11100.X.]
Points of Historical Interest	-	-	R	-	D	Y	-	-	[Sec. 11100.X.]

KEY: R = Review/recommend; D = Final decision; -PM = Public meeting; -PH = Public hearing; A = Appeal; Y = Required; - = Not applicable

1100.B. City Council

1. General

The City Council, as authorized in the *California Government Code* and *Part I* of the City Code, has the following powers and duties under this Code.

2. Review Authority

The City Council must have the authority to hear and decide on those application types established by the table in *Sec. 1100.A. (Summary of Review Authority)* and must have review and final authority on all appeals of Planning Commission or Historic Preservation Commission actions.

1100.C. Planning Commission

1. General

The Planning Commission, as authorized in the *California Government Code* and *Part I* and *Chapter 2* of the City Code, has the following powers and duties under this Code.

2. Review Authority

The Planning Commission must have the authority to hear, recommend, and decide on those application types identified in *Sec. 1100.A. (Summary of Review Authority)*. In addition, the Planning Commission must have the authority to act upon an appeal of any order, requirement, permit, decision or determination concerning zoning, land use or development, made by an administrative or appointed official or body, such as the Development Services Director or Zoning Administrator.

1100.D. Historic Preservation Commission

1. General

The Historic Preservation Commission, as authorized in *Chapter 2* of the City Code, has the following powers and duties under this Code.

2. Approval Authority

a. Review and Recommend

The Historic Preservation Commission is responsible for review and recommendation regarding:

1. Designation of local landmarks, local historic districts, and Points of Historical Interest;
2. Approval of Mills Act Contracts;
3. Establishment or modification to boundaries for Historic Districts (-H) as part of the designation of a local Historic District or landmark; and
4. Approval of Grants, loans, or other expenditures of money from the Historic Preservation Trust Fund (*Sec. XX.*).

b. Approval

The Historic Preservation Commission is responsible for final action regarding:

1. Determination of Historic Eligibility;
2. Major Certificates of Appropriateness;
3. Certificates of Economic Hardship;
4. Certificates of Deconstruction;
5. Appeals of administrative decisions on Minor Certificates of Appropriateness; and
6. Establishment or modification to historic preservation design standards and guidelines.

1100.E. Director of Development Services

1. Review Authority

The Director of Development Services must have the power and duty to review and make decisions on those application types identified in *Sec. 1100.A. (Summary of Review Authority)*.

2. Meetings

The Director of Development Services must adopt rules and procedures governing meeting business, conduct, and actions within the Director of Development Services' jurisdiction and setting timeframes for such meetings.

1100.F. Zoning Administrator

1. General

The Director of Development Services's designee fulfills the duties and responsibilities of the Zoning Administrator. The Zoning Administrator has the following powers and duties under this Code.

2. Membership

The Zoning Administrator position must be filled by the Development Services Director or the Zoning Administrator's designee, who must fill the position of Deputy Zoning Administrator.

3. Review Authority

The Zoning Administrator must have the power and duty to review and make decisions on those application types identified in *Sec. 1100.A. (Summary of Review Authority)*.

4. Meetings

The Zoning Administrator must adopt rules and procedures governing meeting business, conduct, and actions within the Zoning Administrator's jurisdiction and setting timeframes for such meetings.

Sec. 1110. **Application Filing and Processing**

1110.A. **Purpose**

To establish procedures and requirements for the preparation, filing and processing of applications for permits, amendments, and approvals stipulated by this Zoning & Development Code.

1110.B. **Applicability**

Sec. 1100.A. (Summary of Review Authority), establishes the recommending, approving, and appeal authorities for all permits, amendments, and approvals stipulated by this Zoning & Development Code.

1110.C. Applications and Fees

1. Application Filing

- a. An application for a permit, permit modification, amendment, or any other matters pertaining to this Zoning Code must be filed with the Planning Division of the Development Services Department, on an application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.
- b. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the City of Pomona's website
- c. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Zoning Code, or their agent(s).
- d. A project requiring the filing of more than one land use or entitlement permit application must, to the extent possible, be filed with all related applications for concurrent review and action by the highest required Reviewing Authority.

2. Filing Fees

- a. The City Council may adopt fees for city regulations, products or services by resolution pursuant to City Code Sec. XX. (*Fixing of Certain Regulatory Fees and Service Charges*).
- b. Application review and action must not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits must be deemed incomplete for filing and further processing and must be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully cover all City processing costs.

3. Refunds and Withdrawals

- a. The refund of filing fees in response to the denial of an application must be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.
- b. An applicant wishing to withdraw their application may do so by written request to the Zoning Administrator at any time prior to action by the Approving Authority.
- c. Upon receipt of a request for application withdrawal, the Zoning Administrator may order the refund of all or part of the filing fees, based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

1110.D. Application Processing Procedures

To provide general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial/administrative permits and decisions filed pursuant to *Sec. 1100.A. (Summary of Review Authority)*.

1. Legislative Actions

The Advisory and Approving Authorities for legislative actions are established by *Sec. 1100.A. (Summary of Review Authority)*. Unless otherwise stipulated by *Sec. XX. (Legislative Actions)*, the procedure for reviewing and acting upon an application resulting in a legislative action is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the *City of Pomona's website*.
3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Legislative actions must be initially reviewed for application completeness and acceptance, as follows:

1. Review for Application Completeness

- i. Following receipt of an application filed in compliance with this Chapter, the Planning Division must determine, in writing, whether the application is complete for processing and must transmit the determination to the applicant.
- ii. If an application is determined to be incomplete for processing, the Planning Division must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the City in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.1.b.1.*, above.
- iii. If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the City Council or Planning Commission pursuant to the provisions of *Sec. 1130. (Appeals)*, as set forth in the California Government Code (*Sec. 65943.c.*).
- iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.1.b.1.* and *Sec. 1110.D.1.b.2.*, must constitute grounds for denial of the application.

2. Application Acceptance

- i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Division may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the Planning Division may require in order to take final action on the application as set forth in the California Government Code (*Sec. 65944.a.*).
- ii. Prior to accepting an application as complete for processing, the Planning Division must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.1.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.
- iii. The provisions of this Section must not be construed as limiting the ability of the Planning Division to request and obtain information that may be needed in order to comply with the California Resources Code (*Section 21000.*).

3. Investigation and Report

- i. Following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.1.b. (Initial Review for Application Completeness)*, above, the Planning Division must investigate the facts bearing on the application and must prepare a written report, which must be transmitted to the appropriate Reviewing Authority.
- ii. The Planning Division's report must provide the information necessary for action on the application, consistent with the provisions of this Zoning & Development Code and General Plan, and must report all findings to the appropriate Reviewing Authority.
- iii. During the investigation of the facts bearing on the application, the Planning Division may consult with other City departments and public agencies.

4. Public Hearings

- i. The Advisory and Approving Authorities established by *Sec. 1100.A. (Summary of Review Authority)*, must each conduct at least one public hearing, which must be duly noticed, heard, and acted upon pursuant to *Sec. 1120. (Public Hearings)*.
- ii. The Planning Division's written report, prepared pursuant to *Sec. 1110.D.1.* through *Sec. 1110.D.3.*, above, must be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

5. Advisory Authority Review and Recommendation

The Advisory Authority must make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which must be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

6. Approving Authority Review and Action

- i. Upon receipt of the Advisory Authority's recommendation, the Approving Authority must approve, approve in modified form, or deny an application.

- ii. The action of the Approving Authority must be by written decision, setting forth the basis for the action, and must include any applicable findings prescribed by *Sec. XX. (Legislative Actions)*. There must be no time limit within which the Approving Authority must act on a legislative action.
- iii. The Approving Authority's action must be final and conclusive.

7. Effective Date of Approving Authority Action

A legislative approval granted by resolution is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance is effective 30 days following the date of adoption of the ordinance by the Approving Authority.

2. Discretionary Permits and Actions

The Advisory, Approving, and Appeal Authorities for discretionary permits and actions are established by *Sec. 1100.A. (Summary of Review Authority)*. Unless otherwise stipulated by *Sec. XX (Discretionary Permits and Actions)*, the procedure for reviewing and acting upon an application resulting in a discretionary permit or action is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the *City of Pomona's website*.
3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Legislative actions must be initially reviewed for application completeness and acceptance, as follows:

1. Review for Application Completeness

- i. Within 30 days following receipt of an application filed in compliance with this Chapter, the Planning Division must determine, in writing, whether the application is complete for processing and must transmit the determination to the applicant. If the written determination is not made within the required period, the application must be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period must begin, during which time completeness of the resubmitted application must be determined.
- ii. If an application is determined to be incomplete for processing, the Planning Division must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the Planning Division in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.2.b.1.i*, above.

- iii. If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the City Council or Planning Commission pursuant to the provisions of Sec. XX. (Appeals) as set forth in the California Government Code (*Sec. 65943.c*).
- iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.2.b.1.i.* and *Sec. 1110.D.2.b.1.ii.*, above, must constitute grounds for denial of the application.

2. Application Acceptance

- i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Division may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the City may require in order to facilitate final action on the application.
- ii. Prior to accepting an application as complete for processing, the Planning Division must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.2.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.
- iii. The provisions of this Subsection must not be construed as limiting the ability of the Planning Division to request and obtain information that may be needed in order to comply with the provisions of the California Resources Code (*Section 21000.*).

3. Investigation and Report

- i. Following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.2.b. (Initial Review for Application Completeness)*, the Planning Division must investigate the facts bearing on the application and must prepare a written report, which must be transmitted to the appropriate Reviewing Authority.
- ii. The Planning Division's report must provide the information necessary for action on the application, consistent with the provisions of this Zoning & Development Code and General Plan, and must report all findings to the appropriate Reviewing Authority.
- iii. During the investigation of the facts bearing on the application, the Planning Division may consult with other City departments and public agencies.

4. Public Hearings

- i. The Advisory, Approving and Appeal Authorities established by *Sec. 1100.A. (Summary of Review Authority)*, and which require a public hearing, must each conduct at least 1 public hearing, which must be duly noticed, heard, and acted upon pursuant to *Sec. 1120. (Public Hearings)*.
- ii. The Planning Division's written report, prepared pursuant to Subparagraphs B.1.a through c, above, must be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

5. Advisory Authority Review and Recommendation

If required pursuant to *Sec. 1100.A. (Summary of Review Authority)*, the procedure for review and recommendation on a discretionary permit or action by an Advisory Authority is as follows:

- i. The Advisory Authority must make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which must be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.
- ii. The Advisory Authority must forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

6. Approving Authority Review and Action

The procedure for review and action on a discretionary permit or action by an Approving Authority is as follows:

- i. Upon receipt of the Advisory Authority's recommendation, the Approving Authority must approve, approve in modified form, or deny an application, and may impose reasonable conditions to the approval of an application.
- ii. The action of the Approving Authority must be by written decision, setting forth the basis for the action, and must include any applicable findings prescribed by *Sec. XX. (Discretionary Permits and Actions)*. A discretionary permit or action must be acted upon within the timeframes specified by the California Government Code (*Sec. 65950, 65950.1, 65951, and 65952*), except that Tentative Subdivision Maps must be acted upon within the timeframes specified by California Government Code (*Sec. 66452.1.*).
- iii. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1130. (Appeals)*.

7. Effective Date of Approving Authority Action

A discretionary permit or action must become effective on the City business day following Approving Authority action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action; in which case, the effective date of the discretionary permit or action must be governed by *Sec. 1110.D.2.b.7. (Effective Date of Approving Authority Action)*. The Approving Authority's action to approve, approve in modified form, or deny a discretionary permit or action must be immediately suspended upon the filing of an appeal pursuant to *Sec. 1130. (Appeals)*.

3. Ministerial or Administrative Permits and Decisions

The Advisory, Approving and Appeal Authorities for ministerial permits and decisions are established by *Sec. 1100.A. (Summary of Review Authority)*. Unless otherwise stipulated by *Sec. XX. (Ministerial Permits and Decisions)*, the procedure for reviewing and acting upon an application requiring a ministerial/administrative permit or decision is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the *City of Pomona's website*.
3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Applications requesting ministerial/administrative permits and/or decisions must be initially reviewed for completeness and acceptance, as follows:

1. Review for Application Completeness

- i. Within 30 days following receipt of an application filed in compliance with this Chapter, the City must review the application and determine, in writing, whether the application is complete for further processing, and must transmit the determination to the applicant. If the written determination is not made within the required period, the application must automatically be deemed complete for further processing. Upon receipt of any re-submittal of the application, a new 30-day period must begin, during which time completeness of the resubmitted application must be determined.
- ii. If an application is determined to be incomplete for processing, the City must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the responsible City department in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.3.b.1.i.*, above.
- iii. If an application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of *Sec. 1130. (Appeals)*.
- iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.3.b.1.i.* and *Sec. 1110.D.3.b.1.ii.*, above, must constitute grounds for denial of the application.

2. Application Acceptance

- i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the responsible City department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the responsible City department may require in order to facilitate final action on the application.
- ii. Prior to accepting an application as complete for processing, the responsible City department must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.3.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.
- iii. The provisions of this Subsection must not be construed as limiting the ability of the responsible City department to request and obtain information that may be needed in order to comply with the provisions of California Resources Code (*Section 21000.*).

3. Investigation

Following acceptance of an application as complete for processing, the responsible City department must investigate the facts bearing on the application and provide the information necessary for action or determination, consistent with this Zoning & Development Code and General Plan, which must be reported to the Approving Authority.

4. Review and Action

- i. The Approving Authority must review the application and must then approve, approve in modified form, or deny the application. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to the provisions of *Sec. 1130. (Appeals)*.
- ii. The Approving Authority must act on a ministerial approval request within 60 days following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.3.b.1 (Initial Review for Application Completeness)*. The 60-day time limit may be extended by mutual agreement of the applicant and City.

5. Effective Date of Approving Authority Action

A ministerial/administrative permit or action must become effective immediately upon Approving Authority action. An Approving Authority action to approve or deny a ministerial permit or decision must be immediately suspended upon the filing of an appeal pursuant to *Sec. 1130. (Appeals)*.

1110.E. Environmental Review

1. Purpose

To ensure compliance with CEQA as required by state law.

2. Applicability

Applies to any activity of the City that is determined to be a “project” pursuant to CEQA as set forth in the California Public Resources Code (*Sec. 21000 through 21178*) and the CEQA Guidelines set forth in the California Code of Regulations (*Sec. 15000 through 15387*).

3. Environmental Review

The City of Pomona must conduct an environmental review of any activity within the City that constitutes a “project” pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines and the City’s local guidelines for the implementation of CEQA. Depending upon the nature and scope of a “project,” it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations, and environmental impact reports must be prepared pursuant to the requirements of CEQA and the implementing guidelines, and the City’s local guidelines for the implementation of CEQA.

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the *City of Pomona’s website*.
3. Before review of an application, all filing fees must be paid in full.

1110.F. Time Limits and Extensions

1. Time Limits

Discretionary permits/actions granted pursuant to this Section must become invalid if not exercised within the below-listed timeframes:

a. General

Unless otherwise stipulated by the conditions of approval, a discretionary permit/action must become invalid if not exercised within 12 months following the effective date of application approval, except as specified in *Sec. 1110.F.1.b.* through *Sec. 1110.F.1.f.*, below, unless extended by time extension pursuant to *Sec. 1110.F.2. (Time Extensions)*.

b. Tentative Subdivision Map

A Tentative Tract or Parcel Map must become invalid if not exercised within the time limits specified by the California Government Code (*Sec. 66452.6*).

c. Certificate of Appropriateness

A Certificate of Appropriateness granted pursuant to this Section must become invalid if not exercised within the time limit specified by the conditions of approval, or within 24 months if no time limit has been specified.

d. Definition

For the purposes of this Section, the term "exercised" must mean the following:

1. The applicant, or property owner if different from the applicant, has completed or fulfilled all conditions of approval imposed upon the permit or action by the Approving Authority; and
2. In the case of permits or actions pertaining to a development project approval, a Building Permit must have been issued and construction must have commenced and been diligently pursued toward project completion.
3. In the case of permits or actions pertaining to a land use approval, the approved use must have commenced.
4. In the case of a Merger of Contiguous Parcels, Reversion to Acreage, or Tentative Subdivision Map, the Merger, Reversion, or Final Subdivision Map must have been recorded at the office of the County Recorder.

2. Time Extensions

The time limits within which a discretionary permit or action must be exercised, may be extended as follows:

a. Project Applicant or Property Owner Requested Time Extension

1. The project applicant, or property owner if different from the applicant, may file a Time Extension request, together with any required filing fees, with the Planning Division prior to the expiration date of an approved discretionary permit or action.
2. Upon the submittal of a Time Extension request, the affected discretionary permit or action must be granted an automatic 90-day time extension to allow sufficient time for application processing.

b. Criteria for Granting a Time Extension

An extension of the expiration date for an approved discretionary permit or action must be acted upon as follows:

1. The Approving Authority may grant a Time Extension upon determination of the following:
 - i. Each of the findings and conditions of the original approval are still applicable to the project and there are no changed circumstances;
 - ii. The Time Extension will not adversely affect the public health, safety, or welfare; and
 - iii. There has been diligent pursuit to exercise the permit or action for which an extension is being requested.
2. The burden of proof must lie with the permittee to establish with substantial evidence that the approval for which the Time Extension is requested should not be allowed to expire. If the Approving Authority determines that the permittee has good-faith intent to commence with the proposed project, the Approving Authority may grant a Time Extension.
3. A discretionary permit or action may be granted Time Extensions in one-year increments, not to exceed a total of two, one-year time extensions, excepting tentative subdivision maps, which must be subject to the provisions of the California Government Code (Sec. 66452.6.).

1110.G. Applicant Failure to Complete Application Processing

1. Within 180 days following a written request by the City for plan changes, corrections, revisions, or the submittal of additional information, an application must be deemed withdrawn if the Zoning Administrator determines that the applicant has not made reasonable progress toward providing necessary plan changes or corrections, or additional information. Application processing must not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials required for any project on the same site.
2. Upon written request of the applicant, the Zoning Administrator may order the refund of all or a portion of filing fees pursuant to *Sec. XX. (Refunds and Withdrawals)*.

1110.H. **Limitations on Application Refiling**

A final action denying an application must prohibit the further filing of the same or a substantially similar application for a period of not less than 12 months following the date of application denial, except that an application denied without prejudice may be resubmitted within the 12-month period following application denial.

1110.I. Indemnification

It must be a condition of any application approved pursuant to this Chapter, or any approval or certification required pursuant to CEQA or the CEQA Guidelines, that a property owner or applicant, if different from the property owner, must defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees:

1. From any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the City's decision to approve any development, land use permit, and/or approvals and certifications under CEQA, but excluding any subdivision approval governed by the California Government Code (*Sec. 66474.9.*). This indemnification must include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and the cost of any suit, attorney's fees, and/or other costs, liabilities, and expenses incurred in connection with a lawsuit, whether incurred by the applicant, the City, and/or the parties initiating or bringing a lawsuit;
2. For all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as, but not limited to, a negative declaration, mitigated negative declaration, environmental impact report, general plan amendment, specific plan, or specific plan amendment), if made necessary by a lawsuit and if the applicant desires to pursue securing approvals that are condition of application approval, after initiation of a lawsuit; and
3. For all costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in *Sec. 1110.I.1.* and *Sec. 1110.I.2.*

Sec. 1120. **Public Hearings**

1120.A. **Purpose**

To implement the California Government Code (*Sec. 65090*), which governs public hearing and notification procedures for consideration of legislative actions, discretionary land use and development entitlements, and discretionary administrative actions. Public hearings are not required for non-discretionary administrative permits, decisions, and actions; however, public notice may be required pursuant to this section.

1120.B. **Applicability**

1. A public hearing for a legislative action, land use or development entitlement, or any other matters pertaining to this Zoning & Development Code requiring a public hearing pursuant to the California Government Code (*Sec. 65090*), must be scheduled and heard in accordance with the provisions of this section.
2. Public hearing notification for legislative actions, land use or development entitlements, or administrative permits, decisions, or actions must be provided in the manner prescribed by *Sec. 1100.A. (Summary of Review Authority)*.

1120.C. **Public Hearing Notices**

1. **Public Hearing Notice Minimum Information**

Public hearing notices must contain the following minimum information:

- a. The associated application number(s);
- b. The name of the applicant or applicant's agent;
- c. A general description, in text or by diagram, of the location of the real property that is the subject of the hearing;
- d. Current zoning district designation of the site subject to the application;
- e. A general description of the matter to be considered;
- f. Time, place, and location of the public hearing;
- g. The identity of the hearing body or officer;
- h. A statement indicating that additional application materials and documentation are on file with the City of Pomona and where such additional project information may be viewed or obtained; and
- i. A statement that any interested person may appear at the hearing or submit written material prior to the commencement of the hearing;

2. Notices for Public Hearings Conducted by the City Council

A notice for a public hearing conducted by the City Council must not be published, mailed, delivered, or posted in advance of a public hearing conducted by the Planning Commission pursuant to *Sec. 1100.A. (Summary of Review Authority)*, as the public hearing notice must include the recommendation of the Planning Commission.

3. Public Notification Required 10 Days in Advance

Public hearing notification must be provided a minimum of 10 days in advance of any public hearing and must be provided by one or more of the following methods, as necessary:

a. First Class Mail or Delivery

First Class Mail or delivery must be provided to:

1. Any person filing a request to the Planning Division to receive such notices; and
2. All property owners and occupants of the property subject to the application;
3. All owners of real property and occupants located within a minimum of 400-feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the last equalized assessment roll, or records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll.
4. The owner's duly authorized agent, if any; and
5. The project applicant; and
6. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

b. Number of Owners Requiring Public Hearing Notification Is Greater Than 1,000

If the number of owners to whom notice would be mailed or delivered pursuant to *Sec. 1120.C.3.a. (First Class Mail or Delivery)*, is greater than 1,000, in lieu of mailed or delivered notice, a display advertisement of at least 1/8 page may be placed in at least one newspaper of general circulation within the City of Pomona.

c. Public Hearing Notice Publication

If notice is mailed or delivered pursuant to *Sec. 1120.C.3.a.3.*, notice must also be published in at least one newspaper of general circulation in the City or, if there is no such newspaper of general circulation, the notice must be posted in at least 3 public places within the boundaries of the City, including the subject site.

d. Posting

1. No posted notice is required for any application unless required by State law.
2. When required by State law, the content and form of the posted notice must be consistent with the requirements of the California Government Code, Public Resource Code or other applicable State law.

e. Other Acceptable Methods of Public Noticing

In addition to the public noticing required by *Sec. 1120.C.3.a.* through *Sec. 1120.C.3.d.*, the City may give notice of a hearing by any other method deemed necessary or desirable by the Zoning Administrator.

4. Public Notices Required Pursuant to CEQA

Public notification required pursuant to CEQA must be prepared and advertised in accordance with state law.

1120.D. Request for Notification

Wherein notice of a public hearing is required pursuant to *Sec. 1120.C. (Public Hearing Notices)*, the notice must also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for such notice with either the city clerk or the Planning Division.

1120.E. Failure to Receive a Public Notice

1. Pursuant to California Government Code (*Sec. 65093*), the failure of any person or entity to receive notice given pursuant to this Chapter must not constitute grounds for any court to invalidate the actions of the Approving Authority for which the notice was given.
2. Any notices not received due to an error beyond the City's control, does not prevent the public hearing from occurring, change any decision made at the public hearing, or prevent the application from advancing through the review process.

Sec. 1130. Appeals

1130.A. Purpose

To implement the California Government Code (*Sec. 65903.*), which governs the establishment of procedures for the filing, processing and hearing of appeals on actions or decisions of a City department, agency, or Approving Authority.

1130.B. Applicability

Any person having legal standing, including but not limited to an applicant, resident, business owner, or any person owning real property within the City, that is aggrieved by an interpretation, action or decision made pursuant to this Zoning & Development Code by any City agency or department, or by an Approving Authority, may appeal such action to the Appeal Authority in accordance with the provisions of this Section.

1130.C. Appeals

1. Appeal Authority

- a. The Appeal Authority for all legislative actions, discretionary permits and actions, and ministerial permits and decisions, is hereby established pursuant to *Sec. 1100.A. (Summary of Review Authority)* of this Zoning Code.
- b. The Appeal Authority for an administrative interpretation, action, or decision made by any City agency or department head regarding any matter prescribed or governed by this Zoning Code may be appealed to the Planning Commission, except as otherwise prescribed by this Zoning Code.

2. Appeal Procedure

- a. An appeal request must be filed with the City Clerk on a City application form, along with any appropriate fees established by resolution of the City Council, within 20 days following the action or decision being appealed. The appeal must include a statement identifying the specific action or decision of the Approving Authority that is being appealed, the specific grounds for the appeal, and the relief requested from the Appeal Authority.
- b. An appeal of an action or decision by the Approving Authority must be limited to those matters raised during the hearing and contained in the appeal statement. The Appeal Authority must not consider any matter that was not raised during the hearing before the Approving Authority and contained in the appeal statement.
- c. Upon receipt of an appeal request, copies of the request and supporting information must be conveyed to the Appeal Authority within 45 days (30 days for a tentative subdivision map) following the filing of the appeal request. The Appeal Authority must set the matter for hearing, which must be noticed and conducted pursuant to *Sec. 1120. (Public Hearings)*.
- d. Upon receipt of an appeal request, the Planning Manager must prepare the record on the subject matter of the appeal, including any staff reports and meeting minutes, and transmit the record to the Appeal Authority. The Planning Manager must also prepare a written report responding

to the appeal statement, containing a recommendation on the appeal and appropriate findings supporting the recommendation, along with any appropriate conditions of approval. The report must be made available to the Appellant at least 72 hours prior to the hearing before the Appeal Authority.

- e. Within 30 days (10 days for a tentative subdivision map) following the conclusion of the hearing, the Appeal Authority must render its decision on the appeal. The Appeal Authority may deny the appeal or may grant the appeal in whole or in part, along with any conditions it deems necessary to protect the public health, safety and general welfare. The decision must include all required findings.

Sec. 1140. **Modification or Revocation by City**

1140.A. **Purpose**

1. To establish procedures for securing disciplinary or punitive modification or revocation of a previously granted Conditional Use Permit; and
2. Establish procedures for the revocation of Conditional Use Permits, for which the land use granted has been abandoned.

1140.B. **Applicability**

1. **Conditional Use Permit**

a. **Disciplinary or Punitive Modification**

1. The Approving Authority must have authority to add, delete, or modify conditions of approval imposed upon a previously granted Conditional Use Permit, based upon one or more of the following causes of action:
 - i. The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;
 - ii. The Conditional Use Permit granted is being, or has recently been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or
 - iii. The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.
2. The action to modify a Conditional Use Permit must have the effect of changing the physical and/or operational aspects of the Conditional Use Permit. The changes may include the physical and/or operational aspects related to noise, buffers, duration of the permit, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect or condition determined to be reasonable and necessary to ensure that the Conditional Use Permit is implemented in a manner consistent with the original findings for approval, and all conditions of project approval.

b. **Disciplinary or Punitive Revocation**

1. The Approving Authority must have authority to revoke a Conditional Use Permit, based upon one or more of the following causes of action:
 - i. The Conditional Use Permit approval was obtained by fraud;
 - ii. The Conditional Use Permit granted is not being exercised, has ceased to exist, or has been suspended for more than 180 consecutive days;
 - iii. The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;
 - iv. The Conditional Use Permit granted is being or has been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

- v. The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.
2. The Approving Authority's action to revoke a Conditional Use Permit must have the effect of terminating the permit and denying the privileges granted by the original approval and any subsequent modifications.

c. Revocation of Due to Abandonment of Use

A Conditional Use Permit granting a land use that is not being exercised, has ceased to exist, or has been suspended for more than 180 consecutive days, may be deemed to be abandoned (cause of action) and may be revoked solely on the basis of its abandonment.

1140.C. Procedures

1. Disciplinary or Punitive Modification or Revocation

a. Initiation of Modification or Revocation

1. Conditional Use Permit

It must be the responsibility of the Zoning Administrator to determine whether reasonable grounds exist to initiate a Conditional Use Permit modification or revocation.

2. Hearing Notification

Upon determination that reasonable grounds exist to initiate a permit or certificate modification or revocation, the City must:

- i. Schedule a hearing before the Approving Authority, which must be noticed pursuant to *Sec. 1120. (Public Hearings)*, based upon the type of application being considered. If *Sec. 1120. (Public Hearings)* does not require public notification for the application type being considered, no public notice must be required for the modification/revocation hearing; and
- ii. Serve the affected applicant(s) and property occupant(s), and property owner if different from the applicant(s) or property occupant(s), with a Notice of Commencement of Modification/Revocation Proceedings. The notice must be sent by certified mail at least 10 days prior to the public hearing date, and must contain the following minimum information:
 - a) A description of the subject property, including street address, Assessor Parcel Number(s) or legal description;
 - b) The name(s) of the owner, and name(s) of occupants if different from the owner;
 - c) The project file number and date of issuance;
 - d) A description of the authorized land use or development entitlement, or discretionary administrative permit;
 - e) Statements supporting one or more of the causes of action contained in *Sec. 1140.B. (Applicability)*;

- f) A statement that the Approving Authority will hold a public hearing within 60 days following the date of the Notice, to determine whether sufficient cause exists and that the Approving Authority, at the conclusion of the hearing, may either revoke the entitlement or permit, or take other action as deemed appropriate to ensure entitlement or permit compliance;
- g) A statement that the applicant, owner, and/or occupant may appear in person and/or be represented by legal counsel, may present oral and documentary evidence, and may call witnesses and may ask questions of witnesses called on behalf of the City; and
- h) The date, time, and place of the public hearing.

3. Hearing

- i. The modification or revocation must be heard and acted upon pursuant to the procedures for public hearings contained in *Sec. 1120. (Public Hearings)*.
- ii. At the conclusion of the hearing, the Approving Authority may take appropriate action to ensure permit or certificate compliance, including the addition, deletion, or modification of conditions of approval, or revocation of the permit or certificate.

4. Decision and Notice to Property Owner

- i. Within 45 days following the conclusion of the modification or revocation hearing, the Approving Authority must render a decision and must mail notice of the decision, including facts and reasons supporting the causes of action, to the property owner and property occupant, if different from the property owner, and any other interested persons that have filed a written request for the notice.
- ii. The decision of the Approving Authority to modify or revoke an approved discretionary permit or action must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1130. (Appeals)*.

2. Conditional Use Permit Revocation Due to Abandonment of Use

a. Revocation Initiation

The Approving Authority may initiate the revocation of a Conditional Use Permit when sufficient grounds exist, which clearly demonstrate abandonment of the use granted.

b. Hearing Notification

Upon determination by the Approving Authority that reasonable grounds exist to initiate Conditional Use Permit revocation, the Approving Authority must conduct a hearing, setting the date and time upon which the request will be considered. Notice of the hearing must be given, and the hearing must be conducted, pursuant to *Sec. 1120. (Public Hearings)*.

c. Disciplinary or Punitive Revocation

- 1. The Approving Authority must not revoke a Conditional Use Permit if there is a compelling government interest in maintaining the subject permit.

2. The Approving Authority's action to revoke a Conditional Use Permit must have the effect of terminating the land use permit, along with any privileges granted by the original approval and any subsequent modifications that may have been granted.
3. Following the conclusion of the revocation hearing, the Approving Authority must render a decision and must mail notice of the decision, including facts and reasons supporting the cause of action, to the property owner and property occupant, if different from the property owner, and any other interested persons that have filed a written request for the notice.
4. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1130. (Appeals)*.

Sec. 1150. **Performance Guarantees**

1150.A. **Purpose**

To establish a procedure by which a discretionary permit or action, or ministerial permit or decision may require, by conditions of approval or by action of the Approving Authority, to provide surety guaranteeing the faithful performance and proper completion of any approved work and compliance with conditions of approval.

1150.B. **Applicability**

Applies to performance guarantees for projects authorized by any a discretionary permit or action, or ministerial permit or decision required by this Zoning & Development Code.

1150.C. **Surety Form and Amount**

The required surety must be in a form (e.g., cash deposit, certificate of deposit, surety bond, etc.) approved by the Planning Manager or City Engineer, upon recommendation of the City Attorney. The amount of surety must be as determined by the Planning Manager and/or City Engineer to be necessary to ensure proper completion of the work and compliance with conditions of approval.

1150.D. **Surety for Maintenance**

In addition to any improvement surety required to guarantee proper completion of work, the Planning Manager or City Engineer may require surety for maintenance of the work in an amount determined by the Planning Manager and/or City Engineer to be sufficient to ensure the proper maintenance and functioning of improvements.

1150.E. **Duration of Surety**

Required improvement surety must remain in effect until final inspections have been made and all work has been accepted by the Planning Manager and/or City Engineer, or until any warranty period required by the Planning Manager and/or City Engineer has lapsed. Maintenance surety must remain in effect for the one-year period following the date of final inspection.

1150.F. **Release or Forfeiture of Surety**

1. Upon satisfactory completion of work and the approval of a final inspection at the end of the required time for maintenance surety, the improvement and/or maintenance deposits or bonds must be released.
2. Upon failure to complete all required work, failure to comply with all of the terms of any applicable permit or failure of the completed improvements to function properly, the City may perform the required work or cause it to be completed, and collect from the permittee or surety, all the costs incurred by the City, including the all costs for the work and all related administrative, inspection and legal costs.
3. Any unused portion of the surety must be refunded to the funding source after deduction of all costs for the work and all related administrative, inspection and legal costs.

Sec. 1160. **Legislative Review**

1160.A. **Purpose**

To prescribe procedures for the consideration of legislative actions by the appropriate Reviewing Authorities. Generally, legislative actions entail the establishment of rules, policies, or standards of general applicability, which involve the exercise of discretion and preside over considerations of public health, safety, and welfare.

1160.B. **Applicability**

Whenever the public necessity, convenience, general welfare, or good planning practice so requires, the appropriate Reviewing Authorities, as prescribed by *Sec. 1100.A. (Summary of Review Authority)*, may consider the adoption of a legislative action pursuant to the general provisions prescribed by *Sec. 1110. (Application Filing and Processing)*, and the provisions of this Chapter that are appropriate to the legislative action being considered.

1160.C. **Development Agreements**

1. **Purpose**

To establish procedures for adopting, amending, supplementing, or changing Development Agreements by and between the City and persons having a legal or equitable interest in a property proposed to be the subject of an agreement, whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. **Authority**

Pursuant to the California Government Code (*Sec. 65864 et seq.*), the City Council may, by ordinance and upon written recommendation of the Planning Commission as to the consistency of a proposed Development Agreement with the General Plan, enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property. It is intended that the provisions of this Chapter must be fully consistent and compliant with the provisions of California Government Code (*Sec. 65864 et seq.*) and must be so construed.

3. **Agreement Contents**

- a. A Development Agreement entered into pursuant to the provisions of this Chapter must, at a minimum, include the following information:
 1. Duration of the agreement;
 2. The permitted use(s) of the property;
 3. The density or intensity of use;
 4. The maximum height and size of proposed buildings; and
 5. Provisions for reservation or dedication of land for public purposes.

- b. In addition to the minimum information required by *Sec. 1160.C.3.a.*, above, the development agreement may include the following:
 1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, restrictions and requirements for subsequent discretionary actions must not prevent development of the land for the use(s) and to the density or intensity of development set forth in the agreement;
 2. Provide that construction must be commenced within a specified time period and that the project, or any phase thereof, be completed within a specified time;
 3. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; and
 4. Any other such terms, conditions, and requirements as deemed necessary and proper by the City Council, including, but not limited to, a requirement for assuring to the satisfaction of the City, performance of all provisions of the development agreement in a timely fashion by the agreement holder.

4. Application Filing, Processing and Hearing

An application for Development Agreement consideration must be filed, processed, and heard pursuant to *Sec. 1160. (Legislative Review)*.

5. Findings

A Development Agreement must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing that the provisions of the Agreement are consistent with the goals, policies, plans and exhibits of the General Plan, and any applicable specific plans, and giving supporting reasons for each finding. A Development Agreement must be denied if one or more of the required findings cannot be clearly established.

6. Recordation of Agreement

Within 10 days following the City entering into a Development Agreement, the City Clerk must record with the county recorder, a copy of the Agreement, which must prescribe the land subject to the agreement. From and after the time of recordation, the Agreement must impart notice thereof to all persons as is afforded by the recording laws of this State. The burdens of the Agreement must be binding upon, and the benefits of the Agreement must inure to, all successors in interest to the parties to the agreement.

7. Amendments

A Development Agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the Agreement, or their successors in interest. Any action to amend or cancel any portion of the Agreement must be carried out pursuant to the procedures specified in *Sec. 1160.C.4.*, above.

8. Annual Review

- a. Every Development Agreement approved and executed pursuant to this Section must be annually reviewed during the term of the Agreement, following the date of its execution. The purpose of the review is to determine whether the holder of the Agreement has complied in good faith with the terms of the Agreement. The burden must be placed on the holder of the Agreement to demonstrate compliance to the full satisfaction of and in a manner prescribed by the City.
- b. If as a result of annual review pursuant to this Subsection the City Council finds and determines, on the basis of substantial evidence, that the holder of the Development Agreement has not complied in good faith with the terms or conditions of the Agreement, the City Council may either amend or terminate the Agreement.

9. Modification/Suspension in Compliance with State or Federal Regulations

In the event that State or Federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, the affected provisions of the Agreement must be modified or suspended as may be necessary to comply with State or Federal laws or regulations.

1160.D. Zoning & Development Code Amendment

1. Purpose

To establish procedures for amending, supplementing, or changing this Zoning & Development Code whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. Applicability

Pursuant to California Government Code (*Sec. 65853 through Sec. 65859*), the City Council may, by ordinance and upon written recommendation of the Planning Commission, amend, supplement, or change the ordinances codified in this Zoning & Development Code whenever the public necessity, convenience, general welfare, or good zoning practice so requires.

3. Application Filing, Processing and Hearing

An application for a Zoning & Development Code Amendment must be filed, processed, and heard pursuant to *Sec. 1160. (Legislative Review)* of this Zoning & Development Code.

4. Findings and Decision

A Zoning & Development Code Amendment must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

- a. The proposed Zoning & Development Code Amendment is consistent with the goals, policies, plans and exhibits of the General Plan; and
- b. The proposed Zoning & Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

5. Urgency Measure: Interim Ordinance

Without following the procedures otherwise required prior to the adoption of a Zoning & Development Code Amendment, to protect the public safety, health, and welfare, the City Council may adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or the Planning Division is considering or studying, or intends to study within a reasonable period. An urgency measure must be completed pursuant to the California Government Code (Sec. 65858).

1160.E. General Plan Amendment

1. Purpose

The purpose of this Section is to establish procedures for amending, supplementing, or changing the General Plan whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. Authority

- a. Pursuant to the California Government Code (Sec. 65358), the City Council may, by resolution and upon written recommendation of the Planning Commission, amend, supplement, or change the General Plan.
- b. A mandatory element of the General Plan must not be amended more than 4 times during any calendar year; except that this limitation must not apply to amendments necessary for the development of residential units where at least 25 percent of the proposed units will be occupied by, or available to, persons and families of low or moderate income, as defined by the California Health and Safety Code (Sec. 50093).

3. Application Filing

Processing and Hearing. An application for a General Plan Amendment must be filed, processed, and heard pursuant to Sec. 1160. (Legislative Review).

4. Findings and Decision

A General Plan Amendment must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. Technical Amendment Findings

The first finding below, and any one or more of the subsequent findings must justify a technical amendment:

1. The proposed amendment will not change any policy direction or intent of the General Plan.
2. An error or omission is in need of correction.
3. A land use designation was based on inaccurate or misleading information and, therefore, should be changed to properly reflect the policy intent of the General Plan.
4. A point of clarification is needed to more accurately express the meaning of the General Plan, or eliminate a source of confusion.
5. A minor change in boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

b. Entitlement/Policy Amendment Findings

The first two findings of the General Plan ,below, and any one or more of the subsequent findings, below, must justify an entitlement/policy amendment:

1. The proposed change does not involve a change in, or conflict with:
 - i. Any principle of the General Plan; or
 - ii. Any basic/foundational component of the General Plan.
2. The proposed amendment would contribute to the achievement of the purposes of the General Plan, or, at a minimum, would not be detrimental to them.
3. Special circumstances or conditions have emerged that were unknown or unanticipated at the time the General Plan was adopted.
4. A change in policy is required to conform to changes in state or federal law, or applicable findings of a court of law.
5. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law commencing with the California Government Code (*Sec. 65580*).
6. An amendment is required to address changes in public ownership of land.

c. Land Use Amendment Findings

The first four findings, below, and any one or more of the subsequent findings, below, must justify an entitlement/policy amendment:

1. The proposed General Plan Amendment is consistent with the goals and policies of the General Plan.
2. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The Land Use Element is a mandatory element of the General Plan, which, pursuant to the California Government Code (*Sec. 65358*), may be amended up to four times per calendar

year, and the proposed General Plan Amendment is the first, second, third, or fourth amendment to the Land Use Element within the current calendar year.

4. During the amendment of the General Plan, opportunities for the involvement of citizens, California Native American Indian tribes pursuant to the California Government Code (Sec. 65352.3), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with the California Government Code (Sec. 65351).
5. The proposed project is consistent with the Housing Element of the General Plan, as the project site is not one of the properties listed in the Available Land Inventory of the Housing Element. Furthermore, changing the land use designation of the subject property from the existing General Plan land use designation to the proposed General Plan land use designation will not impact the City's Regional Housing Needs Allocation (RHNA) obligations, or the City's ability to satisfy its share of the region's future housing need.
6. The proposed project is consistent with the Housing Element of the General Plan, as the project site is listed in the Available Land Inventory of the Housing Element, and the proposed project is consistent with the number of dwelling units and density specified in the Available Land Inventory.
7. The project site is listed in the Available Land Inventory contained in the Housing Element of the General Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Available Land Inventory; therefore, a General Plan Amendment to remove the subject property from the Available Land Inventory is required. Removal of the subject property from the inventory will not impact the City's Regional Housing Needs Allocation obligations since there are an adequate number of sites in the inventory to meet the City's Regional Housing Needs Allocation (RHNA) obligations.
8. The proposed project is not consistent with the adopted Housing Element. The project site is listed in the Available Land Inventory of the Housing Element of the General Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Available Land Inventory; therefore, a General Plan Amendment to remove the subject property from the Available Land Inventory of the Housing Element is required. Removal of the subject property from the inventory will impact the City's Regional Housing Needs Allocation obligations since there are not an adequate number of sites in the inventory to meet the City's Regional Housing Needs Allocation (RHNA) obligations; therefore, the following property(ies) will be added to the Available Land Inventory.

1160.F. Zone Change

1. Purpose

To establish procedures for amending or changing the zoning district boundaries, zoning district or module classification (Zone Change) of any property within the City whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. Authority

Pursuant to the California Government Code (*Sec. 65853 through Sec. 65859*), the City Council may, by ordinance, and upon written recommendation of the Planning Commission, change the zoning boundaries or classification of any property within the City, whenever the public necessity, convenience, general welfare, or good zoning practice so requires

3. Application Filing, Processing and Hearing

An application for Zone Change must be filed, processed, and heard pursuant to *Sec. 1160. (Legislative Review)*.

4. Findings and Decision

A Zone Change, or amendment thereto, must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

- a. The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the General Plan;
- b. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- c. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses; and
- d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

5. Pre-Zoning of Unincorporated Territory

The pre-zoning of unincorporated territory within the sphere of influence of the City may be initiated by the Planning Commission on its own motion, or by the City Council in the form of a request to the Planning Commission that it consider the pre-zoning, or by a petition of the owner or owners of land in the unincorporated territory proposed to be pre-zoned. A Pre-zone must be completed pursuant to the California Government Code (*Sec. 65859.*) and this Section and must become effective at the same time annexation of territory to the City becomes effective.

1160.G. Specific Plan Amendment

1. Purpose

To establish procedures for adopting, amending, supplementing, or changing Specific Plans whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. Authority

- a. Pursuant to the California Government Code (*Sec. 65450 et seq.*), the City Council may, by ordinance or resolution, and upon written recommendation of the Planning Commission, adopt, amend, supplement or change a specific plan.
- b. A Specific Plan and any amendments thereto, adopted pursuant to this Section, must be enforceable in the same manner and to the same extent as any other provision of this Zoning Code.

3. Application Filing, Processing and Hearing

An application for Specific Plan adoption or amendment must be filed, processed and heard pursuant to *Sec. 1160. (Legislative Review)*.

4. Findings and Decision

A Specific Plan, or amendment thereto, must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

- a. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the General Plan;
- b. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- c. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses; and
- d. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

Sec. 1170. **Discretionary Review**

1170.A. **Purpose**

To prescribe procedures for the consideration of discretionary review. A discretionary reviews, as established by *Sec. 1100.A. (Summary of Review Authority)*, includes projects that require the exercise of judgment or deliberation when making a decision to approve, conditionally approve, or deny a particular activity.

1170.B. **Applicability**

The Reviewing Authorities prescribed by *Sec. 1100.A. (Summary of Review Authority)*, must consider a discretionary permit or action pursuant to the general provisions prescribed by *Sec. 1110. (Application Filing and Processing)*, and the provisions of this Section that are appropriate to the discretionary permit or action being considered.

1170.C. **Billboard Relocation**

[Reserved]

1170.D. **Conditional Use Permit**

1. **Purpose**

The purpose of this Section is to establish a procedure to ensure that a degree of compatibility is maintained with respect to certain uses on certain properties, due to their nature, intensity or size, or to compensate for variations and degrees of technological processes and equipment as related to the generation of noise, smoke, dust, fumes, vibration, odors and other practical hazards.

2. **Applicability**

- a. Pursuant to *Sec. 1100.A. (Summary of Review Authority)*, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Conditional Use Permit, and to impose reasonable conditions upon the approval of the application.
- b. Conditional Use Permit approval must be required prior to:
 1. The establishment of those land uses, activities and facilities so identified in *Sec. 5XX. (Allowed Uses)*; and
 2. The alteration/expansion of a nonconforming use or structure.

3. **Application Filing, Processing and Hearing**

A Conditional Use Permit application must be filed, processed, and heard pursuant to *Sec. 1110. (Application Filing and Processing)* and the provisions of this Section.

4. **Findings and Decision**

A Conditional Use Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's

written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below- listed findings cannot be clearly established.

- a. The scale and intensity of the proposed use would be consistent with the scale and intensity of land uses intended for the particular zoning district or use module.
- b. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the General Plan.
- c. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Zoning & Development Code and any applicable specific plan.
- d. The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

5. Conditions of Approval

- a. In approving a Conditional Use Permit, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning & Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific plan.
- b. The conditions imposed on Conditional Use Permits may include provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements (public and private), site design, operational characteristics, use compatibility, general character, appearance, environmental impact, time limits for commencement or termination of the construction or use authorized, revocation and use termination dates, and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Zoning & Development Code.
- c. A copy of the approving decision or resolution, and related conditions of approval (if any) issued by the Approving Authority must be maintained on site and must be made available for inspection upon demand by a City representative.
- d. A Conditional Use Permit must only apply to the approved particular use on a particular property, which may be transferred from one owner of the property to another successive owner of the same property.
- e. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning & Development Code.

6. Conditional Use Permit Modification/Revision.

- a. Conditional Use Permits and/or their conditions of approval may be modified/revise upon application by a project proponent or property owner if different from the proponent. The request must be submitted to the Planning Division on a City application form pursuant to Sec. 1110. (*Application Filing and Processing*).
- b. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Zoning & Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Manager, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.
- c. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Manager, are not minor in nature, must be processed as a Modified Conditional Use Permit, following the procedures set forth in this Section for Conditional Use Permit approval, except that modification/revision approval must not alter the expiration date established by the original application approval.

7. Voluntary Surrender of a Conditional Use Permit

A Conditional Use Permit approved pursuant to this Zoning & Development Code may be voluntarily surrendered, in writing, by the affected property owner. The procedure for Conditional Use Permit surrender must be as follows:

- a. The Reviewing Authority originally approving the subject Conditional Use Permit must set a date and time on which the request will be considered. Notice of the hearing must be given pursuant to Sec. 1120. (*Public Hearings*).
- b. The notice must indicate that any interested person may make a written request at any time prior to the advertised public hearing, or may request in person at the time of the advertised hearing, that a public hearing be held at the advertised date and time. If no hearing is requested, the Reviewing Authority may decide on the matter without a public hearing. If a public hearing is requested, the Reviewing Authority must conduct the public hearing pursuant to Sec. 1120. (*Public Hearings*).
- c. The Reviewing Authority must deny the surrender of the Conditional Use Permit only if it can be clearly shown that there is a compelling government interest in maintaining the Conditional Use Permit.
- d. The decision of the Reviewing Authority must be final and conclusive in the absence of an appeal filed pursuant to Sec. 1130. (*Appeals*).

1170.E. Variance

1. Purpose

The City's authority to grant a Variance from the development regulations contained in this Zoning & Development Code is authorized by the California Government Code (*Sec. 65906*), which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the City may allow deviation from the strict application of the development regulations.

2. Applicability

- a. Pursuant to *Sec. 1100.A. (Summary of Review Authority)*, the Approving Authority, is hereby empowered to approve, approve in modified form, or deny a Variance application, and to impose reasonable conditions upon the approval of the application.
- b. A Variance may be approved to allow deviation from any numerical development standard established by this Zoning & Development Code with respect to minimum and/or maximum dimension, area, mass, and quantity, except that a Variance must not be granted for increases in maximum density or floor area ratio.
- c. A variance must not be approved on a lot that authorizes a use or activity that is not otherwise expressly authorized by the zoning district governing the affected lot, nor must the power to approve a Variance extend to any public health or safety standard, as this authority has been precluded by state laws.

3. Application Filing, Processing and Hearing.

A Variance application must be filed, processed, and heard pursuant to *Sec. 1110. (Application Filing and Processing)* and the provisions of this Section.

4. Findings and Decision.

A Variance must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

- a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Zoning & Development Code;
- b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district;
- c. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

- d. The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
- e. The proposed Variance is consistent with the goals, policies, plans and exhibits of the General Plan, and the purposes of any applicable specific plan, and the purposes of this Zoning & Development Code.

5. Conditions of Approval

- a. In approving a Variance, the Approving Authority, as applicable, may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning & Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific plan(s).
- b. All conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning & Development Code.

1170.F. Development Plan

1. Purpose

- a. To establish a review process whereby the integrity and character of the physical fabric of the City will be protected in a manner consistent with the goals and policies of the General Plan. This is ensured through the review of:
 - 1. The suitability of building location;
 - 2. Location and design of off-street parking and loading facilities;
 - 3. Location, design and dedication of streets and alleys (public and private facilities);
 - 4. Location and design of pedestrian and vehicular entrances and exits;
 - 5. Location, design, materials and colors of walls and fences;
 - 6. Location, design, size, and type of landscaping (public and private facilities);
 - 7. Location, design, and materials of hardscape areas, such as patios, sidewalks and walkways (public and private facilities);
 - 8. Drainage and off-site improvements (public and private facilities);
 - 9. Compatibility with the surrounding area;
 - 10. Exterior building architectural design, materials and colors;
 - 11. Quality of proposed design and construction;
 - 12. Location, type, design, colors, and materials of signs; and
 - 13. Any conditions affecting the public health, safety, welfare, and general aesthetic of the community.

- b. Protect and preserve the value of properties and to encourage high quality development throughout the City, whereas adverse effects would otherwise result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures; inadequate and poorly planned landscaping; and failure to preserve, where feasible, natural landscape features, and open spaces.
- c. Recognize the interdependence of land values and aesthetics, and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements consistent with the General Plan, with due regard to the public and private interests involved.
- d. Ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities are protected by the exercise of reasonable controls over the character and design of private buildings, structures, parking and loading facilities, landscaped areas, recreation amenities and open spaces.
- e. Ensure the design of landscaping and irrigation that shades parking facilities and other paved areas, buffers or screens undesirable views and compliments building architecture and overall site design.
- f. Ensure reasonable controls over the character, design and location of signs, and the appropriate use of well-designed signs that complement the architecture of surrounding buildings, while considering the public and private interests involved and the exercise of control over the undesirable use of excessive signage.

2. Applicability

- a. Pursuant to *Sec. 1100.A. (Summary of Review Authority)*, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Development Plan application, and to impose reasonable conditions upon a Development Plan approval.
- b. Development Plan approval must be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building, as follows:
 - 1. The development of 3 or more dwelling units on a single lot;
 - 2. The development of 5 or more lots within a residential subdivision;
 - 3. The development of 5 or more dwelling units, regardless of the number of lots involved;
 - 4. The development of a nonresidential building within a residential zoning district, or an addition thereto, which is in excess of 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;
 - 5. The development of a vacant lot within a nonresidential Use Module;
 - 6. The conversion of a commercial structure to a residential structure, or conversion of a residential structure to a commercial structure;
 - 7. The remodel of, or addition to, an existing nonresidential building, which results in an overall change in the architectural/aesthetic integrity, as determined by the Planning Manager;
 - 8. The remodel of, or addition to, a nonresidential building, which would result in the demolition and replacement/reconstruction of more than 50 percent of the existing building;

9. The conversion of a gasoline or fueling station to facilitate another allowed as pursuant to *Sec. XX. (Conversion of Gasoline and Fueling Stations)*;
 10. An addition to an institutional facility (including religious assembly and places of worship, government services, healthcare services, and educational services), when such addition would exceed 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;
 11. The development of a permanent building within the SCD and PLD zoning districts, when such development would exceed 500 SF of GFA (cumulative), or an addition thereto, when such addition would exceed 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;
 12. The relocation (move-on) of a building within any zoning district;
 13. The addition of dwelling units to a multiple-family residential development project, when such addition would result in 3 or more dwelling units on a single lot after the addition;
 14. An addition to a previously developed site within a commercial zoning district, when such addition would exceed 25 percent of the original structure GFA or 2,000 SF (cumulative), whichever is less;
 15. An addition to a previously developed site within an industrial zoning district, when such addition would exceed 25 percent of the original structure GFA or 10,000 SF (cumulative), whichever is less;
 16. A wireless telecommunications facility pursuant to *Sec. XX. (Wireless Telecommunications Facilities)*; and
 17. Other projects, which, in the opinion of the Planning Manager, require such level of review prior to issuance of a building permit, due to the size, nature and/or complexity of the project, or because the project could cause significant environmental impacts or generate significant neighborhood opposition or controversy.
- c. A Development Plan must remain in effect for the life of the affected development project, which must be developed and maintained in conformance with the plans as approved by the Approving Authority and must be maintained on file with the City.

3. Application Filing, Processing and Hearing

- a. A Development Plan application, except for wireless telecommunications facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests (EFRs), must be filed, processed and heard pursuant to *Sec. 1110. (Application Filing and Processing)* and the provisions of this Section. Applications to install wireless telecommunications facilities in the public right-of-way and for facilities qualifying as EFRs must be filed and processed pursuant to the following:

b. Scope

There must be a type of permit entitled a "Wireless Permit," which must be subject to all of the requirements of this Section. Unless exempted, every person who desires to place a wireless telecommunications facility in the public right-of-way, modify an existing wireless telecommunications facility in the public right-of-way, or perform work as part of an EFR

must obtain a Wireless Permit authorizing the placement or modification in accordance with this Section. Except for small cell facilities, facilities qualifying as EFRs, or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless telecommunications facilities must be permitted pursuant to this Section.

c. Approving Authority

The Zoning Administrator is the approving authority for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs.

d. Application Submittal

Applications must be submitted on a City application form issued and amended, from time-to-time, by the Zoning Administrator.

e. Review and Action.

1. The Zoning Administrator must review the application and then approve, approve in modified form, or deny the application. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1190.E.3.f. (Appeals)*, below.
2. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs must, at a minimum, ensure that the requirements of this Section are satisfied, unless it is determined that Applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Zoning & Development Code may be waived by the Zoning Administrator, but only to the minimum extent required to avoid the prohibition or violation.
3. There will be no public hearings.

f. Appeals

The Applicant may appeal the decision to the Planning Commission, which may decide the issue de novo, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility. Where the Zoning Administrator grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision must be automatically appealed to the Planning Commission. All appeals must be filed within 2 business days of the written decision of the Zoning Administrator, unless the Zoning Administrator extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law. Any appeal must be conducted so that a timely written decision may be issued in accordance with applicable law.

4. Findings and Decision

A Development Plan must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established. Findings 1-4

do not apply to applications for wireless telecommunications facilities in the public right-of-way or facilities qualifying as EFRs, which are subject to the findings set forth by Sec. 1190.E.4.e., below.

- a. The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the General Plan;
- b. The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;
- c. The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;
- d. The proposed development is consistent with the development standards and design guidelines set forth in the Zoning & Development Code, or applicable specific plan or planned unit development.
- e. Required findings for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs are as follows:
 1. Except for EFRs, the Zoning Administrator or Planning Commission, as the case may be, must approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - i. The facility is not detrimental to the public health, safety, and welfare;
 - ii. The facility complies with this Zoning & Development Code and all applicable design and development standards; and
 - iii. The facility meets applicable requirements and standards of state and federal law.
 2. For EFRs, the Zoning Administrator or Planning Commission, as the case may be, must approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - i. That the application qualifies as an eligible facilities request; and
 - ii. That the proposed facility will comply with all generally applicable laws.

5. Conditions of Approval

- a. In approving a Development Plan application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning & Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific and/or area plan(s).
- b. Conditions of approval imposed upon a Development Plan approval may include, but is not limited to, provisions concerning building height, bulk or mass; setbacks; lot coverage; lighting; private and common open space, and/or recreation amenities; screening, including garages, trash receptacles, mechanical and roof-mounted equipment and appurtenances; landscaping;

walls and fences; vehicular parking, access and circulation; pedestrian circulation; on-site security; grading; street dedication and improvements (public and private); on and off-site public improvements (public and private) necessary to service the proposed development; project timing/phasing; loading and outdoor storage; architectural treatment; signage; vehicular trip reduction; graffiti removal; sound attenuation; reparation and recordation of covenants, conditions and restrictions, mutual access agreements, maintenance agreements and other similar agreements; property disclosure pursuant to the California Business and Professions Code (*Sec. 11000 et seq.*); and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Zoning & Development Code.

- c. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning & Development Code.

6. Modifications and Revisions

- a. Development Plans and/or their conditions of approval may be modified/revised upon application by a project applicant or property owner if different from the applicant. The request must be submitted to the Planning Division on a City application form pursuant to *Sec. 1110. (Application Filing and Processing)*.
- b. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Zoning & Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Manager, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.
- c. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Manager, are not minor in nature, must be processed as a revised Development Plan, following the procedures set forth in this Section for Development Plan approval, except that modification/revision approval must not alter the expiration date established by the original application approval.

Sec. 1180. **Administrative Review**

1180.A. **Purpose**

To prescribe procedures for the consideration of administrative (ministerial) reviews or decisions by the Reviewing Authorities established by *Sec. 1100.A. (Summary of Review Authority)*. Administrative permits and decisions consist of City actions and determinations that involve little or no personal judgment by a public official as to the wisdom or manner of carrying out a project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements.

1180.B. **Applicability**

The Reviewing Authorities established by *Sec. 1100.A. (Summary of Review Authority)* must consider an administrative review or decision pursuant to the general provisions prescribed by *Sec. 1110. (Application Filing and Processing)*, and the provisions of this Chapter that are specific to each discretionary permit or action stipulated herein.

1180.C. **Sign Plans**

[Reserved]

1180.D. **Administrative Exception**

[Reserved]

1180.E. **Fair Housing and Reasonable Accommodations**

[Reserved]

1180.F. **Alternative Compliance**

1. **Purpose**

To provide an applicant with the opportunity to propose an alternative design standard that meets or exceeds the intent an applicable Zoning & Development Code standard. Alternative Compliance eligibility is established in a standard's relief section.

2. **Applicability**

Alternative Compliance applies to development projects that do not comply with a design, development, or performance standard required by this Code, and the applicant proposes an alternative standard or condition that does not substantially alter the execution or intent of the regulations that apply to a proposed development.

3. **Application Filing and Processing**

An application for Alternative Compliance must be filed, processed, and heard pursuant to *Sec. 11XX. (Legislative Review)*.

4. Findings and Decision

- a. The Director of Development Services is authorized to approve requests for Alternative Compliance.
- b. The Director of Development Services must review each application and approve, approve in modified form, or deny an application, and may impose reasonable conditions based on the standards as defined in this Zoning & Development Code and any applicable design guidelines.

5. Appeal of Administrative Decision

Appeals of administrative decisions may be taken to the Planning Commission and must follow the procedures in *Sec. 11XX. (Appeals)*.

1180.G. Director Determination

1. Applicability

Director Determination applies to development projects that includes a proposed use which is not expressly listed or defined in *Sec. XX. (Use Definitions)*.

2. Application Filing, Processing and Hearing

An application for Director Determination must be filed, processed, and heard pursuant to *Sec. 11XX. (Legislative Review)*.

3. Findings and Decision

See *Sec. 11XX. (Determination of Similarity)*.

4. Appeal of Administrative Decision

Appeals of administrative decisions on an Director Determinations may be taken to the Board of Zoning Adjustments and must follow the procedures in *Sec. 11XX. (Appeals)*.

1180.H. Adjustments

1. Applicability

- a. An Adjustment is a modification of 10% or less of any numeric standard.
- b. This optional process may occur only where the applicant requests relief from a standard specifically authorized in this Code.

2. Application Filing and Processing

- a. An application for Adjustment must be filed, processed, and heard pursuant to *Sec. 1160. (Legislative Review)*.
- b. During the permit review process, the Director of Development Services is authorized to approve requests for an Adjustment.

- c. The Director of Development Services must review each application and approve, approve with conditions, or deny the application based on the approval criteria below.

3. Findings and Decision

1. In approving an application for an Adjustment, the Director of Development Services must determine:
2. The application is consistent with the spirit, purpose, and intent of this Code;
3. The application is consistent with the intent of the applicable standards for which relief is requested;
4. That there are practical difficulties that prevent strict adherence to the code requirement for which relief is requested; and
5. The request for relief is the minimum amount necessary to eliminate the practical difficulty.

4. Appeal of Administrative Decision

Appeals of administrative decisions may be taken to the Planning Commission and must follow the procedures in *Sec. 11XX. (Appeals)*.

Sec. 1190. **Subdivision Review**

1190.A. **Purpose**

To prescribe procedures for the consideration of subdivision reviews or decisions by the Reviewing Authorities established by Sec. 1100.A. (*Summary of Review Authority*).

1190.B. **Applicability**

The Reviewing Authorities established by Sec. 1100.A. (*Summary of Review Authority*) must consider an subdivision review or decision pursuant to the general provisions prescribed by Sec. 1110. (*Application Filing and Processing*), and the provisions of this Chapter that are specific to each permit or action stipulated herein.

1190.C. **Certificate of Compliance**

[Reserved]

1190.D. **Final Map and Parcel Map**

[Reserved]

1190.E. **Map Correction and Amendment**

[Reserved]

1190.F. **Parcel Map Waiver**

[Reserved]

1190.G. **Lot Merger**

[Reserved]

1190.H. **Reversion to Acreage**

[Reserved]

1190.I. **Tentative Tract, Parcel Map, Vesting Map**

[Reserved]

Sec. 11100. **Historic Preservation Review**

11100.A. **Additional Requirements**

1. Requests to establish or modify a Historic District or Historic Landmark (-H) may originate with the City Council, the Historic Preservation Commission, the Administrator, any interested citizen, or citizen group. Any application for designation must be submitted in accordance with Section 1310(X)
2. The designation application along with the request for a Zoning & Development Code Amendment processed according to the procedures in this Section and *Sec. 1160.D. (Zoning & Development Code Amendment)*. The Historic Preservation Commission must conduct a preliminary consideration of the proposed area's eligibility based on the standards in this Section. The Historic Preservation Commission will provide a report and recommendation to the City Council on the application. The Historic Preservation Commission has the authority to recommend the City Council designate properties, therefore, Historic Preservation Commission, not the Planning Commission, must review all applications concerning a zoning map amendment regarding the (-H) Overlay.

11100.B. **Historic Compliance**

See *Sec. 8XX.X. (Historic Compliance)*.

11100.C. **Certificate of Appropriateness (COA), Minor**

See *Sec. 8XX.X. (Minor Certificate of Appropriateness)*.

11100.D. **Certificate of Appropriateness (COA), Major**

See *Sec. 8XX.X. (Major Certificate of Appropriateness)*.

11100.E. **Certificate of Economic Hardship**

See *Sec. 8XX.X. (Certificate of Economic Hardship)*.

11100.F. **Certificate of Deconstruction**

See *Sec. 8XX.X. (Certificate of Deconstruction)*.

11100.G. **Mills Act Contract**

See *Sec. 8XX.X. (Mills Act Contract)*.

11100.H. **Historic District Designation**

See *Sec. 8XX.X. (Historic District Designation)*.

11100.I. **Historic Landmark Designation**

See *Sec. 8XX.X. (Historic Landmark Designation)*.

11100.J. **Points of Historical Interest**

See Sec. 8XX.X. (*Points of Historical Interest*).

Sec. 11110. **Nonconformities**

Nonconforming lots, uses, structures, and improvements within the City are detrimental to orderly development, and the health, safety, peace, comfort and welfare of persons and property within the city.

11110.A. **Purpose**

1. To provide relief from the requirements of this Zoning & Development Code for any existing nonconformity, defined as any lot, building or structure, or use that conformed to the zoning regulations at the time they were established, but do not conform to current requirements of this Code.
2. To provide for the orderly termination of nonconforming rights for lots, uses, structures, and improvements that were previously legally established, but no longer comply with the Zoning & Development Code. The orderly termination nonconforming lots, uses, structures, and improvements is necessary to promote the public health, safety and welfare, and to bring nonconforming lots, uses, and structures into conformity with current Zoning & Development Code provisions, and the goals and policies of the General Plan.

11110.B. **Intent**

1. To limit the expansion of nonconforming lots, uses, structures and improvements, establish the circumstances under which they may be continued, and provide for their correction, maintenance, and removal.
2. To provide for the elimination of nonconforming lots, uses, structures, and improvements as rapidly as possible, without infringing upon the constitutional rights of their owners.

11110.C. **Applicability**

1. Nonconforming lots, uses, structures, and improvements may be maintained, expanded, altered, and/or abated only in accordance with the provisions of this section. It must be the property owner's responsibility to provide evidence or information to justify the establishment of the nonconforming rights provided under this section.
2. Any designated historic landmark, contributing structure within a designated historic district, or any property listed on the California Register of Historical Resources or National Register of Historic Places, must be exempt from the provisions of this Chapter with respect to the restoration and maintenance of structures, provided that all construction plans are approved through a Certificate of Appropriateness by the Historic Preservation Commission.
3. A lot, use, structure, or improvement that becomes nonconforming due to a change in zoning district boundary or Zoning & Development Code regulation, the period prescribed for abatement of the use or improvement of the lot or structure must begin on the effective date of the change in zoning district boundary or Zoning Code regulation.

4. **General Rules**

The following general rules apply to all nonconformities. Specific rules in the following Sections may provide additional standards or exceptions to these general rules:

- a. A nonconforming building, structure, or use may conduct renovation and maintenance and repair project activities, as defined in *Sec. 1200.A.*, without triggering any of the standards of this Section.
- b. No new construction, addition, site modification, facade modification, change of use, major renovation project activities, as defined in *Sec. 1200.A.*, may occur on any nonconforming lot or to any nonconforming building or structure, or nonconforming use, that increases the degree of nonconformity with any individual standard in this Code, except where allowed in the following Sections.
- c. Demolition that reduces compliance with the standards or rules in any zoning district is not allowed, except in conjunction with a project activity that allows the project to meet the minimum requirements.

11110.D. Nonconforming Uses

A use that lawfully occupied a building or land at the time an ordinance codified in this Zoning & Development Code became effective and does not conform to the Use Module regulations of the zoning district in which it is located, must be deemed a “nonconforming use.” A nonconforming use may continue, subject to the following:

1. Discontinuance of Nonconforming Use

a. General

1. A building or structure, portion of a building or structure, or any land that contained a nonconforming use that has been discontinued for a continuous period of 1 year or more must only be occupied by a use that conforms to the current use regulations of the applied zone.
2. A nonconforming use of land that is accessory or incidental to the nonconforming use of a building must be discontinued on the same date the nonconforming use of the building is discontinued.

b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status

1. Without further action by the City, a use must lose its nonconforming status and must not be reestablished if the nonconforming use is abandoned for any reason.

i. Residential Uses

A nonconforming residential use must be deemed abandoned if the use is discontinued for a period of 180 or more consecutive days.

ii. Nonresidential Land Uses

A nonconforming nonresidential use must be deemed abandoned if the use is discontinued for a single period of 180 or more consecutive days. Wherein special circumstances exist, the nonconforming status of a nonresidential use may be extended pursuant to *Sec. XX. (Extensions of Nonconforming Status)*.

2. Wherein the determination of abandonment of a use is in question, the determination of abandonment must be made by the Zoning Administrator, based upon satisfactory evidence. If there are no business receipts, records, or necessary licenses available to provide evidence that the use in question has been in continual operation, the Zoning Administrator may make a determination of "abandonment of use" based upon consideration of:
 - i. The removal, without replacement, of equipment, furniture, machinery, fixtures, structures, or other components necessary to business operation, and/or
 - ii. The shut-off or disconnect of utilities (water, electricity, and/or natural gas).
3. Following the discontinuance of a nonconforming use, the use of a property must comply with all current requirements of this Zoning & Development Code and the applicable zoning district.

c. Change in Ownership, Tenancy or Management

A change in ownership, tenancy or management of a nonconforming use must not affect its nonconforming status, provided the use is not discontinued pursuant to *Sec. 1160.1.b. (Discontinuation of Use and Loss of Nonconforming Status)*, above, or the type of use and/or intensity of use does not change.

d. New Development

New development on any lot upon which a nonconforming use exists must require that all uses on the property conform to the provisions of this Zoning & Development Code.

e. Alterations and Expansion of Use

1. A nonconforming use must not be enlarged or extended in such a way as to occupy any part of any structure or property that the use did not occupy prior to the creation of the nonconformity.
2. For nonconforming use alteration exceptions, see *Sec. XX. (Use Not Allowed Exceptions)*.

f. Intensification of Use

A nonconforming use must not be intensified in such a way as to increase the discrepancy between existing conditions and the standards set forth in this Zoning & Development Code.

g. Abatement of Nonconforming Use

Nonconforming uses must be abated as follows:

1. A use must be discontinued upon the issuance of a cease and desist order by the City if:
 - i. The use is nonconforming due to an operation or process that poses a threat to the public health, safety or welfare, as determined by the Planning Manager or Building Official; and
 - ii. The owner fails to discontinue the operation or process, or to fully mitigate the hazard(s) involved.
2. A nonconforming use that has been discontinued or abandoned must comply with *Sec. 1160.1.b. (Discontinuation of Use and Loss of Nonconforming Status)*.

11110.E. Nonconforming Structures and Improvements

A structure or improvement that was lawfully constructed or installed at a time an ordinance codified in this Zoning & Development Code became effective, and does not conform to the Form Module, Frontage Module, and Site standards of this Zoning & Development Code in which it is located, must be deemed a "nonconforming structure" or "nonconforming improvement," as applicable. A nonconforming structure or improvement may continue, subject to the following:

1. Damage or Destruction of a Nonconforming Structure

- a. A nonconforming structure that is damaged or partially destroyed by fire or other calamity, or the public enemy, or other cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed, restored, or rebuilt up to the original size, placement and density, provided that total cost of the reconstruction, restoration, or rebuilding does not exceed more than 50 percent of the structure's fair market value prior to said damage or destruction. Structure reconstruction, restoration, or rebuilding must commence within 180 days following the occurrence of damage, unless extended by the Zoning Administrator, and must be diligently pursued to completion.
- b. In the event that the cost of reconstructing, restoring, or rebuilding a structure exceeds 50 percent of the fair market value of the structure prior to such damage occurring, the structure may be reconstructed, restored, or rebuilt up to its original size, placement, and density prior to such damage occurring, and the use of the structure resumed, subject to the following:
 1. The Zoning Administrator, at a duly noticed public hearing, must first find that the reconstruction, restoration, or rebuilding of the nonconforming structure:
 - i. Will not be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood;
 - ii. Will not be detrimental or injurious to property and improvements in the neighborhood; and
 - iii. Continuation of the nonconforming structure will not result in an annoyance to and/or reduction of any surrounding property.
 2. The public hearing and findings prescribed in *Sec. 1160.E.1.b.1.*, above, must not be required for the reconstruction, restoration, or rebuilding of a legal nonconforming single-unit dwelling located on a lot that is designated for "single-family dwellings" by *Figure 6.3: POMONA TOMORROW (Place Types) in the General Plan.*
 3. The reconstruction, restoration, or rebuilding must be commenced within 180 days following the date that the damage or destruction occurred, unless extended pursuant to *Sec. XX. (Extensions of Nonconforming Status)*, and diligently pursued to completion.
 4. Nothing in this section must be construed to permit the continuation of conditions that will endanger the health, safety, or welfare of building occupants, the residents of the area, or which constitute a public or private nuisance.

11110.F. **Calculation of Time**

Whenever a period of time related to a nonconformity is specified in this Code, the period of time is computed from the effective date of the ordinance that created the nonconformity.

11110.G. **Compliance with Other Laws**

Nothing in *Sec. 1160. (Nonconformities)* relieves any person or entity from the obligation to comply with the requirements of any Federal, State, County, or other local law.

11110.H. **Relief**

1. Relief from the requirements of this Section are available through the *Sec. 1310.XX. (Adjustments)*, and *Sec. 1310.XX. (Quasi-Judicial Review)*.
2. The Zoning Administrator may allow for relief through alternative compliance (*Sec. 1310.XX*) to bring a project into conformity if the project meets or exceeds the intent of the standards of this Zoning & Development Code.
3. When relief is granted through any discretionary action taken consistent with this Section, the element that is the subject of the discretionary action is no longer considered nonconforming under this Zoning & Development Code.

11110.I. Form Exceptions

1. Coverage Exceptions

a. Building Setbacks

Where a building is nonconforming as to building setbacks, an addition is allowed, provided that:

1. Additions located in the nonconforming setback do not encroach to a greater extent than the existing encroachment or reduce the nonconforming setback to less than 50% of that required by the dimensional requirements of the applied zone.
2. The total of all additions made since the building became nonconforming do not exceed, in height or length, the height or length of that portion of the adjoining nonconforming building that extends into the same setback.

2. Height Exceptions

a. House Form Modules

1. An addition to a building or structure that is nonconforming as to floor area is allowed, provided that the addition conforms to all current regulations of the applied zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval.
2. Modifications to existing buildings other than additions are allowed.

b. Addition to Building Exceeding Maximum Height

Where an existing building or structure is nonconforming only as to maximum height, additions that conform to all the current regulations of the applied zone and other applicable current land use regulations are allowed, except that the total aggregate floor area included in all the separate additions must not exceed 50% of the floor area of the ground story of the building or structure.

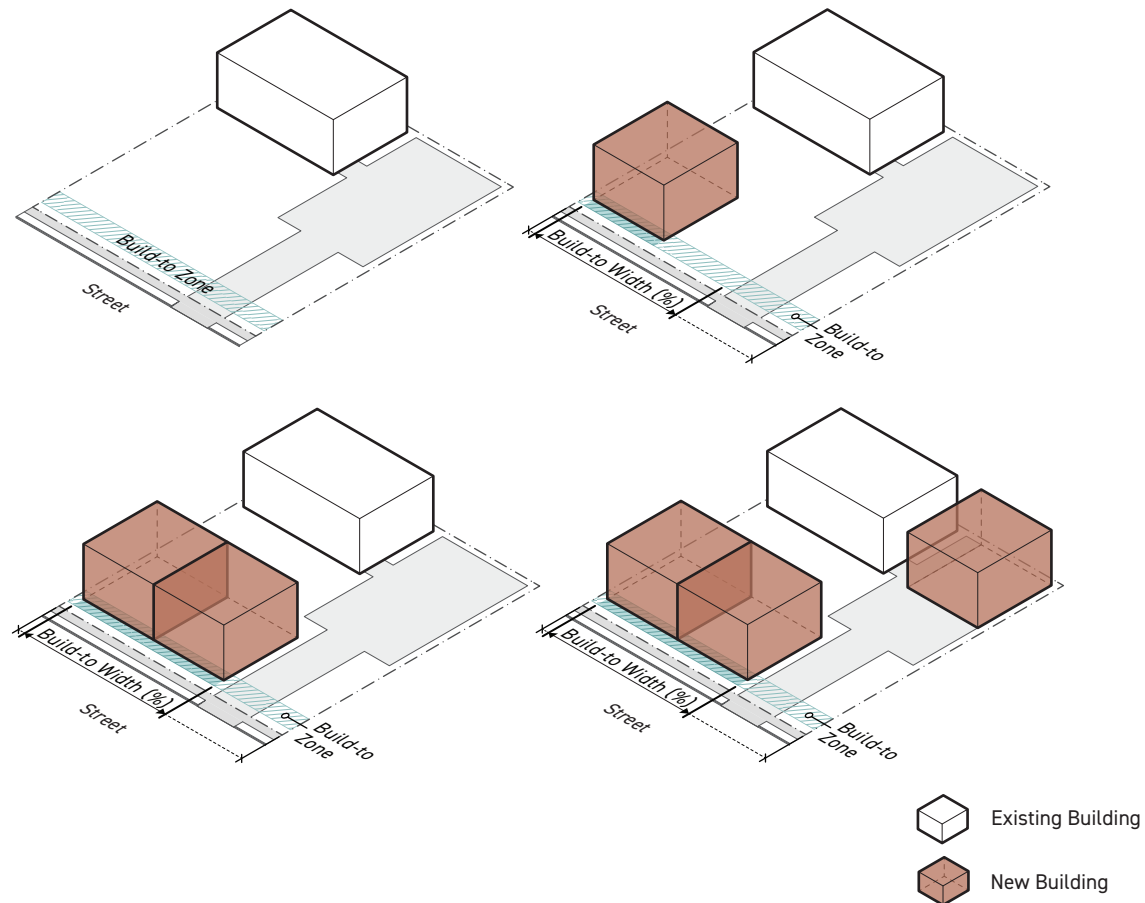
11110.J. Frontage Exceptions

1. Build-to Exceptions

- a. On a lot with an existing building where the lot is nonconforming as to the maximum build-to depth or minimum build-to width requirements, any new construction must meet the minimum build-to width between the minimum and maximum build-to depth in one or more of the ways outlined below.

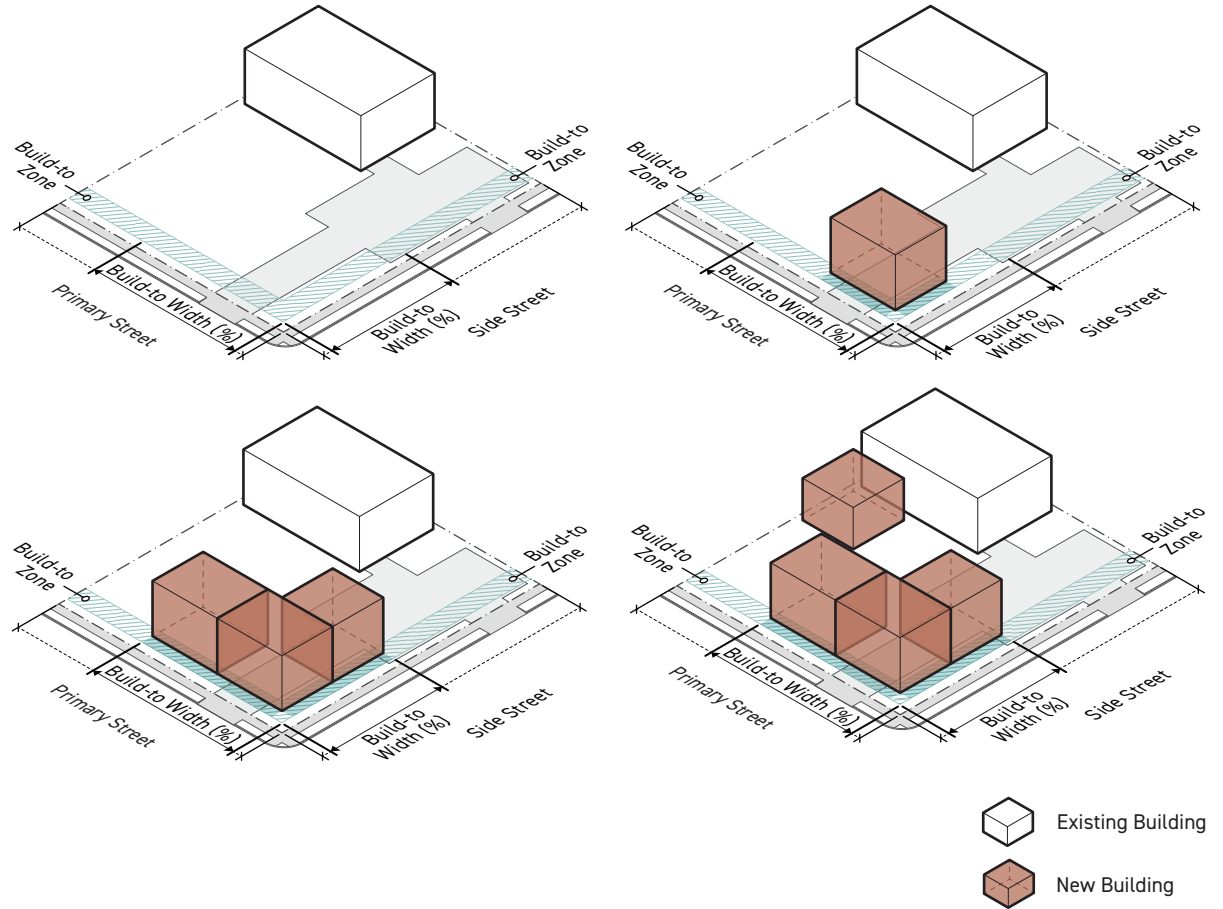
1. New Construction on an Interior Lot

All new construction must occupy the build-to depth until the build-to width has been met, except that buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot.



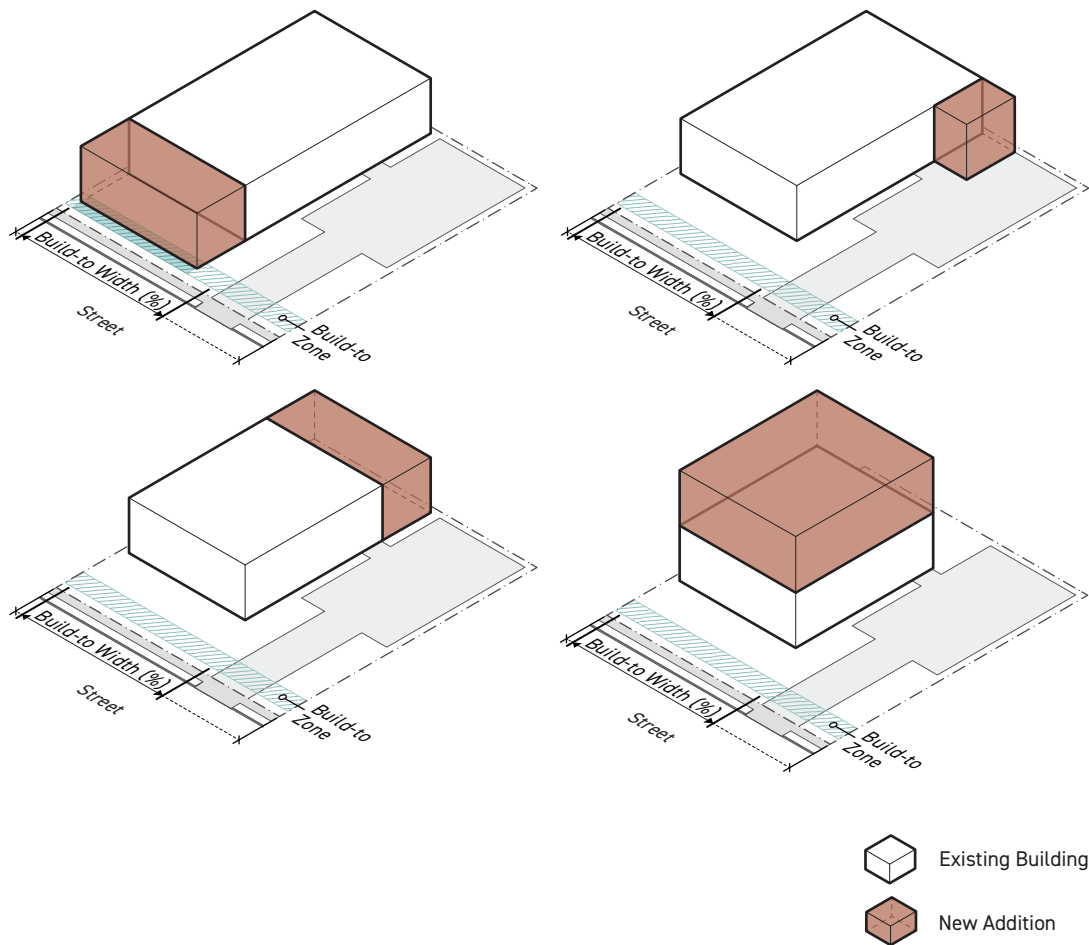
2. New Construction on a Corner Lot

All new construction must occupy the build-to depth until the build-to width for both streets has been met, except that buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot. The initial new building must begin at the corner and be located within the build-to-depth on both streets. Additional new buildings may be placed anywhere within the build-to zone.



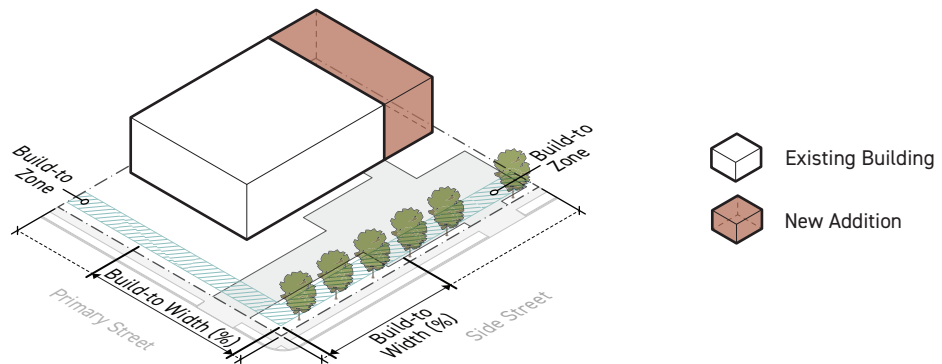
3. Additions on an Interior Lot

- i. Any addition to the street-facing facade of a building that is nonconforming as to build-to depth or build-to width must occupy the build-to depth, except that the addition does not have to meet the entire required build-to width for the lot.
- ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line are allowed.
- iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that they must have a floor area less than 20% of the existing ground story.
- iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they must not increase the existing building footprint by more than 50 square feet and must not exceed the height limit for the applied zone.

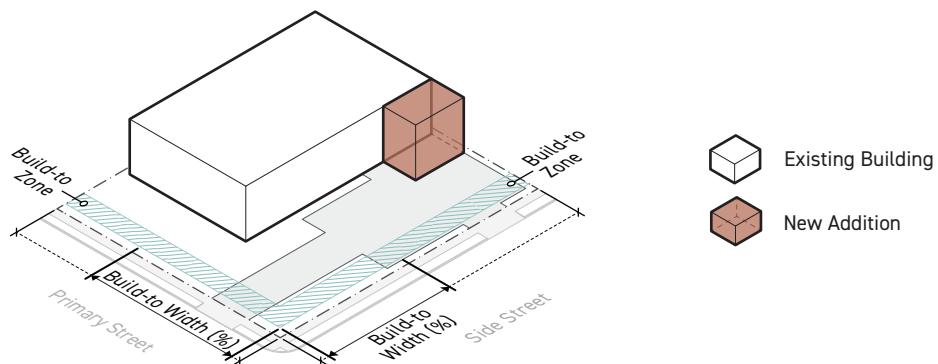


4. Additions on a Corner Lot

- i. Any addition to the primary street-facing facade of a building that is nonconforming as to build-to depth or build-to width must be located within the build-to depth on the primary street, except that the addition does not have to meet the minimum build-to width for the entire lot.
- ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line, but not any wider than the existing building, and are located behind the build-to depth are allowed, except that:
 - a) A planting area must be provided as required in *Sec. XX., Planting Areas*, at least 6 feet wide, abutting the side street lot line, and installed across the entire length of the side street frontage where no building occupies the build-to zone. Breaks for pedestrian, bicycle and vehicular access are allowed.
 - b) The planting area with large species trees, must be provided as required in *Sec. XX., Trees*, planted at a rate of 1 tree per 30 feet along the entire length of the planting area. Trees should be planted offset from street trees to maximize space for canopy growth.



- iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that the floor area must be no greater than 20% of the existing ground story.

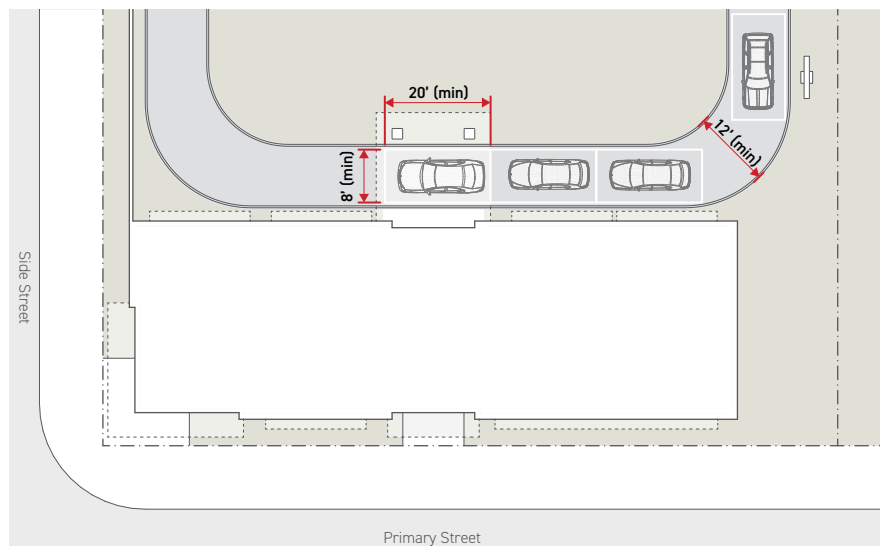


- iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they must not increase the existing building footprint by more than 50 square feet.
- b. Where a building or structure does not meet the build-to width requirement and an existing plaza or similar open space located in the build-to zone does not meet the standards for pedestrian amenity allowance, the existing open space may be maintained, but not expanded. Any new construction, facade modification, or site modification must increase conformity with the pedestrian amenity allowance standards.
- c. Additions to any street-facing facade of a building that is nonconforming as to build-to depth or build-to width are allowed behind the build-to depth, except that they must not exceed 10% of the ground story area of the existing building.
- d. On lots with an existing building that is nonconforming as to build-to depth or build-to width, except where the existing building is a residential building, and new construction of additional dwelling units that are detached from the existing building located in a rear yard, the build-to depth and build-to width requirements do not apply.

11110.K. Use Exceptions

1. Use Not Allowed Exceptions

- a. Where an existing use is nonconforming in the applied Use Module:
 1. It may be relocated within the existing building, provided the move does not cause a net increase in the floor area of the nonconforming use.
 2. It will not be reestablished after it has been abandoned. A nonconforming use is considered abandoned pursuant to *Sec. 1160.1.b. (Discontinuation of Use and Loss of Nonconforming Status)*.
- b. Where an existing drive-through use is nonconforming in the applied Use Module, an expansion of existing drive-through facilities may be allowed and must meet the following standards:
 1. Must not encroach on or interfere with the use of sidewalks, drive aisles or parking areas.
 2. Each queuing space in a drive-through lane must be a minimum of 20 feet in length and 8 feet in width along straight segments of the drive-through lane. Drive-through lanes must be a minimum of 12 feet in width along curved segments.



3. Drive-through lanes are regulated as a motor vehicle use area and subject to the standards specified in *Sec. 480. (Parking Location)*.
 4. Drive-through lanes that take access directly from the public right-of-way are regulated as a driveway and subject to the standards for driveways as specified in *Sec. 610.A. (Vehicle Access)*.
 5. Require review and approval by the Public Works Director to ensure the site design does not create detrimental impacts on pedestrians, bicyclists, transit vehicles or riders, micro mobility device users, and automobile traffic and circulation on the abutting right-of-way.
- c. Where an existing fueling station use is nonconforming in the applied Use Module, an expansion of existing fueling facilities may be allowed and must meet the following standards:
 1. Must not include more than 2 additional fuel pumps or 'multiple product dispensers'.

2. Must conform to current air or stormwater quality control regulations, and replace any single-walled underground storage tanks.
 3. Must remediate any existing contamination of soil or groundwater.
 4. Must be not be located within 300 feet of any residential, assembly, child day care, medical clinic, or urban agricultural use.
- d. In the Industrial Use Modules, the nonconforming use of land where no buildings are occupied in connection with the use or where the only buildings occupied are accessory to or incidental to the use, may be continued, subject to the following limitations:
1. The nonconforming use must not be enlarged in any way beyond the limits of what was originally permitted.
 2. The nonconforming use must be completely enclosed within a building or within an area enclosed on all sides with a Buffer Type II Transition Buffer pursuant to *Sec. 720.B.3.c.2.ii., Buffer Type II*, within 1 year from the date the use becomes nonconforming.
- e. In the Industrial Use Modules:
1. A building that is nonconforming as to use with no dwelling units must not be redesigned or rearranged to contain dwelling units.
 2. A building that is nonconforming as to use with dwelling units must not be redesigned or rearranged so as to increase the number of dwelling units in the building.
 3. Caretakers quarters in Industrial Use Modules are permitted to continue.

2. Use Standard Exceptions

Where a temporary use is nonconforming as to Use Module standards it may be continued until the expiration of the temporary use permit. When a nonconforming temporary use is subject to a new temporary use permit, it must meet all of the Use Module standards.

11110.L. Site Exceptions

1. Parking Exceptions

- a. When parking is required, the currently-provided parking stalls must be considered the required parking for an existing nonconforming use where the parking stalls are less than what is specified in *Sec. 710.C.3.a., Required Parking*.
- b. The Building and Safety Division of the Development Services Department may reduce the number of required parking stalls by the number of stalls the Building and Safety Division of the Development Services Department determines are needed to provide accessible parking stalls as required by State access laws.

11110.M. Street Exceptions

[Reserved]

Sec. 11120. **Violations and Enforcement**

11120.A. **Purpose**

This section establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also describes the remedies and penalties that apply to violations of this Code. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

11120.B. **General**

1. **Compliance Required**

Compliance with all provisions of this Code is required.

2. **Responsibility**

Any person or entity who violates this Code will be subject to the remedies and penalties in this section.

3. **Responsibility for Enforcement of Code Provisions**

The Administrator is responsible for enforcing the provisions of this Code. The Administrator will be provided with the assistance of other persons as the City Manager may direct.

4. **Notice of Violations**

When the Administrator finds that any building, structure, or land is in violation of this Code, the Administrator will send a written notice to the person or entity responsible for the violation. If the person or entity responsible is not the owner, a copy of the notice will be sent to the owner. The notice will define who is responsible for the violation, indicate the nature of the violation, order the necessary action to abate the violation, and provide a deadline for correcting the violation. If a violation is not corrected within a reasonable period of time as provided in the notification, the Administrator will take appropriate action available to City to correct and abate the violation to ensure compliance with this Code.

5. **Violation Complaints**

When a violation of this Code occurs, or is alleged to have occurred, any person or entity may file a complaint. The complaint must state the alleged violation and the basis of the violation. The complaint must be filed with the Administrator, who will maintain a record of the complaint, promptly investigate, and take action to abate or correct the violation.

6. **Inspections to Ensure Compliance**

Upon presentation of proper credentials, the Administrator may enter any building, structure, land, or premises to ensure compliance with the provisions of this Code. Inspections will be carried out during normal business hours unless the Administrator determines there is an emergency necessitating inspections at another time.

7. Right of Appeal

Any person or entity aggrieved or affected by an enforcement action may appeal the action to the Board of Zoning Adjustments.

11120.C. Violations

1. General Violations

- a. Failure to comply with a requirement, standard, prohibition, or limitation imposed by this Code, or terms and conditions of any permit, development approval, or authorization granted pursuant to this Code, constitutes a Code violation. A Code violation is punishable as defined in this section.
- b. Each permit application approved by the City Council, Planning Commission, Board of Zoning Adjustments, Historic Preservation Commission, Administrator, or any other official, only authorizes the particular use, arrangement, location and construction defined in that specific permit.

2. Specific Violations

- a. Any of the following is a violation of this Code:
 1. Construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, structure, or sign without first obtaining the appropriate permit or permit approval, or without complying with the terms and conditions of the permit or approval required to engage in such activity, or to engage in development or subdivision of any land in contravention of this Section, including the conditions and terms of all required permits and development approvals.
 2. Excavate, grade, cut, clear, or undertake any other land-disturbing activity contrary to the requirements of this Section or without first obtaining all necessary approvals required by this Code or other applicable regulations.
 3. Create, expand, replace, or change any nonconformity except in compliance with this Code.
 4. Reduce or diminish the requirements or standards below the minimum required by this Code.
 5. Increase the intensity of use of any land or structure except in accordance with the requirements of this Code.
 6. Fail to comply with any terms, conditions, or limitations placed by the City Council, Planning Commission, Board of Zoning Adjustments, Historic Preservation Commission, or Administrator, upon any development approval.
 7. Fail to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the sign permit has lapsed.
 8. Fail to comply with a Certificate of Appropriateness.

11120.D. Remedies and Penalties

1. City Remedies and Penalties

The City may use any combination of the following enforcement actions, remedies, and penalties pursuant to *Chapter 2* of the City Code to correct, stop, abate, and enjoin a violation of this Code.

a. Citation Noting Violation

The Administrator may issue a citation to the person or entity pursuing the activity or activities in violation of this Code, requiring appearance before a court of competent jurisdiction of this state.

b. Stop Work Order

The Administrator may issue and serve upon a person or entity pursuing the activities in violation of this Code a stop work order requiring that person or entity stop all activities in violation of this chapter.

c. Permit Suspension or Revocation

1. Any development permit, approval, certificate, or other form of authorization required under this Code may be suspended or revoked if the Administrator determines that:
 2. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval;
 3. The permit or development approval was procured by false representation; or
 4. The permit or development approval was issued in error.
5. Written notice of suspension or revocation will either be served to the property owner, agent, applicant, or entity to whom the permit was issued, or the notice may be posted in a prominent location at the place of violation. No work or construction is permitted to proceed after the notice as been served.

2. Civil Remedies

In addition to all other remedies and penalties outlined in this section, the Administrator may initiate an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this Code or to prevent the occupancy of the building, structure or land.

3. Criminal Remedies

Criminal penalties will be as provided by *Chapter 2* of the City Code.

4. **Private Civil Relief**

In case a building, structure, or land is or is proposed to be used in violation of this Code, an adjacent or neighboring property owner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

5. **Cumulative Remedies**

The remedies provided for violations of this Code, whether civil or criminal, are cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

PART 12.

GENERAL RULES

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Sec. 1200. **General Standards & Measurement**

1200.A. **Project Activities**

1. **New Construction**

Any activity that includes the construction of a new building or structure.

2. **Addition**

Any expansion or enlargement of an existing building or structure. Includes activity that increases the floor area or the height of an enclosed space within an existing building.

3. **Site Modification**

Any substantial modification to a site, including landscaping, trees, fencing, walls, lighting, grading, flatwork, and parking lots including resurfacing and restriping of existing parking lots.

4. **Facade Modification**

- a. Any substantial change to the exterior envelope of a building. Facade modifications include changes to any of the following:
 1. The facade of a building;
 2. The amount of exterior foundation wall that is exposed above finished grade; or
 3. An architectural element (including a balcony, porch or deck) attached to a facade.
- b. Facade modification includes any change to a facade that goes beyond the definition of maintenance and repair.

5. **Change of Use**

- a. A change in use or a modification of an area designed and intended for a specific use from the previously approved use.
- b. Change of use includes a change in the permanent use of any portion of a building or lot from one of the uses specified in *Part 5 (Use)*, to another.
- c. Change of use does not include any uses requiring event-based permission from the City. For these uses, see *Sec. XX (Temporary Uses)*.
- d. Change of use includes the expansion of floor area or lot area dedicated to a use or an increase in the intensity of a use, such as an increase in seating capacity or the number of persons in care.

6. Renovation

- a. Modification of the interior of any building or structure that does not expand the building or structure, but includes more than 50% of the floor area of any story of the structure.
- b. Renovation does not include interior modifications to meet fire, life safety, and ADA requirements, regardless of the amount of floor area included.
- c. Renovation includes any change that goes beyond the definition of maintenance and repair.

7. Maintenance & Repair

Activity done to correct the deterioration, decay of, or damage to, any part of a building, structure, or lot, that does not involve a change or modification of the existing design, outward appearance or applicable zoning requirements. In-kind replacement of deteriorated or damaged parts of a building is considered maintenance and repair. Maintenance and repair includes repair of site components such as parking lots or landscaping.

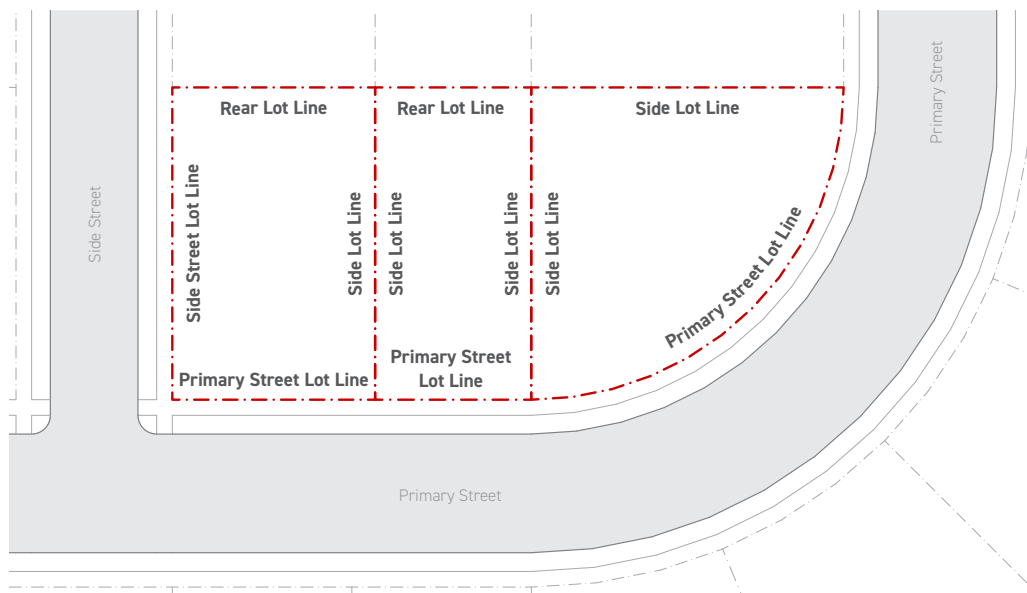
1200.B. Street Designation

1. Public rights-of-way adjacent to a lot are classified as either primary streets, side streets or alleys. Rivers, bike paths and trails are public rights-of-way but are not considered streets.
2. When a lot abuts only one street, the street is considered a primary street.
3. A lot that abuts multiple streets must designate at least one as a primary street.
4. A lot may abut more than one primary street.
5. For lots that abut multiple streets, the following will be used to determine a primary street:
 - a. the pedestrian orientation of the street;
 - b. the established orientation of buildings on the block;
 - c. the street or streets abutting the longest face of the block;
 - d. the street or streets parallel to an alley within the block;
 - e. the street from which the lot takes its address; and
 - f. the street with the highest classification or highest traffic counts.

1200.C. Lot Line Designation

1. General

- a. A lot line can have only one designation.
- b. Each lot line must have one of the following designations:
 1. primary street lot line;
 2. side street lot line;
 3. rear lot line;
 4. side lot line; or
 5. alley lot line.



2. Primary Street Lot Line

- a. A lot line separating a lot from a primary street right-of-way.
- b. Each lot must have at least one primary street lot line. A lot may have more than one primary street lot line.
- c. For sites that abut multiple streets, a primary street lot line is determined using the following:
 1. the street or streets with the highest classification;
 2. the established orientation of the block;
 3. the street abutting the longest face of the block;
 4. the street parallel to an alley within the block;
 5. the street that the site takes its address from; and
 6. the primary street designation of adjacent development, either existing or approved.

- d. A lot line abutting a park, open space, river, trail or pedestrian path can be designated as a primary street lot line.
- e. Once designated for a site, a primary street lot line cannot be changed (e.g., a primary street lot line cannot, for purposes of subsequent development, be re-designated a side street lot line) unless all standards of the applicable zoning district are met based on the proposed change in street lot line designation.

3. Side Street Lot Line

A lot line separating a lot from a side street right-of-way. Any street lot line not determined to be a primary street lot line is considered a side street lot line.

4. Rear Lot Line

A lot line that does not abut a street or alley right-of-way and is opposite and most distant from a primary street lot line.

- a. A lot may have no more than one lot line designated as a rear lot line.
- b. In the case of a lot that fronts two streets on opposite sides, there may be no rear lot line.
- c. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

5. Side Lot Line

Any lot line not determined to be a primary street, side street, rear or alley lot line.

6. Alley Lot Line

Any lot line separating a lot from an alley right-of-way. Even when a lot line qualifies as a rear lot line or side lot line, all lot lines that abut an alley right-of-way are considered an alley lot line.

1200.D. Lot Line Categories

1. Frontage Lot Line

Any lot line that triggers Frontage Module requirements. Frontage lot lines include all primary street lot lines and side street lot lines in *Part 4 (Frontage)*.

2. Street Lot Line

Any lot line that abuts a street right-of-way. Street lot lines include all primary street lot lines and side street lot lines.

3. Common Lot Line

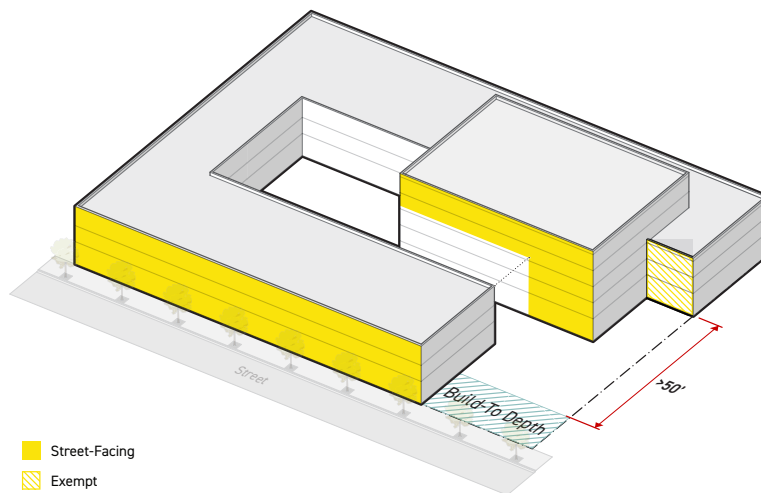
Any lot line shared by multiple lots. Common lot lines, including all side lot lines and rear lot lines.

1200.E. Residential and Nonresidential Uses

1. Residential uses include all uses listed in the residential use category within *Part 5 (Use)*.
2. Nonresidential uses include all uses not listed in the residential use category within *Part 5 (Use)*.

1200.F. Street-Facing Facades

1. The portion of a building facade (when projected parallel to the primary or side street lot line) with no permanent structure located between the building facade and the applicable primary or side street lot line are considered street-facing.
2. Facades located more than 50 feet behind the primary or side street lot line are exempt from any street-facing facade requirements.



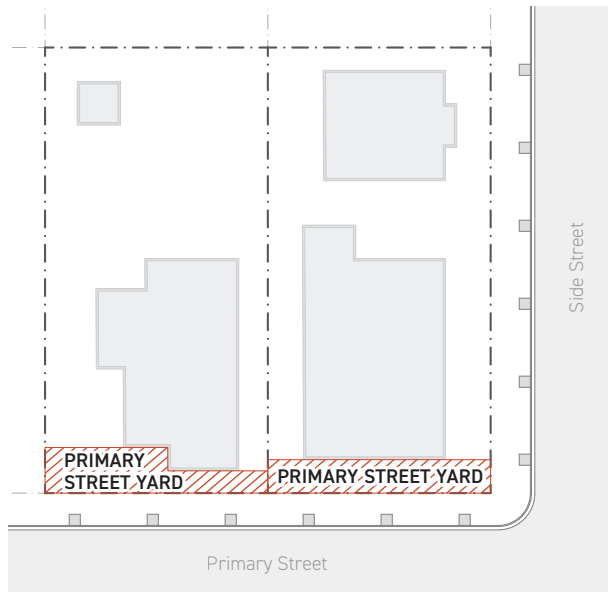
1200.G. Yard Designation

1. General

- a. All portions of a lot not within the exterior walls of a building must be designated as either a primary street yard, side street yard, side yard or rear yard.
- b. No portions of a lot may have more than one yard designation.
- c. Yards are determined in the following order: (1) primary street yard; (2) side street yard, if any; (3) rear yard; and (4) any side yard.

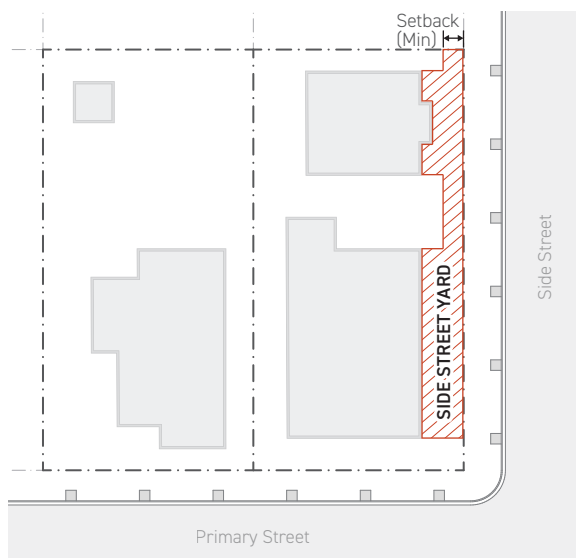
2. Primary Street Yard

- A primary street yard includes the full width of a lot that is located between a primary street lot line and the principal building.
- A primary street yard does not include any building facade set back at least 20 feet from the principal building's street-facing facade.



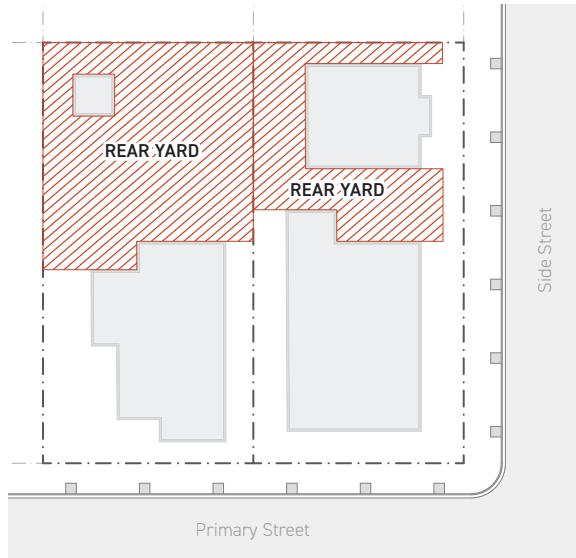
3. Side Street Yard

- A side street yard includes the full depth of a lot that is located between a side street lot line and the principal or accessory building.
- For portions of the lot width where there is no primary or accessory building, the side street yard includes only portions of the lot included in the side street setback.
- A side street yard does not include any building facade set back at least 20 feet from the principal or accessory building's street-facing facade.



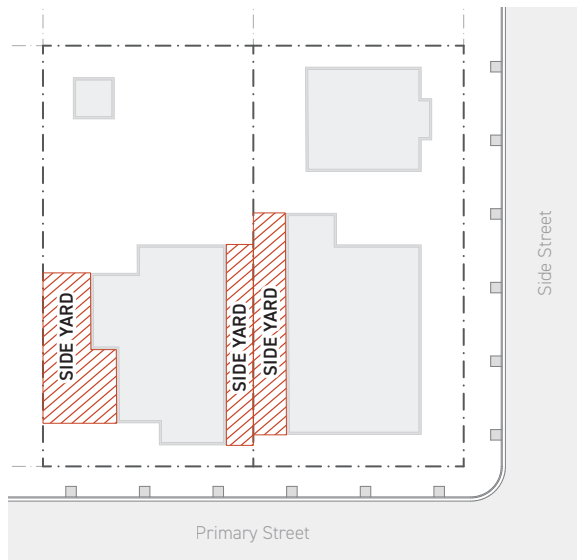
4. Rear Yard

- a. A rear yard includes the full width of a lot that is located between a rear lot line and the principal building.
- b. A rear yard does not include any building facade set back at least 20 feet from the principal building's rear facade.



5. Side Yard

The remaining portions of a lot between a side lot line and a principal building.



1200.H. Yard Categories

1. Frontage Yard

Frontage yard is a category of yards referring to all yards that abut a frontage lot line including front yards and side street yards.

2. Street Yard

Street yard is a category of yards referring to all yards that abut a street right-of-way including front yards and side street yards.

1200.I. General Terminology

Assessor. The word "assessor" must mean the county assessor of the county of Los Angeles.

Building. The word "building" includes the word "structure."

Council. The word "council" must mean the city council of the city of Pomona.

Commission. The word "commission" must mean the planning commission of the city of Pomona.

City. The word "city" must mean the city of Pomona.

County. The word "county" must mean the county of Los Angeles.

County recorder. The words "county recorder" must mean the county recorder of the county of Los Angeles.

Development Services Director. The words "Development Services Director" must mean the Director of the Development Services Department of the City of Pomona.

May. The word "may" is permissive.

Must. "Must" shall not be construed to hold the city or any officer or employee responsible for any damage to person or property by reason of a failure to perform duties as provided for in this code. No provision of this code is intended to require that an officer or body perform a mandatory duty under Section 815.6 Government Code.

Planning Manager. The words "Planning Manger" must mean the Manager of the Planning Division of the Development Services Department of the City of Pomona.

Planning Division. The words "Planning Division" must mean the Planning Division of the Development Services Department of the City of Pomona.

State. The word "state" must mean the state of California.

Federal. The word "federal" must mean the government of the United States of America.