

# PART 11.4 SPECIAL REGULATIONS

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## Chapter 11.4.01 Accessory Dwelling Units

### §11.4.01.001 Purpose.

This Chapter provides regulations for the establishment of accessory dwelling units in residential zones, consistent with State law, to provide affordable housing in areas where adequate public facilities and services are available and impacts upon the residential neighborhoods directly affected would be minimized.

### §11.4.01.002 Standards.

Notwithstanding any other provisions of this Zoning Code, accessory dwelling units are a permitted use on each lot in any R-1 zone, overlay zone where single-family or multi-family residential uses are permitted, R-3 zone, or RPD zone, if all of the following standards are met:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. Accessory dwelling units are permitted on existing flag lots only if there exists a minimum twenty (20) foot wide legal access way from a street to the lot. The required twenty (20) foot wide access way for the flag lot may include a legally recorded access easement.
- C. Detached accessory dwelling units shall only be sited behind the primary dwelling unit on the lot.
- D. Accessory dwelling units are not permitted on any residential lot other than those developed with one existing or proposed single-family residence. The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- E. Accessory dwelling units, including any portion of a pre-existing primary dwelling unit which would be incorporated into such accessory dwelling unit, must comply with the building code, fire code, health and safety codes, and noise insulation standards applicable to the primary dwelling unit at the time the building permits for the accessory dwelling unit are issued.
- F. The primary and accessory dwelling units may be connected to a common, gravity-fed sewage disposal system approved by the Los Angeles County Department of Health Services. Separate systems may be required if a gravity-fed system is not feasible. If sewers are available to the parcel, both the primary and accessory unit must be connected to the sewer service in order to receive a building permit. Further, if access to sewers is provided to the parcel subsequent to the initial issuance of a building permit, the permit shall be subject to connection of both the primary and accessory units to such sewer service.
- G. The accessory dwelling unit must be connected with the primary dwelling unit to common utility meters, including gas, electricity, and water. Separate telephone service for the accessory unit is permitted.



- H. Any attached accessory dwelling unit must be attached to the living area of the primary unit by a common wall, floor, or ceiling and not simply by an attached breezeway or porch. As a guideline, the minimum separation between a primary unit and a detached accessory dwelling unit should be twenty (20) feet.
- I. Except as otherwise provided in this Chapter, the accessory dwelling unit, whether attached or detached, must conform to all setback, floor area, and building bulk requirements of the underlying zone. In particular, the combined floor area of the primary dwelling unit, accessory dwelling unit (attached or detached), and all other roofed accessory structures on the property, cannot exceed the total allowed floor area/roofed area for the lot. However, no setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- J. Any accessory dwelling unit that is proposed on a lot which otherwise qualifies as a hillside lot under Chapter 11.4.15 (Hillside Development) of the Zoning Code shall also meet the following requirements. No discretionary review or approval for a Hillside Development Permit shall be required.
1. The total of all floor area on the site, including the accessory dwelling unit, shall not exceed the underlying maximum floor area for the lot size multiplied by the slope factor.
  2. Grading, or any movement of earth, required for the accessory dwelling unit shall not exceed fifty (50) cubic yards.
  3. The vertical height of any finished fill slope created for the purpose of developing an accessory dwelling unit shall not exceed ten (10) feet.
  4. The vertical height of any finished cut slope created for the purpose of developing an accessory dwelling unit shall not exceed ten (10) feet.
  5. For a new driveway or roadway, the maximum total vertical height of any combination of finished cut and fill slopes from grade shall not exceed eight (8) feet. The finished grade of any new driveway shall not exceed an average of seventeen (17) percent, with an absolute maximum grade of twenty (20) percent.
  6. Proposed building sites and/or structures shall not be allowed within one hundred (100) feet of a ridgeline or knoll as identified in Figure CNE-3 of the Conservation Element of the General Plan, or within fifty feet (50) of a Blue Line stream identified on a USGS map.
  7. No accessory dwelling unit shall block a watercourse, canyon, or streambed.
  8. The accessory dwelling unit shall be sited in a manner which does not block more than twenty-five (25) percent of neighboring views from primary living areas (areas other than bedrooms, bathrooms, and hallways).
  9. Any retaining wall less than twenty (20) feet from a building wall shall be considered a part of that building wall for the purposes of calculating building height.

10. The maximum horizontal dimension of an attached accessory dwelling unit and the primary unit to which it is attached shall not exceed one hundred twenty (120) feet.
  11. The architectural style and the roof pitch of the accessory dwelling unit shall match that of the main house.
  12. The Light Reflectance Value (LRV) for an accessory dwelling unit shall not exceed fifty (50) percent for walls or fences, or thirty (30) percent for roofs.
  13. Site lighting shall comply with the provisions of Chapter 11.5.06 (Outdoor Lighting Standards).
- K. The maximum allowed height for a detached accessory dwelling unit on any lot shall be fifteen (15) feet.
- L. The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area, with a maximum increase of 1,200 square feet. The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- M. The property owner must occupy either the primary unit or the accessory dwelling unit.
- N. Parking shall be provided as required in Chapter 11.5.05 (Off-Street Parking Facilities).
- O. The accessory dwelling unit shall provide architectural continuity with the primary unit, blending into the existing setting through the use of appropriate building form, height, materials, color, and landscaping. Elevation and floor plans shall be submitted as part of the building permit process.
- P. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

#### **§11.4.01.003      Accessory Dwelling Unit within Existing Space.**

Notwithstanding any other provision of this Chapter, the City shall ministerially approve an application for a building permit to create within a zone for single-family use, , one (1) accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

#### **§11.4.01.004      Covenant Required.**

A covenant, approved by the City Attorney and Director, shall be recorded with the County Recorder. This covenant shall identify the occupancy and use limitations of the site, including but not limited to the requirement that the property owner occupy either the primary or accessory dwelling unit at all times. Evidence of recordation shall be provided to the City prior to issuance of any occupancy permit on the accessory dwelling unit.

## **Chapter 11.4.02 Adult Oriented Businesses and Entertainers (Reserved)**

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## Chapter 11.4.03 Alcoholic Beverage Sales

### §11.4.03.001 Purpose.

This Chapter provides regulations which are intended to mitigate potential adverse land use impacts on the peace, health, safety, and welfare of residents in nearby areas, which may arise from the undue proliferation and/or inappropriate location of establishments selling alcoholic beverages.

### §11.4.03.002 Standards—On-Sale and Off-Sale Alcoholic Beverage Sales.

- A. **Prohibition of Sales.** Convenience stores shall be prohibited from the “off sale” sales of alcoholic beverages.
- B. **Sales Activities.** Alcoholic beverages shall not be sold, served, or given away:
1. Outside of the exterior walls of the business, except for approved outdoor dining areas of eating and drinking establishment and craft breweries, wineries, or distilleries;
  2. From walk-up service windows.
- C. **Litter and Graffiti.** The owner/operator shall:
1. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
  2. Provide for daily removal of trash, from the premises and abutting sidewalks or alleys within twenty (20) feet of the premises; and
  3. Remove graffiti within forty-eight (48) hours of written notice from the City.
- D. **Security.** The decision-making authority may require the establishment to provide security personnel, security programs, and/or surveillance devices.
- E. **Conditions.** In addition to the conditions provided for in Section 11.6.09.006, the following condition shall be required for approval of a Conditional Use Permit pursuant to this Chapter:
1. The owner/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post a notice that these are available for review on the premises. The posted notice shall be signed by the permittee.
- F. **Signs.** Signs shall comply with Chapter 11.5.09 (Sign Regulations). In addition, the following standards shall apply:
1. Window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
  2. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the California Department of Beverage Control (ABC).

- G. **Site and Floor Plans.** The site and floor plans of any establishment that sells, serves, or gives away alcohol shall incorporate design features to reduce alcohol-related problems. The decision-making authority may require the incorporation of preventive design features (e.g., openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public rights-of-way and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior) and other safety features (e.g., security, restrooms, additional exits, etc.).
- H. **Bars, Nightclubs, and Lounges.** Bars, nightclubs, and lounges shall comply with the standards in Subsections (A) through (H) of this Section. In addition, the structure in which the bar, nightclub, or lounge is located shall be adequately soundproofed so that interior noise is not audible beyond the lot line with the doors and windows closed.

#### **§11.4.03.003 Standards—Alcoholic Beverage Sales—Off-Sale Establishments (Liquor Stores).**

In addition to the standards in Section 11.4.03.002, the following standards shall apply to Off-Sale Alcoholic Beverage Sales—Off-Sale (Liquor Store) establishments that are not defined as Off-Sale Alcoholic Beverage Sales, Accessory:

- A. **Location.** Any proposed liquor store shall comply with the following location standards:
1. **Minimum distance from a residential zone boundary:** Five hundred (500) feet, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zone boundary;
  2. **Minimum distance from other alcoholic beverage sales—off-sale establishments:** One thousand (1,000) feet, as measured from any point upon the outside walls of the building or building lease space containing the alcoholic beverage sales—off-sale establishment to the nearest point of the outside walls of the building or building lease space containing other such establishments;
  3. **Minimum distance from a public or private school, library, religious or cultural institution, and public park:** Five hundred (500) feet as measured from any point upon the outside walls of the building or building lease space containing the alcoholic beverage sales—off-sale establishment to the nearest property line of the public or private school, library, religious or cultural institution, and public park.
  4. **Visibility:** The alcoholic beverage sales—off-sale establishment shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety purposes.
- B. **Packaging.** Wine, beer, and other distilled spirit shall be sold in the factory manufactured packages for retail sales. Factory multiple-packed bottles or cans shall not be unpackaged to be sold individually. This restriction is not intended to prohibit the sale of beverages in a single container packaged by the manufacturer for individual sale.

#### **§11.4.03.004 Findings.**

- A. **Standard Findings.** Prior to approval of a new or amended use permit for an alcohol beverage sales establishment, the decision-making authority shall find that the use is consistent with the purpose and intent of this Chapter. This finding shall be in addition to the findings required by Chapter 11.6.09 (Use Permits). In making the required finding of this Subsection, the decision-making authority also shall consider the following:
1. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.
  2. The distance of the proposed use from the following:
    - a. Residential uses;
    - b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and
    - c. Other establishments dispensing alcoholic beverages.
  3. Whether the noise levels generated by the operation of the establishment would exceed the level of background noise normally found in the area or would otherwise be intrusive.
  4. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.
- B. **Public Convenience or Necessity (PNC) Finding.** The ABC has established a process that allows local jurisdictions to support or reject an application for off-sale and on-sale alcoholic beverage licenses in census tracts with an “undue concentration” of ABC licenses, where “undue concentration” is defined by the ABC pursuant to Section 23958.4 of the Business and Professions Code of the State, as may be amended from time to time. As provided for in Section 23958.4, the governing body of a local jurisdiction has the authority to determine PNC findings within ninety (90) days of notification by the ABC.
1. If notified by the ABC that a PNC finding is required, the decision-making authority shall support or reject an application for off-sale and on-sale alcoholic beverage license by making the finding that public convenience or necessity would be served by the issuance of the ABC license because the applicant has demonstrated that the benefit to the city outweighs potential risks. This finding shall be in addition to the findings required by Chapter 11.6.09 (Use Permits) and Subsection (A) of Section 11.4.03.044.
  2. It is the responsibility of the applicant to justify the PNC finding for alcohol sales to the satisfaction of the decision-making authority. The applicant shall provide justification for public convenience or necessity by completing and submitting a PNC justification in a form as provided by the Director.

**§11.4.03.005 Revocation.**

The decision-making authority may revoke a permit for an alcohol sales establishment, upon making one (1) or more of the following findings in addition to the findings required in Chapter 11.2.04 (Enforcement):

- A. The establishment is being operated in an illegal manner or in a manner that violates the public peace, pursuant to Title 5 (Public Peace).
- B. Noise from the establishment violates Chapter 5.02 (Regulation of Community Noise) of Title 5 (Public Peace).
- C. The establishment fails to fully comply with the rules, regulations, and orders of the California Department of Alcoholic Beverage Control (ABC), including a violation of, or failure to maintain, a valid ABC license.

**§11.4.03.006 Expiration.**

A permit for an alcohol beverage sales establishment shall expire if the use is discontinued for ninety (90) consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.

## **Chapter 11.4.04 Animal Keeping and Animal Clubs in Residential Zones**

### **§11.4.04.001 Purpose.**

The City Council has determined that ownership of horses and other animals is an important tradition and an asset to the community. This Chapter establishes regulations as they pertain to the density of horses and other similar animals, and general standards for their maintenance. This Chapter also establishes regulations governing animals for the personal use of the family residing on the premises in the primary dwelling unit where accessory to the residential use of property, including the manner in which animals are maintained within the city, as opposed to maintenance for commercial purposes. Such regulations presume a significant effort on the part of the animal owner to recognize the rights of surrounding neighbors by maintaining and controlling his or her animals in a safe and healthy manner that does not significantly impact the use and enjoyment of neighboring property.

### **§11.4.04.002 Animal Keeping in Residential and Mixed Use Zones.**

A person may keep or maintain an animal on any lot or parcel zoned for residential purposes, on any parcel where the principal use listed in this Zoning Code is residential provided the property is being legally used as a single-family residence, or in the residential portion of a development in any mixed use zone, only as specifically authorized by this Chapter of the Zoning Code.

### **§11.4.04.003 Animals Prohibited.**

A person shall not keep or maintain any of the following animals, whether such animal is kept or maintained for the personal use of the occupant or otherwise:

- A. **Pig or Hog:** Any live pig or hog of any age; or
- B. **Rooster:** Any rooster over two (2) months old, in any residential zone; or
- C. **Wild Animal:**



1. Any wild animal which is not normally domesticated in the United States, including, but not limited to: any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wildcat, skunk, venomous reptile, ratites (including ostriches, emus and rheas), rodents attaining an adult weight of over ten (10) pounds, or any crocodylian (order Crocodylia), irrespective of its actual or asserted state of docility, tameness, or domesticity. Such an animal shall be referred to as a "wild animal." In addition, the owner of any boa or python species (family Boidae) attaining an adult weight of over fifteen (15) pounds or an overall length of over three and one-half (3-½) feet, and the owner of any monitor lizard species (family Varanidae) that attains an adult weight of over ten (10) pounds or an adult overall length over three (3) feet, shall keep these animals in cages or enclosures of such size and construction as to preclude the possibility of escape and at the same time permit the animals reasonable freedom of movement. If these animals are maintained in such a manner, and the owner complies with all federal, State, and local laws or regulations affecting such animals, it will not be considered a "wild animal" subject to this Section. However, any failure to maintain a boa, python, or monitor lizard species in the above manner could subject the owner to a dangerous animal abatement proceeding as authorized by this Chapter.
2. The sale, possession for sale, importation, or breeding of a wild animal is absolutely prohibited. This Section does not apply to birds, small rodents or nonvenomous reptiles commonly used for educational or experimental purposes or for pets.
3. This Section shall not apply to recognized institutions of learning or scientific research unless the City Manager or his or her designee gives forty-eight (48) hours' advance notice that, by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures, or by a particular hazard connected with the animal or animals involved, the public health, safety, and welfare will be endangered. It is further provided that certain raptorial birds or birds of prey, such as hawks and falcons, may be maintained in the City by licensed falconers, who may acquire a qualified ownership of such birds of prey for the practice of falconry by complying with Fish and Game Commission rules and regulations.

#### **§11.4.04.004 Dogs, Cats, and Other Ordinary Household Animals.**

Dogs, cats, and any other ordinary household animal which are commonly considered pets, and which are otherwise allowed pursuant to the provisions of this Chapter, are allowed except as follows:

- A. In any single-family residential (R-1), residential planned development (RPD) zone, or any single-family use in any zone, for each parcel with a primary dwelling unit, the occupant may keep for his or her personal use not more than three (3) dogs over four (4) months of age and not more than five (5) cats over four (4) months of age.
- B. In the multifamily residential (R-3) zone or the residential portion of a development in any mixed use zone, the occupant may keep for his or her personal use not more than one (1) dog and one (1) cat over four (4) months of age, or two (2) dogs or two (2) cats over four (4) months of age. An Excess Animal Permit pursuant to Section 11.4.04.010 shall not be approved for property in the R-3 zone or the residential portion of a development in any mixed use zone.

**§11.4.04.005 Livestock Permitted as an Accessory Use.**

Livestock may be kept or maintained as an accessory use for the personal use of the occupants of premises in the single-family residential (R-1) zones on any one (1) parcel containing a single-family residential dwelling structure, subject to the requirements of this Section and as otherwise provided for by this Chapter. For purposes of this Section, all lots comprising the premises of one (1) primary residence shall be deemed to constitute one (1) parcel.

**A. Maximum Number of Livestock Permitted.**

1. The maximum number of livestock, in any combination, shall be permitted as provided by Table 11.4.04-1.

**Table 11.4.04-1: Livestock Permitted**

Livestock Permitted					
	Lot Size (sf)				
	Under 15,000	15,000-19,999	20,000-24,999	25,000-29,999	30,000+
Total Permitted	0	2	3	4	5

**B. Standards for Livestock.**

1. Horses, donkeys, mules, cows, steers, llamas, or alpacas up to the age of one (1) year, and sheep and goats up to the age of six (6) months, may be kept on the premises in addition to the animals specified in Table 11.0.04-1, provided:
  - a. Such animals are otherwise kept and maintained as set forth in this Section;
  - b. The mother of such young hoofed animals is also kept on such premises; and
  - c. An Animal Keeping Registration (Animal Keeping—Property Registration) for such young hoofed animal(s) is first obtained from the Director, pursuant to Section 11.4.04.009 of this Chapter.
2. Any barn, facility, or other area which such animal(s) are allowed to occupy shall be located not less than fifty (50) feet from the primary dwelling unit on any adjacent property, or at such greater distance as is required by any applicable law or ordinance.
3. No barn, structure, or other area used for keeping any such animal(s) shall be located between the front property line or corner side property line and the primary dwelling unit on the site.
4. Adequate fences, walls, or other barriers shall be installed and maintained on the premises so that each such animal is so adequately confined on the premises that such animal cannot damage adjoining property.

### §11.4.04.006 Farm Fowl Permitted as an Accessory Use.

Farm fowl may be kept or maintained as an accessory use for the personal use of the occupants of premises subject to the requirements of this Section and as otherwise provided for by this Chapter. For the purposes of this Section, all lots comprising the premises of one (1) primary residence shall be deemed to constitute one (1) parcel.

#### A. Maximum Number of Farm Fowl Permitted.

1. In the single-family residential (R-1) or residential planned development (RPD) zone on any one (1) parcel containing one (1) primary single-family residential dwelling unit, the maximum number of farm fowl permitted shall be as provided by Table 11.4.04-2.

**Table 11.4.04-2: Farm Fowl Permitted**

Farm Fowl Permitted			
Lot Size (sf)	Total Permitted <sup>1</sup>	Maximum by Type	Type of Fowl
Under 15,000	3	3	Chickens
		0	Ducks
		0	Geese
15,000-19,999	6	6	Chickens
		6	Ducks
		3	Geese
20,000-24,999	9	9	Chickens
		9	Ducks
		3	Geese
25,000-29,999	12	12	Chickens
		12	Ducks
		3	Geese
30,000-34,999	15	15	Chickens
		12	Ducks
		3	Geese
35,000-39,999	18	18	Chickens
		12	Ducks
		3	Geese
40,000+	20	20	Chickens
		12	Ducks

<sup>1</sup> The total number permitted of any combination of chickens, ducks, or geese, unless otherwise specified, provided the maximum for each type of farm fowl is not exceeded.

		3	Geese
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**B. Standards for Farm Fowl.**

1. Chickens, ducks, and geese up to the age of five (5) months may be kept on the premises in addition to the animals specified in Table 11.4.04-2 of this Section, provided such animals are otherwise kept and maintained as set forth in this Chapter.
2. At least one (1) coop of adequate size shall be provided for all farm fowl on a lot. Minimum space requirements for farm fowl shall be provided in accordance with Table 11.4.04-3.

**Table 11.4.04-3: Space Requirements for Farm Fowl**

Minimum Space Requirements for Farm Fowl		
Type of Poultry Bird	Sq. ft./Inside Coop	Sq. ft./Outside Run
Bantam Chickens	1	4
Layer Hens/Larger Chickens	2	10
Ducks	3	15
Geese	6	18

3. Coops shall be located not less than thirty-five (35) feet from the primary dwelling unit on any adjacent property, or at such greater distance as is required by any applicable law or ordinance, except as permitted through exemption herein.
4. Coops shall be located out of all required single-family residential (R-1) zone setbacks. Additionally, no coop shall be located between the front property line or corner side property line and the primary dwelling unit on the site.
5. On single-family residential (R-1) lots where the thirty-five (35) foot distance radius to offsite primary dwelling units cannot be achieved, or a coop setback does not meet the required single-family residential (R-1) zone setbacks, the Director may waive the distance requirement pursuant to approval of a Zoning Exception as provided for in Subsection 11.6.07.002(G) only if the following criteria are met:
  - a. The coop is set as far from any offsite main dwelling as possible;
  - b. The coop is designed and constructed in a manner that minimizes emanation of noise and odors;
  - c. The animal owner has maintained the property in accordance with the standards referenced in this Chapter; and
  - d. The use is not found to be a nuisance.
6. Adequate fences, walls, or other barriers shall be installed and maintained on the premises so that each such animal is so adequately confined on the premises that such animal cannot damage adjoining property.

#### **§11.4.04.007 Maintenance of Premises.**

The occupant of the premises on which any livestock or farm fowl is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety, or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment, or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors, flies, and waste from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this Section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized:

- A. A sprinkler system adequate to control dust in corrals, turn-out areas, riding rings, or animal pens shall be installed and utilized as necessary on the premises.
- B. Lime, sand, or other appropriate materials shall be utilized on the premises to eliminate odor problems.
- C. All manure shall be removed from the ground, stalls, coops, and pens at least once in every twenty-four (24) hour period and placed in a covered container(s). All manure shall be removed from the premises at least once every seven (7) days.
- D. Chemical spray and/or bait shall be utilized as frequently as necessary for fly control.

#### **§11.4.04.008 Boarding of Livestock.**

Not more than two (2) livestock which are not for the personal use of the occupant of the parcel may be kept, maintained, or otherwise boarded on the parcel, whether or not consideration in the form of money, goods, services, or other valuable consideration is received from the owner or user of the animal, subject to the following conditions:

- A. Such boarding shall not be conducted as a commercial enterprise. For purposes of this Section, boarding shall be deemed a commercial enterprise if the occupant advertises in any manner whatsoever the availability of boarding of animals on the lot or parcel, conducts the boarding with the intent or result of generating profit, or otherwise engages in activities such as are commonly associated with commercial activity.
- B. Any animals boarded pursuant to this Section shall be counted as part of the total number of animals allowed on the lot or parcel.
- C. All requirements of this Section as to the maintenance of animals shall be complied with.

#### **§11.4.04.009 Animal Keeping—Property Registration Required.**

Every property in any single-family residential (R-1) and residential planned development (RPD) zone on which any animal subject to Subsection 11.4.04.005(B) is kept or maintained shall be registered with the City.

- A. **Procedures and Requirements for Animal Keeping—Property Registration.** An Animal Keeping—Property Registration application shall be prepared, filed, and processed as provided by this Subsection.
1. **Application.** Animal Keeping—Property Registration applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.
  2. **Review Process.** The review process for Animal Keeping—Property Registration shall be as provided for in this Subsection.
    - a. *Authority.* The Director shall issue the registration unless the Director determines that keeping of animals is being conducted as a commercial activity on the premises, or the activity is inconsistent with Section 11.4.04.005, in which case said registration shall be denied, and the applicant notified of such decision.
    - b. *Public Notification.* No.
    - c. *Public Hearing.* No.
    - d. *Appeal.* Yes. The decision of the Director may be appealed by the applicant by filing a written appeal with the Director within thirty (30) days of the date of the Director's decision. The appeal shall be accompanied by a fee established by resolution of the Council. The appeal shall proceed as set forth in Subsection 11.2.03.003(D).
- B. **Annual Renewal.** An animal Keeping-Property Registration shall be renewed annually.

#### **§11.4.04.010 Excess Animal Permit.**

- A. **Criteria and Permit Required.** In addition to those animals specifically authorized by the provisions of this Chapter to be kept in a residential zone, an animal may be kept or maintained as a pet or for the personal use of the occupants of the premises if any one of the following criteria is met and an Excess Animal Permit is first obtained:
1. The animal is of a species not specifically permitted or prohibited by any law, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare.
  2. Addition of the animal to others on the premises would cause the total number of such animals to exceed the maximum number otherwise permitted, but will not be materially detrimental to the use, enjoyment, or value of property of other persons in the vicinity of the premises. An Excess Animal Permit shall not be issued to permit any livestock to be kept or maintained on any parcel with an area of less than fifteen thousand (15,000) square feet or for property located in the R-3 zone or the residential portion of the mixed use zone.
- B. **Procedures and Requirements for Excess Animal Permit.**

1. **Application.** Excess Animal Permit applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code, except that no application shall be filed or accepted if final action has been taken within one (1) year prior thereto by the Zoning Hearing Officer on an application requesting the same or substantially the same permit.
  2. **Review Process.** An Excess Animal Permit is subject to Review Process C (Subsection 11.6.02.004(C)).
- C. **Decision and Required Findings.** An Excess Animal Permit shall not be approved unless the Zoning Hearing Officer makes the following findings:
1. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.
  2. The requested animal(s) at the location proposed will not jeopardize, endanger, or otherwise constitute a public nuisance or menace to the public health, safety, or general welfare.
  3. The proposed site is adequate in size and shape to accommodate the animal(s) requested without material detriment to the use and enjoyment of the property of other persons located in the vicinity of the site.
- D. **Conditions of Approval.** In approving an Excess Animal Permit, the Zoning Hearing Officer may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.
- E. **Excess Animal Permit Validity.** An Excess Animal Permit is issued for the benefit and use of the applicant thereof and for members of the applicant's family residing with said applicant and shall terminate and be of no further force or effect when said applicant and family cease to occupy the premises described in the Excess Animal Permit application or if the animal is no longer located on the property.

#### **§11.4.04.011 Animal Club Permit.**

- A. **Criteria and Permit Required.** Any group, club, or association operated on a nonprofit basis for recreational purposes may conduct regular, periodic meetings of people and animals owned by those people on any property with a minimum area of thirty thousand (30,000) square feet in a residential zone; provided that an Animal Club Permit is first obtained pursuant to the provisions of this Section.
- B. **Procedures and Requirements for Animal Club Permit.**
1. **Application.** Animal Club Permit applications shall be submitted to the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).
  2. **Review Process.** An Animal Club Permit is subject to Review Process C (Subsection 11.6.02.004(C)).

- C. **Decision and Required Findings.** An Animal Club Permit shall not be approved unless the Zoning Hearing Officer makes the following findings:
1. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.
  2. The requested animal club activities at the location proposed will not jeopardize, endanger, or otherwise constitute a nuisance to the public health, safety, or general welfare.
  3. The proposed site is adequate in size and shape to accommodate the animal club activities requested without material detriment to the use and enjoyment of the property of other persons located in the vicinity of the site.
- D. **Conditions of Approval.**
1. In approving an Animal Club Permit, the Zoning Hearing Officer may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.
  2. Additional required condition of approval: Except as otherwise provided by law, all animals brought to the premises by any person not residing on the premises in connection with animal club activities shall be removed from the premises upon conclusion of such activities on any day.
- E. **Animal Club Permit Validity.** An Animal Club Permit shall be valid for a period of one (1) year. The permit may be renewed by filing an application for renewal containing any change in the information on file with the City. The Director shall renew the Animal Club Permit for the premises if no written complaint has been received about club activities during the prior year on that property. If any such complaint has been received within the year prior to the renewal application, the Director shall refer the application to the Zoning Hearing Officer to conduct a hearing to determine if the permit shall be renewed, according to Review Process C (Subsection 11.6.02.004(C)). At the conclusion of the hearing, the Zoning Hearing Officer may approve or deny the renewal or may approve the renewal subject to conditions.



## Chapter 11.4.05 Animal Sales and Services

### §11.4.05.001 Purpose.

This Chapter provides standards for various animal sales and services establishments for the purpose of protecting residents from their potentially adverse effects. The keeping of dogs, cats, and other small animals that does not constitute an animal boarding facility, as defined by this Zoning Code, shall be subject to the requirements of Chapter 11.4.04 (Animal Keeping and Animal Clubs).

### §11.4.05.002 Animal Boarding.

- A. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.
- B. Animal boarding facilities shall be entirely enclosed, soundproofed, and air-conditioned. Outside kennel runs shall be prohibited unless they comply with the following:
  - 1. Animal boarding facilities with outdoor kennel enclosures (either individual or group) shall not be located within fifty (50) feet from the property line of any property zoned residential or mixed use.
  - 2. Dust and drainage from the outside kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.
  - 3. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.
  - 4. The outside kennel enclosure shall be screened by a nontransparent fence of a minimum six (6) feet in height.
  - 5. No outdoor kennel run shall be located within the required setbacks for the zone.
  - 6. Animals shall not be allowed in the outside kennel enclosures between the hours of 6:00 p.m. and 9:00 a.m.
- C. Grooming services for the animals being boarded may be allowed as an accessory use provided the grooming services are conducted indoors and the grooming area is limited to two hundred (200) square feet in area.

### §11.4.05.003 Animal Grooming.

- A. Animal grooming facilities shall be entirely enclosed, soundproofed, and air-conditioned.
- B. Boarding of animals shall be limited to a maximum of three (3) hours in association with grooming activities only.

- C. Use of outside kennel runs or cages in conjunction with animal grooming, outside trash containers, and offensive odors shall be prohibited.

**§11.4.05.004 Animal Sales.**

- A. Animal sales establishments shall be entirely enclosed and air-conditioned.
- B. Boarding of animals not offered for sale shall be prohibited.
- C. Outside kennel runs or cages, outside trash containers, and offensive odors shall be prohibited.
- D. Grooming activities shall be accessory to the retail use only.
- E. Only those animals that are allowed within the city of La Cañada Flintridge in accordance with Chapter 11.4.04 (Animal Keeping and Animal Clubs in Residential Zones) are allowed to be sold in animal retail stores.

**§11.4.05.005 Veterinary Clinics.**

- A. Veterinary clinics shall be entirely enclosed, soundproofed, and air-conditioned.
- B. Outside kennel runs or cages, outside trash containers, and offensive odors shall be prohibited.
- C. Animal cremation shall be prohibited.
- D. Grooming activities shall be accessory to the veterinary clinic use.
- E. Temporary boarding of animals which are related to medical purposes shall be allowed as an accessory use.

## Chapter 11.4.06 Bed and Breakfast Inns

### §11.4.06.001 Purpose.

This Chapter provides standards for bed and breakfast inns (B&Bs), which constitute small commercial lodging facilities in residential zones. This requires special regulations that are not normally covered by standards for motels and hotels.

### §11.4.06.002 Operational Standards.

- A. The B&B shall be operated and managed only by a person or persons owning the dwelling and residing therein as their principal place of residence.
- B. A Conditional Use Permit for a B&B shall be voided upon the sale or transfer of the property ownership.
- C. A B&B within a residential zone shall be limited to rental of a maximum of four (4) guest rooms.
- D. Service shall be limited to the rental of bedrooms or suites (e.g., attached bathrooms).
- E. Meal/beverage service shall be provided for registered guests only; except that a B&B within a residential zone may be used for receptions, private parties, or similar activities only with approval of a Major Temporary Use Permit in accordance with Chapter 11.6.11 (Temporary Use Permit).

### §11.4.06.003 Development Standards.

- A. No B&B within a residential zone shall be located on a lot closer than one thousand (1,000 feet) from any other lot containing a B&B.
- B. Individual guest rooms shall not contain cooking facilities.
- C. No change in the outside of the structure is permitted, except as necessary to comply with Title 24 of the California Code of Regulations or to comply with the Americans with Disabilities Act (ADA). Where any change to the exterior of the B&B is necessitated by compliance with Title 24, such change shall retain the aesthetic appearance of a residence.
- D. Any change(s) to the interior of the dwelling must be convertible to the original residential use if/when the B&B use is ceased.
- E. A minimum of one hundred twenty (120) square feet is required for each of guest room.
- F. Not more than twenty-five (25) percent of the structure can be used for rental.
- G. Landscaping shall be required to screen parking areas from the view of adjacent properties and from public/private streets.
- H. Signs shall be prohibited.

- I. Any approved accessory dwelling unit may not be used as a guest room.
- J. Parking shall be provided in accordance with Chapter 11.5.05 (Off-Street Parking Facilities)

**§11.4.06.004 Transient Occupancy Tax.**

B&Bs shall be subject to all applicable provisions of a transient occupancy tax of the LCFMC, if adopted.

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## Chapter 11.4.07 Community Gardens

### §11.4.07.001 Purpose.

This Chapter provides regulations for operation and maintenance of community gardens.

### §11.4.07.002 Standards.

Notwithstanding any other provisions of this Zoning Code, community gardens shall comply with all of the following standards:

- A. **Limitations.** Community gardens are limited to the cultivation, growing, production, and harvesting of fruits, vegetables, plants, flowers, and/or herbs, tillage of soil, and composting as provided for in Subsection (E) of this Section.
- B. **Hours of Operation.** The hours of operation for community gardens shall be from sunrise to sunset.
- C. **Prohibited.** The following are not allowed at community gardens:
  - 1. Beehives and keeping;
  - 2. Livestock, farm fowl, and animal-keeping;
  - 3. Plants prohibited by State and/or federal law;
  - 4. Cultivation of marijuana;
  - 5. Fertilizing with fresh manure;
  - 6. Use of herbicides and weed killers;
  - 7. Use of insecticides made from synthetic chemical materials;
  - 8. Smoking;
  - 9. On-site sales, including sales of items grown or harvested in the community garden.
- D. **Structures.** Storage structures for tools and gardening materials shall be considered accessory structures. Structures shall comply with the requirements for accessory structures for the zone within which the community garden is located.
- E. **Composting.**
  - 1. Compost at community gardens shall be covered and/or kept in containers located as close to the middle of the property as possible. In no case shall composting bins be located within any required setback.

2. Compost materials shall include only materials generated on site or provided by active members of the community garden.
3. Composting activities shall:
  - a. Not create a nuisance (odor, litter, dust, noise, or attract vectors or pests);
  - b. Provide vector and pest control;
  - c. Provide surface water control to prevent composting material from ponding.

**F. Trash and Recycling.**

1. Trash and recycling containers shall be screened from view or stored in a neat and orderly manner at a location at least twenty (20) feet from the front property line, and in no case shall be located within a required front setback.
2. Community gardens shall establish and maintain trash collection service from a City-approved solid waste contractor.

**G. Signs.**

1. A sign shall be displayed at the garden entrance that provides the name and phone number of a person responsible for maintaining the garden and responding to complaints.
2. A sign identifying the site as a community garden is permitted in accordance with Chapter 11.5.09 (Sign Regulations).

**H. Water.**

1. Gardeners shall follow best practices for water-efficient cultivation, which may include, but are not limited to:
  - a. Equipping hoses with water nozzles;
  - b. Applying mulch to exposed soil;
  - c. Amending soils with water-retaining matter.
2. The community garden shall be designed and maintained so that water will not drain onto adjacent property or to the public right-of-way.

## Chapter 11.4.08 Conversion to Condominiums

### §11.4.08.001 Purpose.

The purpose of this Chapter is as follows:

- A. To establish criteria for the conversion of existing multiple family rental housing to condominiums, community apartments, and cooperative apartments.
- B. To reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of units or space to condominiums, community apartments and stock cooperatives by providing procedures for notification and adequate time and assistance for such relocation.
- C. To ensure that the purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.
- D. To ensure that converted housing achieves quality construction, appearance and safety, and is consistent with the goals of the City's General Plan and conforms or is legally nonconforming with the density requirements of the General Plan's Land Use Element.

### §11.4.08.002 References and Definitions.

The following references and definitions are applicable to this Chapter.

- A. Conversions to community apartments and stock cooperatives shall be subject to the same restrictions, conditions, and requirements as condominiums. All references to a "condominium" in this Chapter shall be deemed to refer to a condominium, community apartment, or cooperative apartment, except where specifically noted.
- B. "Applicant" or "subdivider" means the owner of the real property proposed for condominium conversion or his representative.
- C. "Community apartment project" means the same as defined by Section 11004 of the California Business and Professions Code.
- D. "Condominium" means the same as defined by Section 783 of the California Civil Code.
- E. "Condominium conversion" means an existing multiple residential building proposed for conversion to a condominium, stock cooperative, or community apartment project through approval of a tract or parcel map.
- F. "Stock cooperative" means the same as defined by Section 11003.2 of the California Business and Professions Code.

#### **§11.4.08.003 Condominium Conversion Permit Required.**

No person, firm, corporation, partnership or other entity shall convert existing dwelling units to a condominium subdivision, community apartment or stock cooperative without first having been issued a Condominium Conversion Permit by the Planning Commission as provided for in this Chapter.

#### **§11.4.08.004 Requirements and Procedures.**

No existing residential building for which a Condominium Conversion Permit is filed shall be approved for conversion to a condominium project unless it meets the following standards and requirements:

- A. All buildings shall be in all respects in compliance with this Zoning Code and the goals, policies, and objectives of the General Plan, or legally nonconforming therewith, as of the date the tentative subdivision map is approved.
- B. All buildings shall be in compliance with the building code as adopted by the City and the State, which are in effect on the date of approval of the tentative subdivision map.
- C. All buildings for which an application for a condominium conversion permit is filed shall be in compliance with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as outlined in the building code as adopted by the City and in effect on the date the tentative subdivision map is approved.
- D. All condominium projects, apartments, and stock cooperatives shall file a tentative subdivision map subject to all applicable provisions of the Subdivision Map Act.
- E. No application for the approval of a tentative subdivision map for conversion of a building to condominiums may be filed with the City within a period of two (2) years after issuance of the certificate of occupancy for said building.

#### **§11.4.08.005 Standards for Condominium Conversions.**

To achieve the purposes of this Chapter, the Planning Commission shall require that all condominium conversions conform prior to the date of conversion to the La Cañada Flintridge Municipal Code in effect at the time of approval of the Condominium Conversion Permit, except as otherwise provided in this Chapter.

- A. **Unit Size.** The floor area of the existing units shall not be reduced to less than the floor area of the units prior to approval of the conversion.
- B. **Utility Metering.**
  - 1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. Water need not be separately metered; however, a water shut-off valve shall be provided for each unit or for each plumbing fixture. Each unit shall have access to its own meter(s). Exceptions may be granted by the Planning Commission for central water heating, central heating, and central heating and air-conditioning systems which are energy efficient or otherwise deemed appropriate.



2. Each unit shall have access to its own electrical panel for all electrical circuits which serve the unit.
- C. **Private Storage Space.** Each converted apartment unit shall have at least two hundred (200) cubic feet of enclosed weather-proofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space may be provided in any location as approved by the Planning Commission at the time of approval, but shall not be divided into more than two (2) locations. In such cases where the applicant can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Planning Commission.
- D. **Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one (1) automatic washer and one (1) dryer for each five (5) units or fraction thereof. In such cases where the applicant can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Planning Commission.
- E. **Condition of Equipment and Appliances.** The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air-conditioners which are provided are in working condition as of the close of escrow. At such time as the homeowners' association takes over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association are in proper working condition.
- F. **Public Easements.** The applicant shall make provisions for the dedication of land or easements for street widening, public access, or other public purpose in connection with the project where necessary and in accordance with established or planned improvements.
- G. **Underground Utilities.** The applicant and any successors in interest shall waive the right, through deed restriction, to protest the formation of an underground utility district.
- H. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the Director shall be refurbished and restored as necessary to achieve high quality appearance and safety. Such refurbishing and restoration shall be reviewed and approved by the Director and Design Commission.
- I. **Parking Standards.** Parking shall be provided pursuant to Chapter 11.5.05 (Off-Street Parking Facilities).
- J. **Physical Elements.** Any physical element identified in the physical elements report (Subsection 11.4.08.006(B)) as having a useful life of less than two (2) years shall be replaced.

#### **§11.4.08.006 Application Requirements.**

In addition to the provisions of Chapter 11.6.01 (Filing and Processing of Applications), an application for a Condominium Conversion Permit shall include the following:

A. **Development Plan.** A Development Plan of the project shall be provided, including:

1. The location, height, gross floor area, and proposed uses for each existing structure to remain and for each proposed new structure;
2. The location, use, and type of surfacing for all open storage areas;
3. The location and type of surfacing for driveways, pedestrian ways, vehicle parking areas, and curb cuts;
4. The location, height, and type of materials for walls or fences;
5. The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaped areas shall be maintained;
6. The location and description of all recreational facilities and a statement specifying the method of the maintenance thereof;
7. The location and size of the parking facilities to be used in conjunction with each condominium unit;
8. The location, type, and size of all drainage pipes and structures depicted or described to the nearest public drain or water course;
9. The location, type, and fire flow of the nearest fire hydrants;
10. The location, type, and size of all onsite and adjacent street overhead utility lines;
11. An exterior lighting plan of the project, which shall comply with Chapter 11.5.06 (Outdoor Lighting Standards);
12. Existing and proposed exterior elevations;
13. The location of and provisions for any unique natural or vegetative site features.

B. **Physical Elements Report.** A Physical Elements Report shall be provided, and shall include the following:

1. A report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, including sewage systems, swimming pools, sprinkler systems for landscaping, utility delivery systems, central or community heating and air-conditioning systems, fire protection systems including automatic sprinkler systems, and structural elements. Such report shall be prepared by an appropriately licensed contractor or architect or by a registered civil or structural engineer other than the owner. For any element whose useful life is less than five (5) years, a replacement cost estimate shall be provided. Included in this Physical Elements Report shall be a discussion of the type and capacity of private sewage disposal system and a history of the maintenance of such system including the number of times and dates that the system has been pumped.

2. A Structural Pest Control Report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the California Business and Professions Code.
3. A Building History Report. Such report shall include the following:
  - a. The date of construction of all elements of the project which required building, plumbing, electrical, or other permits prior to construction;
  - b. The date and description of each major repair or renovation of any structure or structural element since the date of construction;
  - c. Statement regarding current ownership of all improvements and underlying land and encumbrances thereon;
  - d. Failure to provide information required by Subsections (B)(3)(a) through (c), inclusive, shall be accompanied by an affidavit, given under penalty of perjury, setting forth reasonable efforts undertaken to discover such information and reasons why said information cannot be obtained.
- C. Proposed covenants, conditions and restrictions, bylaws, and other documents providing for the establishment, operation, and maintenance of the condominium project. These documents shall provide that the City is a party and shall give the City the right to enforce any provision in those documents which is required pursuant to this Chapter.
- D. Specific information concerning the characteristics of the project, including but not limited to the following, except that the Director may modify this requirements upon demonstration by the applicant that such information is not available:
  1. Square footage in the unit and number of rooms in each unit;
  2. Proposed sale price of unit;
  3. Proposed homeowners' association fee;
  4. Permanent mortgage financing available;
  5. Names and addresses of all tenants.
- E. Any other information which, in the opinion of the Director, will assist in determining whether the proposed project will be consistent with the purposes of this Chapter. The Director may waive any requirement of this Section which is not applicable to a particular condominium conversion project.

**§11.4.08.007 Report on Impact of Proposed Conversion on Displaced Residents.**

The applicant shall file a report of the impact of the condominium conversion upon the displaced residents of the property to be converted. The information required by this Section shall be utilized only to assist the Planning Commission in determining whether additional City regulation of condominium conversions should be recommended to the City Council. This report shall include the following:

- A. Rental rate history for each type of unit for previous three (3) years;
- B. Monthly vacancy rate for each month during preceding two (2) years;
- C. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or State rent subsidies;
- D. The availability in the La Cañada Flintridge area of adequate replacement space in apartment units.

**§11.4.08.008 Acceptance of Reports.**

The final form of the Physical Elements Report, the Report on the Impact of the Proposed Conversion on Displaced Residents, and other documents shall be as approved by the Director. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the Planning Commission.

**§11.4.08.009 Copy to Buyers.**

The owner of the property proposed for conversion shall provide each purchaser with a copy of all reports (in their final acceptable form), along with the California Department of Real Estate Public Report, except the information required by Section 11.4.08.007, prior to said purchaser completing an escrow agreement or his contract to purchase a unit in the project. The owner shall give the purchaser ten (10) days to review these reports prior to completion of the escrow agreement or contract to purchase the unit. In order to assure that a copy is received by the purchaser, the purchaser shall sign for the report. Copies of the reports shall be made available at all times at the sales office for the condominium conversion project and shall be posted at various locations, as approved by the City, at the project site.

**§11.4.08.010 Tenant Provisions.**

- A. **Notice of Intent to Convert Prior to Filing Tentative Map.** A written notice of intent to convert shall be delivered by the owner of the property proposed for conversion to each tenant's dwelling unit at least sixty (60) days prior to the filing of a tentative subdivision map. In addition, beginning at least sixty (60) days prior to the filing of a tentative subdivision map, the owner of the property proposed for conversion shall give to each prospective tenant immediately prior to the acceptance of the initial rent or deposit a written notice of intent to convert. Evidence of delivery of these notices shall be submitted with the application for conversion. The form of the notice shall be as approved by the Director or City Attorney and shall contain not less than the following:
  - 1. Name and address of current owner;
  - 2. Name and address of proposed subdivider;
  - 3. Approximate date on which the tentative subdivision map is proposed to be filed;
  - 4. Approximate date on which the final subdivision map is proposed to be filed;
  - 5. Approximate date on which the unit is to be vacated by non-purchasing tenants;
  - 6. Tenant's right to purchase;

7. Tenant’s right of notification to vacate;
  8. Tenant’s right of termination of lease;
  9. Statement of limitations on rent increase;
  10. Provision for special cases;
  11. Provision of moving expenses; and
  12. Such other related information as may be deemed necessary by the Director or may be necessary to comply with the requirements of Government Code Sections 66452.17 or 66452.18.
- B. **Tenant’s Right to Purchase.** As provided in Government Code Section 66427.1(F), each tenant shall be given notice of an exclusive nontransferable right of first refusal to purchase the unit occupied by the tenant upon the same terms and conditions that the unit will be initially offered to the general public, or upon terms more favorable to tenant. The right of first refusal shall extend for at least ninety (90) days from the date of issuance of the Public Report by the California Department of Real Estate, unless the tenant gives prior written notice of his or her intention not to exercise the right to purchase.
- C. **Notice of Application for Public Report.** Within ten (10) days of the application by the subdivider to the California Department of Real Estate for a Public Report, the subdivider shall give notice of such application to all existing tenants and shall at the same time provide notice that the Report will be available for inspection upon request.
- D. **Notice of Receipt of Public Report.** Within five (5) days after the date that the subdivider receives the public report from the bureau of Real Estate, the subdivider shall give notice that the subdivider has received the public report from the Bureau of Real Estate.
- E. **Notice of Final Map Approval.** Within ten (10) days following approval by the City of the final subdivision map for the proposed condominium conversion, the City shall mail to each tenant notice that the final subdivision map has been approved.
- F. **Report of Impact of Conversion upon Displaced Persons.** At least fifteen (15) days prior to a public hearing on the proposed condominium conversion project by the Planning Commission, the subdivider shall give notice to each tenant that the report of the impact of the condominium conversion upon displaced residents, which the subdivider is required under Section 11.4.07.007, is available for inspection by each tenant upon request.
- G. **Vacation of Units.** Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall have not less than one hundred eighty (180) days from the date of approval of the tentative subdivision map before the tenancy may be terminated.

- H. **Increase in Rents.** From the date of approval of the tentative subdivision map until the date of issuance of the condominium conversion permit under Section 11.4.08.003, no tenant's rent shall be increased: (1) more frequently than once every six (6) months; and (2) at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles-Long Beach), on an annualized basis for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative subdivision map.
- I. **Moving Expenses.** The subdivider shall provide moving expenses of one and one-half (1-½) times the monthly rent to any tenant who relocates from the building to be converted after approval of the condominium conversion tentative map by the City, except when the tenant has given notice of his or her intent to move prior to receipt of notification from the subdivider of his or her intent to convert. Such payment shall be paid only after the tenant has moved from the building proposed to be converted. This requirement shall not apply to any new tenant who received the notices to prospective tenants set forth in Subsections (A) and (B) of this Section.

#### **§11.4.08.011 Investigation and Report.**

- A. The Department shall investigate the facts bearing on the proposed conversion to provide information necessary to assure action consistent with the intent of this Chapter and the General Plan.
- B. The staff report on the proposed conversion shall be mailed to each tenant and to applicant a minimum of three (3) days prior to the public hearing.

#### **§11.4.08.012 Planning Commission Hearing.**

Within fifty (50) days after the application is accepted and a notice of complete filing has been sent to the applicant, the Planning Commission shall hold a public hearing upon the proposed condominium conversion project pursuant to Chapter 11.2.02 (Public Notice and Hearing Requirements).

#### **§11.4.08.013 Notice of Hearing.**

- A. Notice of the public hearing shall be given pursuant to Section 11.2.02.003, except as provided in Subsection (B) of this Section.
- B. Notices for the public hearing shall be mailed not less than fifteen (15) days before the hearing to: (1) owners of property within a radius of three hundred (300) feet of the exterior boundaries of the property as shown on the latest available assessment roll of the county; (2) all existing tenants of the property proposed for conversion; and (3) the applicant.

#### **§11.4.08.014 Findings.**

- A. **Findings for Approval.** To approve an application for condominium conversion, the Planning Commission and, in the event of an appeal, the City Council shall make the following findings:
1. All provisions of this Chapter are met and the project will not be detrimental to the health, safety, and general welfare of the community;

2. The proposed conversion is consistent with the City's General Plan or is legally nonconforming therewith, and is consistent with the density requirement of the General Plan Land Use Element;
  3. The proposed conversion will not have a negative effect on the City's low and moderate income housing supply.
  4. The proposed conversion will conform to the La Cañada Flintridge Municipal Code in effect at the time of approval, except as otherwise provided in this Chapter;
  5. The overall design and physical condition of this conversion will result in a project which is aesthetically attractive, safe, and of quality construction;
  6. That the applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for condominium conversion through the date of approval. In making this finding, consideration shall be given to:
    - a. Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles-Long Beach) unless provided for in leases or contracts in existence prior to the submittal of the first application for City review; or
    - b. Any other action by applicant which is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants which provides for benefits to the tenants after condominium conversion approval shall not be considered a coercive or retaliatory action.
  7. That conditions have been imposed which assure that all provisions of Section 11.4.08.010 have been complied with and that all notices set forth in Section 11.4.08.010 have been delivered prior to the issuance of the condominium conversion permit.
- B. **Findings for Denial.** If the Planning Commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the project shall be disapproved. In evaluation of the current vacancy level under this Section, the increase in rental rates for each unit over the preceding three (3) years and the average monthly vacancy rate for the project over the preceding two (2) years shall be considered.

#### **§11.4.08.015 Planning Commission Action.**

The Planning Commission shall approve or disapprove of the proposed conversion. If it approves the condominium conversion, the Planning Commission may impose conditions deemed necessary to carry out the purposes and intent of this Chapter and to protect the public health, safety, and welfare.

#### **§11.4.08.016 Appeals.**

- A. Any party may appeal from Planning Commission action to the City Council pursuant to the provisions of Chapter 11.2.03 (Call-Up and Appeals), except to the extent that those provisions are modified herein.

- B. Any appeal to the City Council shall be filed with the City Clerk within fifteen (15) days after the Planning Commission action from which the appeal is being taken.
- C. A hearing on the appeal shall be held by the City Council within thirty (30) days following the date of filing of the appeal with the City Clerk.

**§11.4.08.017 Issuance of Permit.**

The Director shall issue a Condominium Conversion Permit when he or she determines that:

- A. The applicant has complied with all applicable City and State regulations in effect at the time the condominium conversion was approved; and
- B. The applicant has complied with the conditions of approval.

**§11.4.08.018 Revocation of Permit.**

Once issued, the Condominium Conversion Permit can be revoked only because of the failure of the applicant or his or her successors in interest to comply with the conditions of approval or any applicable City or State regulations in effect at the time the conversion was approved.

**§11.4.08.019 Expiration of Permit.**

A Condominium Conversion Permit shall expire if and at the same time that the tentative subdivision map approval expires.



## Chapter 11.4.09 Cottage Food Operations

### §11.4.09.001 Purpose.

This Chapter provides minimum standards and requirements for cottage food operations, as defined in California Health and Safety Code Section 113758, to be established in residential neighborhoods, under conditions that these uses shall not alter or disturb the character of the surrounding residential environment regarding spacing and concentration, traffic control, parking, and noise control. All definitions related to cottage food operations as set forth in California Health and Safety Code Section 113758 are hereby incorporated by reference, as currently enacted and as may hereafter be amended.

### §11.4.09.002 Permit Required and Compliance with Permit.

Cottage food operations shall be permitted in any residential zone with approval of a Director's Use Permit application, in accordance with the procedure established in Section 11.6.09.002 and the requirements and standards set forth in this Chapter.

- A. A Director's Use Permit for a cottage food operation shall be granted if the application is complete and the cottage food operation complies with the requirements set forth in this Chapter, the underlying zone, and all other applicable LCFMC provisions.
- B. If a Director's Use Permit for a cottage food operation is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties and/or residents. Any use or activity authorized under said permit shall be in compliance with any conditions of approval shown on and/or attached to the approved permit, inclusive of the requirements of Subsection (E). Failure to comply with the applicable requirements and conditions of approval may result in revocation of the permit.
- C. The permit applicant shall be the individual who conducts the cottage food operation from his or her private residential dwelling unit and is the owner of the cottage food operation. The permit shall be attached to the property address and is not transferable to another operator or address.
- D. If the property on or in which the cottage food operation will be conducted is part of an active homeowners' association, the permit applicant shall provide written authorization by the homeowner association to conduct the cottage food operation from the property.

### §11.4.09.003 Standards.

A cottage food operation shall comply with the following standards:

- A. The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Los Angeles County Department of Environmental Health. Evidence of said registration or permit issuance by the County shall be provided to the Director prior to issuance of a business license.

- B. All cottage food operations shall require a City business license to be procured subsequent to, and in compliance with, approval of the DUP application and associated conditions of approval.
- C. The cottage food operation shall be clearly accessory to the use of the structure as a dwelling unit, and shall not create dust, noise, or odors in excess of that normally associated with a residential use.
- D. The cottage food operation shall not generate pedestrian or vehicular traffic in excess of that normally associated with a residential use.
- E. Where a cottage food operation is permitted in a legal nonconforming residence, the cottage food operation shall not cause any such nonconforming situation(s) to be increased.
- F. The cottage food operation shall be conducted solely within a primary residence.
- G. No sign(s) identifying the cottage food operation shall be permitted to be posted or displayed on the premises, nor on or within anything located on the premises, except as may be required by any federal, State, and/or local permitting agency. Neither the dwelling nor the property shall be altered to appear other than a residence, either by color, materials, construction, lighting, sounds, vibrations, or other characteristics.
- H. No more than one (1) cottage food employee, as defined by California Health and Safety Code Section 113758(b)(1), shall be employed by the cottage food operation, not including any residing family or household member.

#### **§11.4.09.004 Enforcement.**

In addition to the provisions of Chapter 11.2.04 (Enforcement) the following provisions shall apply to cottage food operations:

- A. **Revocation.** A Director's Use Permit issued under this Chapter may be revoked for any violation of this Chapter or of Section 114365 et seq., of the California Health and Safety Code.
- B. **Inspections.** The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation is located if the City has, on the basis of any complaint(s), reason to suspect that the cottage food operation has violated the provisions of this Section and/or California Health and Safety Code Section 114365 et seq. Furthermore, the City may also conduct routine periodic inspections to ensure compliance with the provisions and conditions of the cottage food operation's Director's Use Permit and City business license.

## **Chapter 11.4.10 Day Care Facilities (Child and Adult)**

### **§11.4.10.001 Purpose.**

This Chapter provides standards for day care facilities for children and adults, including small family day care, large family day care, small adult day care home, large adult day care home, and day care centers for children and adults.

### **§11.4.10.002 Care Provider Occupancy.**

The single-family dwelling in which each small and large adult or child day care home is located shall be the principal residence of the care provider, and the use shall be clearly residential in character, and shall be accessory to the use of the property as a residence.

### **§11.4.10.003 Small Adult Day Care and Small Family Day Care.**

Small family day care and small adult day care homes are considered a residential use of property and shall comply with the development standards of the residential district in which they are located.

### **§11.4.10.004 Standards—Large Adult Day Care and Large Family Day Care Homes.**

Large family day care and large adult day care homes shall comply with the following:

- A. A large child day care or large adult day care home within a residential zone shall not be located within five hundred (500) feet of another day care home.
- B. In order to protect adjacent residential dwellings from noise impacts, a large day care home within a residential zone shall only operate a maximum of fourteen (14) hours for each day between the hours of six A.m. (6:00 a.m.) and eight p.m. (8:00 p.m.) and shall only conduct outdoor activities between the hours of nine a.m. (9:00 a.m.) and seven p.m. (7:00 p.m.)
- C. In addition to the requirements of Subsections (A) and (B) of this Section, a large adult day care home shall comply with the Office of the California State Fire Marshall regulations for large family day care homes.

### **§11.4.10.005 Standards—Day Care Centers.**

- A. All day care centers shall comply with this Section and with any additional requirements imposed as part of any other applicable permit, including but not limited to the following:
  1. The minimum setback between the exterior wall of the main facility building and a residential zone shall be thirty (30) feet.

2. Any outdoor play or activity area shall not be located in the front yard or street side yard and shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas. A minimum four (4) foot high fence shall enclose an outdoor play or activity area and a minimum five (5) foot high fence shall enclose a pool.
  3. Day care facilities that are located adjacent to a residential use shall limit outdoor activities to the hours between nine (9) a.m. and seven (7) p.m.
- B. Child care facilities as an accessory use on the premises of a public or private school or religious facility are exempt from the provisions of this Section. The child day care center may be either operated by the school or religious facility or privately operated.

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## Chapter 11.4.11 Donation Collection Bins

### §11.4.11.001 Purpose.

This Chapter establishes standards and regulations for the placement and use of unattended donation collection bins for the purpose of mitigating potential adverse effects on the health, safety, and welfare of persons and property, both on the subject property and within neighboring areas, which may arise from the undue proliferation and/or inappropriate placement and operation of donation collection bins. The regulations of this Chapter are further intended to:

- A. Ensure that unattended donation collection bins do not pose a hazard to pedestrian, vehicular, and bicycle circulation.
- B. Mitigate other potential public health hazards.
- C. Ensure that unattended donation collection bins do not displace parking spaces and landscaping.
- D. Ensure that material is not allowed to accumulate outside of the unattended donation bins and become depositories for discarded items or other uncollected refuse.
- E. Ensure that the placement and operation of unattended donation bins do not degrade the appearance and aesthetic qualities of the community.

### §11.4.11.002 Applicability.

It shall be unlawful and a public nuisance for any person to place, operate, maintain, or allow an unattended donation collection bin on real property within any zone as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or any specific plan in the City, and for any person to allow another person to operate a donation collection bin on property they own, lease, manage, or control within any zone or specific plan in the City, except as expressly provided for in this Chapter.

### §11.4.11.003 Donation Collection Bin Permit Required.

- A. **Permit Required.** Unless otherwise exempt, the operator of the donation collection bin shall first obtain a Donation Collection Bin Permit pursuant to this Chapter prior to placement and operation of an unattended donation collection bin within the city.
- B. **Limitations.**
  - 1. A permit issued hereunder shall be valid for one (1) unattended donation box. Each unattended donation box shall have its own individual permit.
  - 2. No more than one (1) unattended donation box shall be placed on each parcel of real property or each shopping center, where the shopping center includes two (2) or more parcels.
- C. **Permit Application Requirements.**

1. The Donation Collection Bin Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.
  2. The property owner's signature is required.
- D. **Permit Fee.** The fee for the Donation Collection Bin Permit shall be as established by Council resolution as may be amended from time to time.
- E. **Decision.**
1. Within thirty (30) days of receiving a completed application, the Director shall issue a Donation Collection Bin permit or deny the issuance of the permit.
  2. The Director shall not issue such permit unless the Director determines that all requirements of this Chapter have been met.
  3. If the Director denies an application, the Director shall provide the applicant, in writing, the specific reason(s) for denial.
  4. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).
- F. **Transfer of Permit Prohibited.** No person to whom a Donation Collection Bin permit has been issued shall transfer, assign, or convey such permit to another person or operator.
- G. **New Permit Required.** If the donation collection bin is to be moved to a different location on the same property, a new Donation Collection Bin Permit shall be required.

#### **§11.4.11.004 Regulations.**

A Donation Collection Bin Permit shall be issued by the Director only if the following regulations are met:

- A. **Placement.** In no case shall a donation collection bin:
1. Be placed on required parking spaces;
  2. Be located within any landscaped area;
  3. Interfere with vehicular, pedestrian, or bicyclist circulation;
  4. Impede pedestrian, bicyclist, and vehicular sight distances;
  5. Be located within three hundred (300) feet of any establishment that stores large amounts of, or sells, fuels or other flammable liquids or gases;
  6. Be located within four hundred (400) feet of another donation collection bin;
  7. Be located within any residential zone;

8. Be located within one hundred (100) feet of any single-family residential (R-1) zoned property;
9. Be visible from any of the City's scenic corridors as shown on Figure CNE-3 of the City's General Plan Conservation Element.

**B. Maintenance and Operation.**

1. The operator of the donation collection bin and property owner of the subject property shall be individually and severally responsible for maintaining, or causing to be maintained, the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris, or other refuse material.
2. The operator of the donation collection bin and property owner of the subject property shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris, and other refuse material in the area surrounding the unattended donation boxes within twenty-four (24) hours of written or verbal notice from the City.
3. The operator placing, using, or employing a donation collection bin shall maintain the bin in good condition and appearance with no structural damage, holes, or visible rust, or graffiti. Any graffiti shall be removed within forty-eight (48) hours of discovery.
4. Unattended donation collection bins shall be locked or otherwise secured.
5. Unattended donation collection bins shall be serviced and emptied as needed, but at least once per month, or within five (5) business days of a request by the Director.

**C. Information Required to be Displayed.** The following information shall be clearly and conspicuously displayed on the exterior of the donation collection bin:

1. A copy of the Donation Collection Bin Permit issued by the City in a prominent and visible location in the front of the box in plain view for inspection by the public and City officials; and
2. The following contact information in two (2) inch type visible from the front of each unattended donation box: the name, address, e-mail, and phone number of both the operator and property owner.

**§11.4.11.005 Revocation of Permit, Removal of Unattended Donation Boxes, and Liability.**

The Director shall have the right to revoke any permit issued hereunder if any of the grounds to refuse issuance of the initial permit exists pursuant to Chapter 11.2.04 (Enforcement). In addition, the failure of the operator or property owner to comply with the provisions of this Section, or other provisions of this Zoning Code or other law, shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to both the operator and property owner stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the real property within thirty (30) calendar days and, if not removed within this time period, the City may remove, store, and dispose of the unattended donation box at the operator's sole cost and expense. Upon revocation, the

operator shall be prohibited from applying for a Donation Collection Bin Permit at any location for a period of one (1) year. Any violation of the provisions of this Section is a public nuisance subject to abatement pursuant to this Zoning Code or as otherwise permitted by law.

**§11.4.11.006 Amortization Period and Removal.**

The provisions of this Zoning Code regarding legal nonconforming uses (Chapter 11.5.04, Legal Nonconforming Uses, Structures, and Parcels) do not apply to donation boxes. Instead, all operators of donation collection boxes existing on the effective date of this Chapter will have ninety (90) days to bring any existing donation collection bins that are located within the City limits into compliance with this Chapter. If a donation collection bin that is located within the City limits after ninety (90) days from the effective date of this Chapter is not brought into compliance with this Chapter, such donation collection bin shall be deemed a nuisance, subject to abatement and enforcement as provided for in Chapter 11.2.04 (Enforcement).

**§11.4.11.007 Exceptions.**

This Chapter does not apply to the following:

- A. Unattended donation collection bins located entirely within the interior of a building.
- B. A donation collection bin that is part of a temporary fundraiser and that is fully staffed by attendants. A temporary fundraiser utilizing a donation collection bin must be limited in duration to a single day.



## **Chapter 11.4.12 Drive-In and Drive-Through Facilities Prohibited**

### **§11.4.12.001 Purpose.**

The purpose of this Chapter is to prohibit the establishment of drive-in and drive-through facilities, as defined in Part 8 (Definitions), in any zone located within the city of La Cañada Flintridge.

### **§11.4.12.002 Drive-In and Drive-Through Facilities Prohibited.**

Establishment of drive-in and drive-through facilities are expressly prohibited in any zone except as provided for in Section 11.4.12.003.

### **§11.4.12.003 Legal Nonconforming Drive-In and Drive-Through Facilities.**

Any drive-in or drive-through facility granted a permit prior to the adoption of this Zoning Code shall be considered a legal nonconforming permitted use, permitted to continue subject the original conditions of approval and in accordance with Chapter 11.5.04 (Legal Nonconforming Uses, Structures, and Parcels).

## Chapter 11.4.13 Emergency Shelter Facilities

### §11.4.13.001 Purpose.

In accordance with State law, the city of La Cañada Flintridge has a responsibility to provide adequate sites for emergency shelters that serve homeless individuals and families. This Chapter establishes standards for emergency shelter facilities.

### §11.4.13.002 Emergency Shelter Facilities Permit Required.

- A. **Permit Required.** Unless otherwise exempt, the operator of an emergency shelter facility shall first obtain an Emergency Shelter Facilities Permit pursuant to this Chapter prior to the establishment of an emergency shelter facility within the city.
- B. **Permit Application Requirements.** The Emergency Shelter Facilities Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).
- C. **Permit Fee.** The fee for an Emergency Shelter Facilities Permit shall be as established by Council resolution as may be amended from time to time.
- D. **Decision.**
  - 1. Within thirty (30) days of receiving a completed application, the Director shall issue a Emergency Shelter Facilities Permit or deny the issuance of a permit.
  - 2. The Director shall not issue such permit unless the Director determines that all requirements of this Chapter have been met.
  - 3. If the Director denies the permit, the Director shall provide the applicant, in writing, the specific reason(s) for the denial.
  - 4. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).

### §11.4.13.003 Standards for Emergency Shelter Facilities.

An Emergency Shelter Facilities Permit shall be issued by the Director only if the following standards are met:

- A. **Minimum Separation.** Emergency shelters shall be located at least three hundred (300) feet apart, measured in a straight line between property lines of each shelter without regard to intervening structures or objects.
- B. **Maximum Number of Beds.** Emergency shelters shall have no more than thirty (30) beds.
- C. **Limited Terms of Stay.** The maximum term of stay at an emergency shelter is thirty (30) days in any consecutive twelve (12) month period.

- D. **On-Site Waiting Area.** Emergency shelters shall provide an enclosed or screened waiting area that is physically separated from the public right-of-way in order to accommodate clients and to prevent queuing into the public right-of-way. Waiting areas shall be at least ten (10) square feet per bed.
- E. **Lighting.** Lighting for emergency shelter facilities shall comply with the requirements of Chapter 11.5.06 (Outdoor Lighting Standards) except as provided in Subsection 11.5.06.005(F).
- F. **Parking.** Parking for emergency shelter facilities shall be provided pursuant to Chapter 11.5.05 (Off-Street Parking Facilities).
- G. **On-site Security.** Emergency shelters shall provide on-site security during all hours when shelters are open.
- H. **Exterior Maintenance.** Emergency shelter operators shall ensure that the exterior of shelters, including signs and accessory structures, are properly maintained. Emergency shelter sites shall be kept free of litter and graffiti at all times. Graffiti shall be removed within forty-eight (48) hours of discovery.
- I. **Supervision.** Emergency shelters shall provide on-site supervision at all times when shelters are open. Shelter operators or their designees shall patrol areas within one thousand (1,000) feet of the shelter when shelters are open and for one (1) hour after the closing each morning to ensure that shelter residents and/or individuals who have been denied shelter access do not congregate in the adjacent neighborhoods.
- J. **Design and Amenities.**
  - 1. **Facility Layout.** Living, dining, and kitchen areas within emergency shelters shall be physically separated from sleeping areas.
  - 2. **Sleeping Area.** Sleeping areas within emergency shelters shall be at least thirty-five (35) square feet per bed.
  - 3. **Secure Area.** Secure areas shall be provided for personal property in emergency shelters.
  - 4. **Bathroom Facilities.** Emergency shelters shall provide facilities for personal care (i.e., bathroom and shower facilities).
  - 5. **Telephone Services.** Emergency shelters shall provide telephone services that are separate from the office phones to protect privacy. Any payphone provided at an emergency shelter shall allow for call-out service only.
  - 6. **Contact Information.** Emergency shelters shall post operator contact information at shelter entrances.

- K. **Management Plan.** Emergency shelter operators shall provide the City a management plan that addresses management experience, client supervision, client services, standards to govern expulsions, good neighbor issues, transportation, lights-out times, and food services provided. The management plan shall also include a floor plan that demonstrates compliance with all physical standards of this Chapter, as well as contact information for the shelter operator. Management plans shall be submitted to and approved by the Director prior to start of operations.

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## Chapter 11.4.14 Flags and Flagpoles

### §11.4.14.001 Purpose.

This Chapter regulates the height and placement of flagpoles and the flags flown on them. Without regulations, flagpole installations may impact neighboring properties negatively in the areas of noise and visual clutter. These regulations are in no way intended to prevent one from flying an American or State of California flag. They are intended only to ensure the impacts to neighboring properties are mitigated.

### §11.4.14.002 Standards.

The following standards apply, except as otherwise provided for in this Chapter.

- A. **General.** The following standards apply to flags and flagpoles in all zones.
1. Flags shall comply with the prohibitions of Section 11.5.09.006.
  2. The halyard system shall be an internal system located inside the flagpole and shall be made of material other than metal to mitigate noise.
  3. Flagpole installation shall comply with Building Department regulations and permits.
  4. In no case shall the flag extend beyond the property line of the subject property.
  5. Flags shall be replaced when they become faded, tattered, or torn.
  6. Lighting of flags and associated flag poles shall comply with Chapter 11.5.06 (Outdoor Lighting Standards).
- B. **Residential Zones.** The following standards apply to flags and flagpoles in all residential zones.
1. Property within all residential zones is limited to one (1) flagpole for each parcel.
  2. The height of a flagpole shall be limited to fifteen (15) feet, not including any finial.
  3. The flagpole shall not be placed in any required side or rear yard setback that is adjacent to a single-family residential (R-1) zoned property. The flagpole should not be closer than ten (10) feet to the front property line.
  4. The area of the flag shall not exceed twenty-four (24) square feet per flag.
  5. Exceptions. Any flag and/or flagpole in a residential zone that does not comply with the standards listed in Subsection (B) of this Section shall require a Conditional Use Permit.
- C. **All Other Zones.** The following standards apply to flags and flagpoles in all non-residential and mixed use zones.

1. Property within all non-residential and mixed use zones is limited to one (1) flagpole for each parcel; except that a maximum of three (3) flagpoles in not more than one (1) location may be permitted with a Conditional Use Permit.
2. The height of a flagpole shall be limited to thirty-five (35) feet, not including any finial.
3. The flagpole(s) shall not be located within fifty (50) feet of a residential zone.
4. The flagpole(s) shall not be closer than ten (10) feet to the front property line.
5. The area of the flag shall not exceed sixty (60) square feet per flag.
6. Lighting of the flag(s) is subject to approval of a Conditional Use Permit and additionally shall comply with Subsection 11.5.06.003(G).
7. Exceptions. Any flag and/or flagpole in a non-residential or mixed use zone that does not comply with the standards listed in this Section shall require a Conditional Use Permit.

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## Chapter 11.4.15 Hillside Development

### §11.4.15.001 Purpose

It is the City's position that its hillsides are a valuable resource to the community, providing a visible geographical boundary to the city and aesthetic relief to the viewscape from virtually every location in La Cañada Flintridge. To date, hillside development in this community has generally avoided creating the significant negative effects common to the practice of mass grading to provide building sites. The end product of past development practices in La Cañada Flintridge has largely been the retention of natural land forms and the community's "semi-rural" character. However, much of the remaining undeveloped acreage in the city can best be described as steep, consisting of slopes in excess of thirty (30) or forty (40) percent, and/or visually prominent. Further, the city's hillsides contain or surround several significant environmental and aesthetic resources and are traversed by hiking and riding trails.

The purpose of this Chapter's standards and guidelines is to protect existing open space and to ensure that any hillside development is orderly and consistent with desirable existing surrounding development patterns, is carried out in a manner which promotes and enhances public safety and general welfare, and is not disruptive of the predominant hillside character of the community.

### §11.4.15.002 Policies.

The following policies are reflective of community standards and shall apply to all hillside development projects undertaken in the city:

- A. Existing community character, as defined by such factors as visual appearance, density, road widths, and vegetation, shall be preserved and/or enhanced.
- B. Prominent landforms within the community, including, but not limited to ridgelines, knolls, valleys, creeks (either dry or active), or other unique topographic features or viewsapes, shall be maintained. The most significant of such landforms are identified in, but not limited to, Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element of the City's General Plan.
- C. Major hillside viewsapes visible from points within the city shall not be detrimentally altered by the intrusion of highly visible cut and/or fill slopes, building lines, and/or road surfaces.
- D. The visual impact of grading shall be minimized.
- E. Levels of development shall be coordinated with available and potential circulation capacities and shall be controlled by the ability to provide adequate access within the constraints defined in this Chapter.
- F. Development in areas of exposure to high fire risk shall be subject to reasonable mitigation measures formulated during the project review process to reduce such risk.
- G. Development shall be planned in such a manner as to avoid flood, mudslide, and subsidence to residents and structures on or near hillside areas as well as downstream of any project.





- c. *Greater than 1,200 sq. ft.:* Planning Commission Review.
  2. **Addition, second story:**
    - a. *Any new second story:* Planning Commission
    - b. *600 sq. ft. or less:* Zoning Hearing Officer Review.
    - c. *Greater than 600 sq. ft.:* Planning Commission Review.
  3. **Enclosure under existing roof, second story:**
    - a. *600 sq. ft. or less:* Director's Review.
    - b. *Greater than 600 sq. ft.:* Zoning Hearing Officer Review.
  4. **Retaining walls, conventional:**
    - a. Three (3) feet or lower: Director's Review.
    - b. Higher than three (3) feet, up to six (6) feet: Zoning Hearing Officer Review.
    - c. *Higher than six (6) feet:* Planning Commission Review.
  5. **Retaining walls, crib type (cribwalls):**
    - a. Eight (8) feet or lower: Director's Review.
    - b. *Higher than eight (8) feet:* Planning Commission Review.
    - c. *Additional provisions:* Cribwalls are, for the purpose of this Chapter, retaining walls which are constructed of modular units between which planting areas are provided. Cribwall product certification shall be provided to the satisfaction of the Building Department, along with evidence that septic drainage will not undermine the cribwall structure.
  6. **Grading within one hundred (100) feet of an identified ridge line:** Planning Commission (see Subsection 11.4.15.009(B)).
- C. **Additional Thresholds:** Additional thresholds are contained under subsequent sections of this Chapter.

#### **§11.4.15.005 Exemptions from Hillside Development Permit.**

The following actions and activities shall be exempted from the requirements of a Hillside Development Permit, provided that the actions and activities otherwise comply with the requirements of this Chapter, the underlying zone, and as otherwise provided for in this Zoning Code.

- A. Interior remodels, including any remodel that does not add square footage (whether or not offset by other reductions in square footage) and does not alter the exterior appearance of a structure or add another story.

- B. Re-roofing of any structure, using the same color and type of materials as existing.
- C. Accessory dwelling units as provided for in Chapter 11.4.01 (Accessory Dwelling Units).
- D. A new spa that is developed completely within the footprint of an existing pool that complies with all other development standards.
- E. A new spa that has at least fifty (50) percent of its total perimeter and associated area within the footprint of an existing pool may be exempted from the requirements of a Hillside Development Permit as determined by the Director.
- F. Emergency slope repair and measures necessary to stabilize a slope may be exempted from the requirements of a Hillside Development Permit, at the discretion of the City Manager. The City Manager's action shall be reported to the City Council, who may require additional measures to address aesthetics.
- G. Fences and freestanding walls; except that such structures shall comply with Subsection 11.5.15.009(B)(2).

#### **§11.4.15.006 Standards, Guidelines, and Thresholds.**

Each hillside parcel is unique. For many criteria, a fixed standard may not be an appropriate means of ensuring harmonious development due to the complexities of topography, the varying degree of site visibility, the effects of local soil conditions on prospective landscaping, and many other variables. Thus, this Chapter contains not only development standards, but also guidelines. Thresholds are also included, indicating the level of review required for a given category of project. The intent is not to discourage appropriate project characteristics which require higher levels of review, but rather to ensure that the opportunity is provided for public review of projects of any theoretical potential for disruption of the hillside environment. Refer to other chapters for general regulations, including but not limited to standards for parking and vehicular access for hillside development, grading, lighting, etc.

#### **§11.4.15.007 Parcel Standards and Guidelines.**

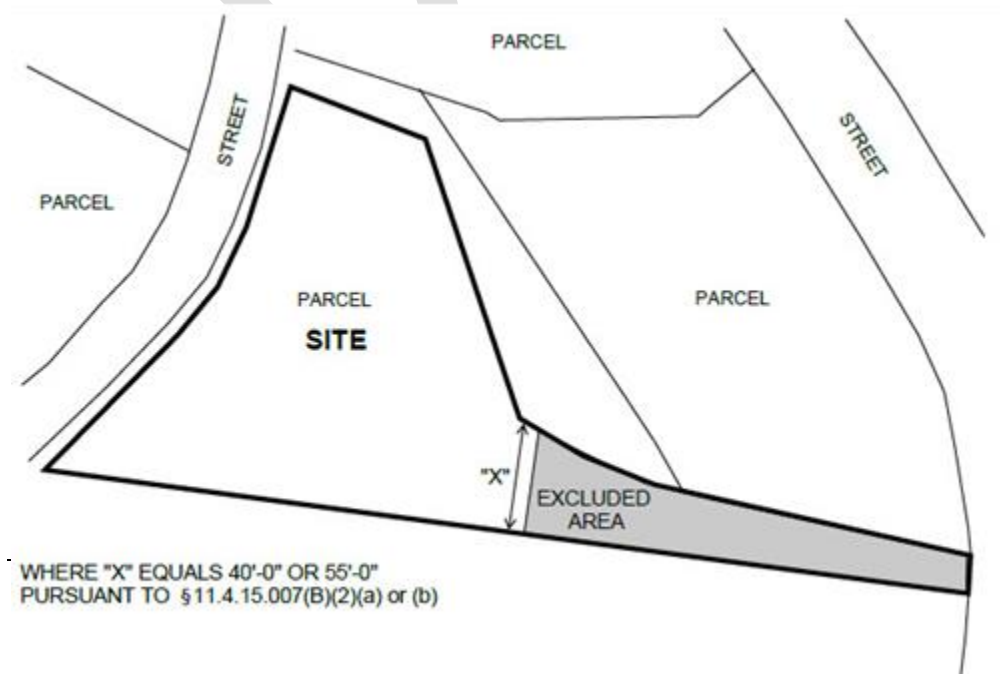
- A. **Density.**
  - 1. **Newly created lots—density standards.** Every property in any residential zone which is subject to the provisions of this Chapter also shall be subject to the requirements of the A/B Line, as shown on the Zoning Map in accordance with Figure LUE-1 in the Land Use Element of the General Plan, and as specified in this Section.
    - a. Property on the "A" side of the A/B Line shall maintain development densities not exceeding one (1) dwelling unit per one (1) acre of site area as to any tract map (i.e. the creation of five (5) or more lots). Maximum density for divisions of less than five (5) parcels is determined by the underlying zone.

- b. The "B" side of the A/B Line is applied to severe hillside areas of the City where developments with higher use densities could not be achieved in compliance with the policies and standards of this Chapter and without detrimental effects upon public safety and aesthetics as identified in the General Plan and this Chapter. Property on the "B" side of the A/B Line shall maintain development densities not exceeding one (1) dwelling per ten (10) acres of site area for any land division.
  - c. Density shall be subject to additional reduction with increasing slope when necessary to meet required findings per Subsection 11.4.15.014(E), using the slope factor in Subsection (A)(2) of this Section.
2. **Slope factor.** The slope factor is a development standard for land divisions and a guideline for floor area restrictions. As average lot slope increases, allowable minimum size of newly created lots shall increase per the Slope Factor as defined in Part 8.

**B. Lot Configuration.**

- 1. Minimum lot dimension standards.
  - a. *Average Lot Width:* Fifty-five (55) feet,
  - b. *Depth:* One hundred fifty (150) feet,
  - c. *Frontage:* Forty (40) feet.
- 2. **Excluded areas.** Any portion of a site less than the following width shall not be included in the tabulation of lot area for the purposes of calculating allowable lot size, density, lot coverage, or floor area, unless the required findings in Subsection 11.4.15.014(E) can otherwise be made (see Figure 11.4.15-1: Excluded Areas).
  - a. R-1-40,000 or "B" density overlay: Fifty-five (55) feet,
  - b. *Other zones:* Forty (40) feet.

**Figure 11.4.15-1: Excluded Areas**



3. **Flag lots.** The creation of new flag lots shall be prohibited in proposed subdivisions or lot line adjustments.

#### **§11.4.15.008 Grading.**

- A. **Review Threshold.** The provisions of Section 11.5.02.002 shall apply to development that is subject to this Chapter.
- B. **Slopes.** The height of retaining wall(s) exposed to view shall be deducted from the permitted height of the slope, as follows.

1. **Cut slopes.**

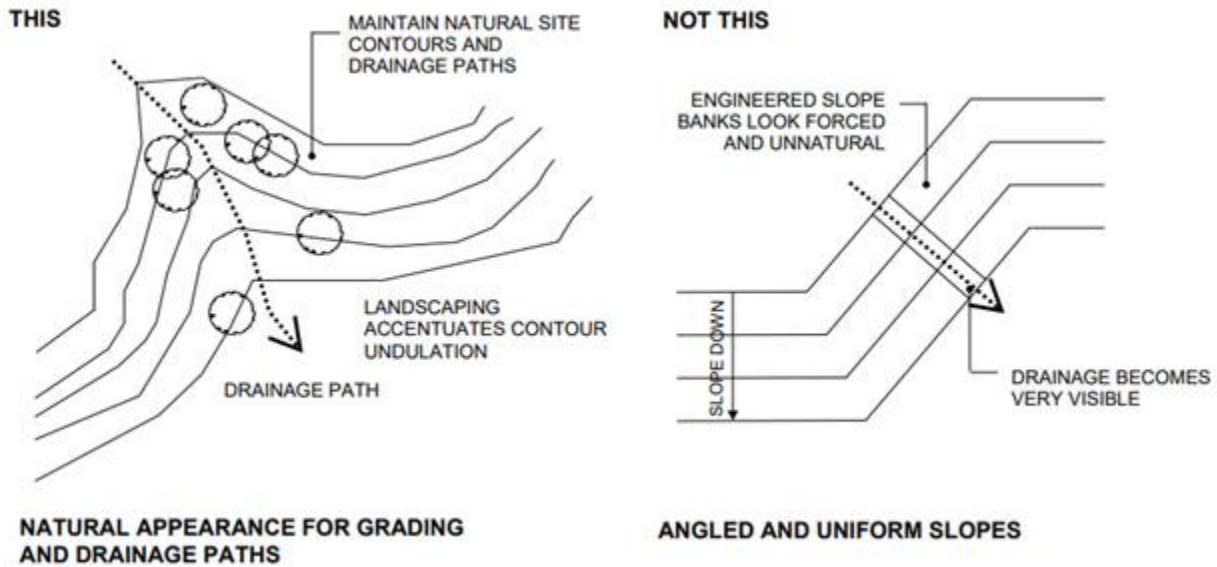
- a. *Height threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the sum of the vertical heights, at any one (1) section through the site, of any finished cut slopes created for the purpose of developing the lot, shall be limited to the height of the proposed structure wherever it is to be concealed from general view by that structure, or to a maximum of ten (10) feet where exposed to general view.
- b. *Width standard.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the lateral extension (width) of the finished cut slope shall not exceed the maximum width of the structure by more than twenty (20) feet, with an additional twenty (20) feet allowed for tapering to existing grade.
- c. *Gradient threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, maximum exposed cut slope at any one (1) section through the site shall not exceed that allowed by the City's Building Code in effect at the time of grading permit issuance, and shall be further limited to the average existing grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.

2. **Fill slopes.**

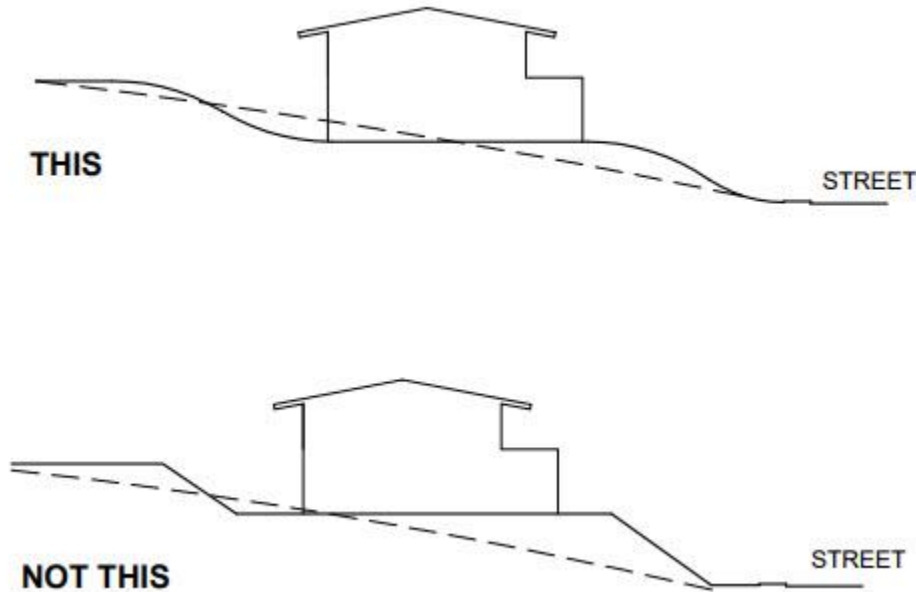
- a. *Height threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, the vertical height of any finished fill slope created for the purpose of developing a residential dwelling site shall not exceed ten (10) feet.
- b. *Gradient threshold.* Unless approved at a Zoning Hearing Officer level (or higher) public hearing, maximum fill slope shall not exceed that allowed by the City's Building Code in effect at the time of grading permit issuance, and shall be limited to the average natural grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.

- c. *Slope contours.* Any manufactured slope, and the radius of any slope forming a transition between manufactured and natural slope, shall follow the natural topography to the greatest extent possible. Contour grading techniques shall be used to provide a variety of slope percentages and slope directions in a three-dimensional, undulating pattern similar to adjacent existing terrain. Hard edges left by cut and fill operations shall be given rounded appearances that closely resemble adjacent, natural contours, as shown in Figure 11.4.15-2 and Figure 11.4.15-3. In no event shall less than a twenty-five (25) foot radius be used for the convex blending curvature at the outside corners and edges of any cut slope or fill slope or for the concave curvature where a cut slope or fill slope meets natural grade. The top and bottom of any cut slope or fill slope shall be rounded with a radius of not less than five (5) feet.

**Figure 11.4.15-2: Contour Grading Technique**



**Figure 11.4.15-3: Manufactured Slope**



- d. *Road or driveway cut/fill.* For a driveway or roadway, the maximum total vertical height of any combination of finished cut and fill slopes from grade shall not exceed eight (8) feet unless approved at a Zoning Hearing Officer level (or higher) public hearing.
- C. **Drainage.** Projects shall comply with the following requirements unless the Director determines alternative design is preferable.
1. **Debris collection.** Where applicable, lot designs and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements or other properties downslope, and with access to a street to provide for cleanup and removal. Debris basins, rip rap, and energy-dissipating devices shall be constructed and maintained where necessary to reduce erosion. Except for necessary flood control, significant natural drainage courses shall not be altered by grading activity. If a drainage crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems. Where brow ditches are required, they shall be naturalized with plants and native rock.
  2. **Runoff and subsurface discharge.** Passage for bulked-flow and subsurface runoff shall be provided to a safe point of discharge, such as a street, channel, or debris basin, in a manner such that damage to improvements, slopes, or other properties will not result. Drainage channels shall be placed in inconspicuous locations, and shall receive a naturalizing treatment including native rock, colored concrete, and landscaping, so that the structure appears as an integral part of the environment. Natural stream gradients shall not be flattened.

3. **Overflow route.** An emergency overflow route for flood and debris flows which exceed the design capacity of planned drainage, flood control, and debris facilities and devices shall be provided. Overflow routes shall direct overflows away from slopes and improvements and toward safe points of discharge.
4. **Downdrains.** All required exposed downdrains shall follow an oblique, rather than vertical, path down the slope, and shall be screened to the maximum extent possible by color and/or appropriate vegetation.

#### **§11.4.15.009 Siting.**

##### **A. Minimum Setback Dimensions.**

1. Minimum dimensions shall conform to the standards for the underlying zone.
2. **Exception:** A front setback reduction for a one-story structure or the first story portion of a multi-story structure to no less than twenty (20) feet may be approved through a public hearing in accordance with the provisions of Section 11.4.15.004, if the additional findings in Subsection 11.4.15.013(E)(2)(f) can be made.

##### **B. Ridgeline Protection.**

1. **Sites and structures.** Proposed building sites and/or structures shall not detrimentally impact a primary ridgeline or knoll as identified on Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element of the City's General Plan. New development and/or grading on any parcel within one hundred (100) feet of an identified ridgeline shall be subject to Planning Commission approval.
2. **Fences and freestanding walls.** Fences and freestanding walls shall be located away from any ridgeline or crest of any slope so that such fences and walls are not visible against the sky from offsite.

##### **C. Watercourse Protection.** Development in the vicinity of Blue Line Streams may be subject to Army Corps of Engineers and California Department of Fish and Wildlife approval prior to any issuance of grading or building permits.

##### **D. View Preservation.** For any project subject to a public hearing in accordance with this Chapter, the project shall conform to the following guidelines to the extent possible and to the extent appropriate to its setting:

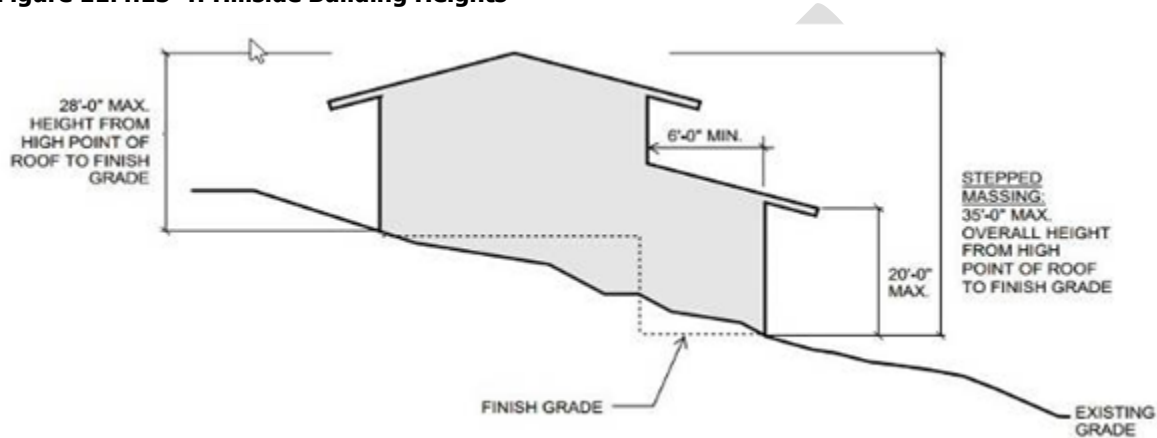
1. Building(s) shall be placed in a manner which minimizes blockage of neighboring views, especially those portions of any view which are central to the total view, and/or are viewed from primary living areas (living rooms and dining rooms).
2. Landscaping height at maturity shall be consistent with preservation of neighbors' views.

#### **§11.4.15.010 Building Dimensions.**

##### **A. Height.**

1. **Maximum building height of primary structure.** Maximum allowed building height for the primary structure is twenty-eight (28) feet as measured from the lowest finish grade adjacent to the building or directly beneath a projecting wall surface, to the highest roof structure, as depicted in Figure 11.4.15-4: Hillside Building Heights, aside from the following exceptions in Subsections (A)(1)(a) through (A)(7)(f) of this Section as measured from the same grade:

**Figure 11.4.15-4: Hillside Building Heights**



- a. *Downslope wall height.* Maximum allowed height of the downslope wall, aside from architectural extensions per Subsection (A)(1)(c) of this Section, shall be twenty (20) feet as measured from the lowest finish grade adjacent to the wall or directly beneath its outermost projection, except that for any project on a lot or parcel with an average slope of less than forty (40) percent, an upper wall section set back six (6) feet or more from the building line established by the lower wall may be considered a separate wall.
- b. *Upslope lot.* Building height shall not exceed fifteen (15) feet as measured from the lower of natural grade or finished grade at the front setback line of the lot, and shall not exceed the height of a plane extending from a height of fifteen (15) feet at the front setback line up and toward the rear of the lot at a forty-five (45) degree angle.
- c. *Architectural extensions.* A maximum height of forty (40) feet for architectural extensions of up to twenty (20) feet in width or depth may be allowed, subject to approval through a Zoning Hearing Officer level (or higher) public hearing. Such extensions shall not be used for inhabited floor area above the highest story of the rest of the house.



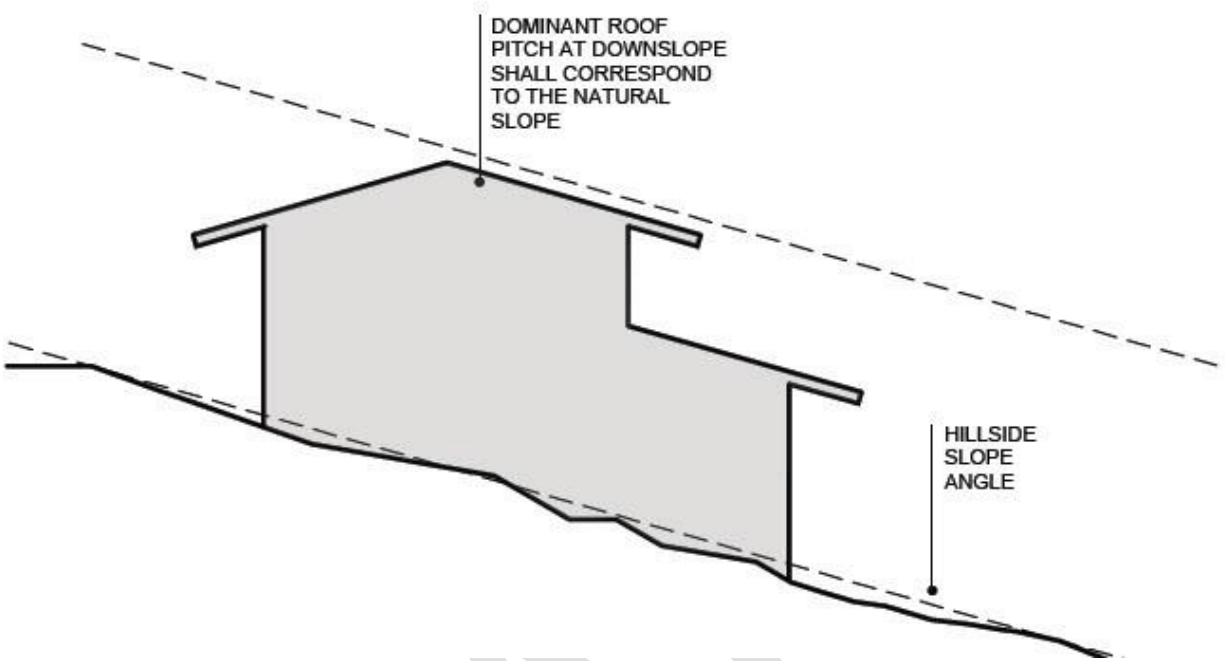
- d. *Stepped massing.* A maximum overall height of thirty-five (35) feet may be allowed, subject to approval through a Zoning Hearing Officer level (or higher) public hearing for buildings which, in stepping down the slope, diminish effectively viewed bulk, provided that at no point around the perimeter of the building is the twenty-eight (28) foot height limit exceeded except for architectural extensions per Subsection (A)(1)(c) of this Subsection. A building is considered to step down the slope if the line connecting its corresponding components is no steeper than the average of the natural slopes adjacent to the entire structure.
  - e. *Vertical additions.* Any vertical addition to any habitable structure shall be subject to approval through a Zoning Hearing Officer level (or higher) public hearing.
  - f. *Retaining or crib walls adjacent to buildings.* Any retaining or crib wall less than twenty (20) feet from a building wall may be considered a part of that building wall for the purposes of calculating building height.
2. **Maximum building height of accessory structure.** Maximum allowed building height of an accessory structure is fifteen (15) feet as measured from the lowest finish grade adjacent to the building or directly beneath a projecting wall surface, to the highest roof structure, as depicted in Figure 11.4.15-4: Hillside Building Heights.
- B. **Overall Horizontal Dimension Guideline.** Maximum horizontal dimension shall not exceed one hundred twenty (120) feet, unless the required findings in Section 11.4.15.014(E) can otherwise be made.
- C. **Floor Area.** As average lot slope increases, underlying zoning limits on total floor area in relation to lot size shall be lowered per the Slope Factor identified in Table 11.8.01-1, unless the required findings per Subsection 11.4.15.014(E) can otherwise be made. In addition, for existing lots, allowable floor area shall be lowered per the Slope Factor as defined in Chapter 11.8.01 (Definitions), unless the required findings per Section 11.4.15.013(E) can otherwise be made.

#### **§11.4.15.011 Architectural Design.**

The following standards and guidelines shall apply, unless it can be demonstrated that the project, though not complying, is consistent with the findings in Subsection 11.4.15.014(E).

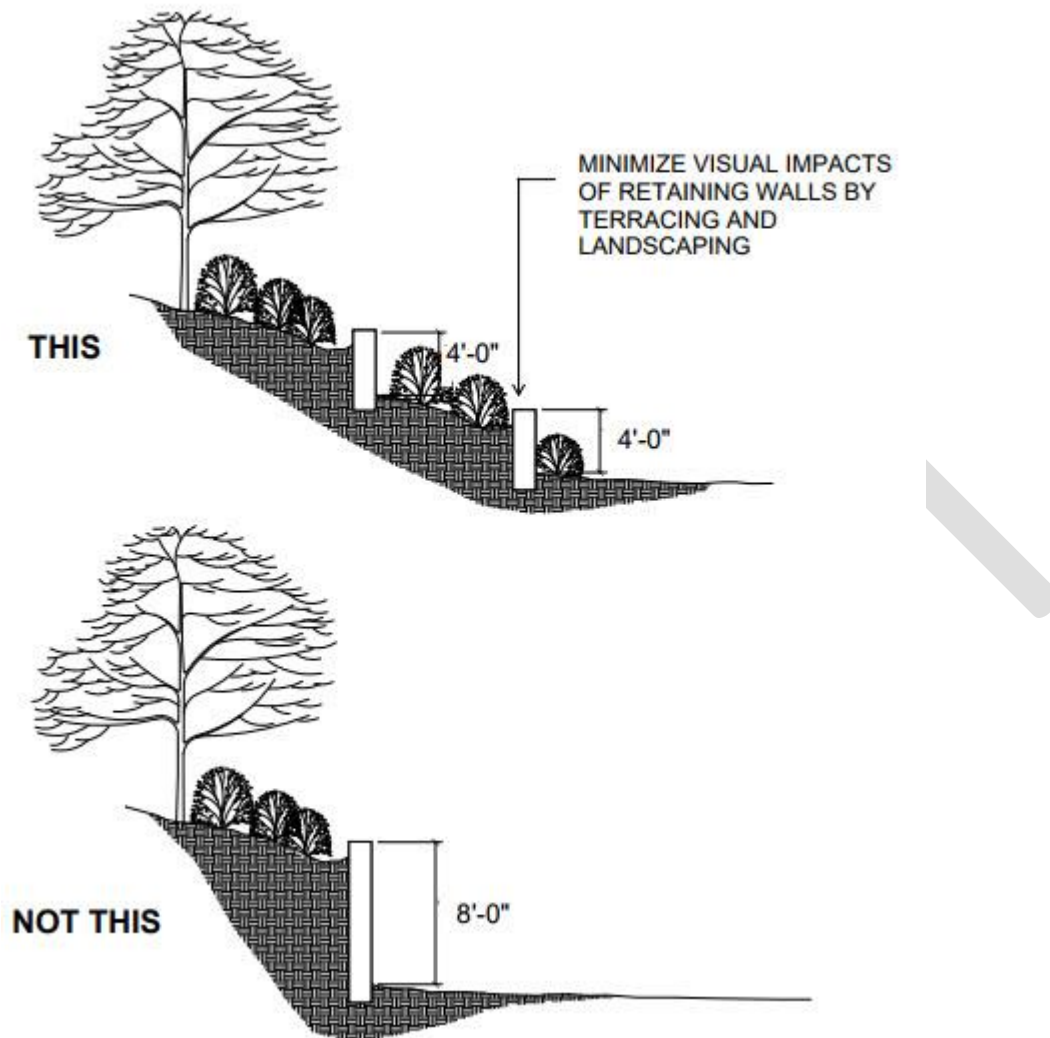
- A. **Standards.**
1. **Roof pitch.** The dominant roof pitch at the downslope side shall correspond to the natural slope of the site, as depicted in Figure 11.4.15-5, and no more than twenty-five (25) percent of the total roof area should be flat.

**Figure 11.4.15-5: Hillside Roof Pitch**



2. **Brightness.** Reflectance value (LRV) shall not exceed fifty (50) percent for walls or fences, or thirty (30) percent for roofs. An LRV over thirty (30) percent may be permitted based on the State Green Building Code cool roof requirements.
3. **Screening.**
  - a. *Retaining walls.* Any retaining wall over three (3) feet in height shall be screened from offsite view by a building or by landscaping. See Figure 11.4.15-6.

**Figure 11.4.15-6: Retaining Wall Screening**



- b. *Building screening.* Where building bulk as seen from downslope is a concern, effective mitigation through landscape screening shall be provided. Blockage by such landscaping of neighboring views over the site is discouraged.
4. **Plant characteristics.** The plant palette shall be consistent with the objectives of erosion control, overall drought tolerance, incorporation of native plants, and as otherwise required pursuant to Chapter 4.23 (Water Efficient Landscaping). Transitional plant character shall be provided in areas separating natural slope growth from planted and irrigated areas.
5. **Tree removal and replacement.** Any existing trees that are removed shall conform to the replacement requirements of Chapter 11.5.07 (Preservation and Protection of Designated Trees on Private Property).
6. **Site lighting.** Site lighting shall be in accordance with Chapter 11.5.06 (Outdoor Lighting Standards).

**B. Guidelines.**

1. **Vertical accents.** Vertical accents are encouraged (see Building Height, Subsection 11.4.15.010(A)(1)), and shall be accompanied by a vertical break in wall surface.
2. **Symmetry.** Overall symmetry is strongly discouraged.
3. **Wall Modulation.**
  - a. *Separation between breaks.* A vertical break or breaks in each wall surface should be provided at least each forty (40) feet on the first story and each twenty (20) feet on the second story.
  - b. *Break dimensions.* The breaks in plane recommended in preceding Subsection (D)(1) of this Section shall consist of significant projecting or recessed areas.
4. **Surface Depth.** Creation and expression of surface depth, through the use of deeply recessed wall openings, reveals, moldings, cornices, and similar devices, is encouraged.
5. **Cantilevers.** Cantilevers and dominant overhangs, except for eaves, are discouraged.
6. **Reflectivity.** Reflective glass and glossy roofing materials are discouraged.
7. **Retaining Walls.** Retaining walls constructed of stone or natural materials architecturally consistent with the development may be permitted in lieu of or in combination with cut or fill slopes.

**§11.4.15.012 Story Pole and Site Marking Requirements.**

Any development proposal for which a Hillside Development Permit is required pursuant to this Chapter shall provide a Site Marking Plan and install story poles in accordance with Chapter 11.5.10 (Story Pole and Site Marking Requirements).

**§11.4.15.013 Project Approval.**

- A. **Initiation.** A proposal for hillside development may be initiated by application for a Hillside Development Permit according to the provisions of Chapter 11.6.01 (Filing and Processing of Applications). A Zoning Hearing Officer Review also may be initiated by referral by the Director. A Planning Commission Review also may be initiated by referral by the Zoning Hearing Officer, or by appeal of a Zoning Hearing Officer review action by any party.

**B. Authority.**

1. **Hillside Development Permit—Director’s Review.** Applications for a Director’s Review of a Hillside Development Permit pursuant to Section 11.4.15.004 shall be reviewed and acted upon by the Director subject to Review Process A (Subsection 11.6.02.004(A)). Any project which exceeds the thresholds established by this Chapter or does not meet the standards of this Chapter may not be approved, unless a Zoning Hearing Officer hearing or Planning Commission public hearing is held, in accordance with procedures contained herein.

2. **Hillside Development Permit—Zoning Hearing Officer Review.** Applications for a Zoning Hearing Officer Review of a Hillside Development Permit pursuant to Section 11.4.15.004 shall be acted upon by the Zoning Hearing Officer. A public hearing shall be required subject to Review Process C (Subsection 11.6.02.004(C)). The Zoning Hearing Officer may approve, approve with conditions, disapprove, or forward to the Planning Commission, with or without recommendation, any application subject to Zoning Hearing Officer review.
  3. **Hillside Development Permit—Planning Commission Review.** Projects exceeding the threshold for the Zoning Hearing Officer Review as established in Section 11.4.15.004, single lot development projects referred from the Zoning Hearing Officer to the Planning Commission, and all applications for multiple lot development projects, as defined in this Section, shall be subject to review and action by the Planning Commission. A public hearing shall be required pursuant to Review Process D-2 (Subsection 11.6.02.004(D)). For the purposes of this Section, a multiple lot development project shall be considered to be any development of two (2) or more contiguous lots or parcels of land.
- C. **Notification.**
1. Notice of Director’s Review shall be pursuant to Section 11.2.02.003.
  2. Notice of a public hearing required for Zoning Hearing Officer Review or Planning Commission Review shall be as provided for in Section 11.2.02.003.
- D. **Conditions of Approval.** At any level of review, conditions may be imposed as a part of any approval such as are deemed necessary to fulfill the purposes of the Zoning Code and may include reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- E. **Required Findings.** The designated decision-making authority may approve an application following a determination that all of the following findings can be met:
1. **Director.**
    - a. The project will conform to the goals, policies, and objectives set forth in the General Plan.
    - b. All applicable provisions of this Chapter are met by the project.
  2. **Zoning Hearing Officer or Planning Commission.**
    - a. The project will conform to the goals, policies, and objectives set forth in the General Plan.
    - b. The project, through elements of architectural and landscape design, will uphold the policies of this Chapter, and will be harmonious with the better aspects of the built and natural setting.
    - c. The project will not create a nuisance, hazard, or enforcement problem or require the City to provide an unusual or disproportionate level of public services.

- d. There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of the Slope Factor Guidelines (Table 11.8.01-1) or the Guidelines provided in Subsection 11.4.15.011(B).
- e. For any project on a lot or parcel with an average slope of forty (40) percent or greater:
  - i. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far,
  - ii. The privacy of the residents of other properties will not be unreasonably impacted.
- f. Additional findings for Subsection 11.4.15.009(A):
  - i. The project minimizes grading, building visibility, and/or paving,
  - ii. The project achieves compatibility with the neighborhood setting.

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## Chapter 11.4.16 Home Occupations

### §11.4.16.001 Purpose.

This Chapter provides standards for the conduct of home occupations that are deemed accessory to, and compatible with, surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling.

### §11.4.16.002 Applicability.

The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

### §11.4.16.003 Home Occupation Permit Required.

No home occupation shall be permitted without first obtaining a Home Occupation Permit pursuant to the standards and requirements of this Chapter.

- A. **Permit Application Requirements.** The Home Occupation Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified in Chapter 11.6.01 (Filing and Processing of Applications) of this Zoning Code.
- B. **Permit Fee.** The fee for the Home Occupation Permit shall be as established by City Council resolution as may be amended from time to time.
- C. **Review Process.** A Home Occupation Permit is subject to Review Process A (Subsection 11.6.02.004(A)).

### §11.4.16.004 Standards.

Home occupations are permitted if such uses meet the following standards:

- A. A home occupation shall only be operated in a residence occupied by a single housekeeping unit and by a member(s) of that single housekeeping unit.
- B. The sum of the area of all interior space(s) used for home occupational purposes shall not exceed twenty (20) percent of the combined total floor area of the dwelling unit and accessory structures. Any construction, structural alteration, or addition to the main or accessory building shall be designed to be completely usable for residential purposes.
- C. All aspects of the home occupation shall be conducted entirely within an enclosed structure. Articles, supplies, tools, equipment, and other related items used in conjunction with a home occupation shall not be stored outside.

- D. Employment of help shall be limited to no more than one (1) nonresident in addition to persons residing at the residence, either for pay or as a volunteer. One on-site parking space, whether open or enclosed, shall be available for the nonresident employee.
- E. There shall be no goods, samples, materials, or objects publicly displayed or sold on the premises to clients in connection with the operation of the home occupation.
- F. There shall be no significant and sustained increase in pedestrian and vehicular traffic, above normal activities for a single-family residence generated by any home occupation. A home occupation activity that includes transients to and from the residence, successively in one (1) car at a time, between eight (8) a.m. and ten (10) p.m. for purposes of tutoring, counseling, language, music instruction, or similar home occupation, shall not constitute a significant and sustained traffic increase for purposes of this Section.
- G. No portion of any garage shall be used for home occupational purposes except work or storage areas which do not conflict with parking spaces as required by Table 11.5.05-1. Any reduction in required parking spaces is prohibited.
- H. There shall be no sign posted on the premises which identifies the home occupation use.
- I. There shall be no use of any equipment which may cause radio or television interference or fluctuation in line voltage off the property.
- J. There shall be no emission of smoke, fumes, dust, gas, odor, or glare from the property as a result of the home occupation.
- K. There shall be no significant and sustained increase in noise above normal activities for a single-family residence generated by any home occupation and as otherwise provided in Chapter 5.02 (Regulation of Community Noise).

#### **§11.4.16.005 Prohibited Uses.**

The following uses are not incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses and are prohibited as home occupations:

- A. Adult businesses;
- B. Alcohol sales;
- C. Ammunition, explosives, or fireworks sales, use, or manufacturing;
- D. Dance club/night clubs;
- E. Massage establishments;
- F. Tattoo establishments and/or body art/piercing studios;
- G. Tobacco, smoke, and/or electronic cigarette shops or lounges;



- H. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting;
- I. Vehicle sales;
- J. Other similar uses determined by the Director not to be incidental or secondary to or compatible with residential activities.

**§11.4.16.006 Revocation.**

The Zoning Hearing Officer may revoke or modify any Home Occupation Permit if any conditions of the permit are being violated or the home occupation activity is in violation of any of the criteria set forth above, in accordance with Section 11.2.04.005. The determination of the Zoning Hearing Officer shall be final, subject to appeal to the City Council in the manner prescribed in Chapter 11.2.03 (Call-up and Appeals).

**§11.4.16.007 Business License Required.**

Immediately following the effective date of an approved Home Occupation Permit, the applicant shall obtain a Business License in compliance with Title 6 (Business Licenses and Regulations).

**§11.4.16.008 Expiration of Permit.**

A Home Occupation permit shall expire if a Business License is not obtained or renewed within six (6) months of the date of expiration.

## Chapter 11.4.17 Kiosk Uses

### §11.4.17.001 Purpose.

This Chapter provides regulations for uses operating from kiosks on private or public property.

### §11.4.17.002 Standards for Kiosk Uses.

All kiosk uses shall comply with the following standards:

- A. All kiosk uses shall be accessory to a primary use. Kiosk uses include, but are not limited to, flower stands, key shops, parcel services, automated tellers, bicycle rental, and information booths. Food and beverage service from a kiosk shall be restricted to "limited food preparation," as defined by the Environmental Health Division of the County of Los Angeles Department of Public Health.
- B. All kiosk structures shall comply with the development standards applicable to the base zone and with the development standards for accessory commercial uses.
- C. The design, color scheme, material, and signage of the kiosk shall be appropriate to its location and compatible with the design, color scheme, materials, and signage of the primary structure(s) on the property, as applicable.
- D. No kiosk shall exceed one hundred twenty (120) square feet.
- E. The kiosk shall not obstruct or impede pedestrian or vehicular circulation and shall not obstruct access to or occupy a parking space.
- F. The kiosk shall not result in a net loss of required on-site parking.
- G. Kiosks are prohibited within the public right-of-way.
- H. All kiosk uses shall be self-contained or located on a site that has been specifically designed to provide for water, waste, and power to operate. No exposed pipes or wires are permitted.
- I. The number of employees per individual kiosk shall be a maximum of two (2) persons at any one (1) time.
- J. Seating for the kiosk use shall be prohibited.
- K. All packaging containers or boxes shall be stored within the kiosk.
- L. The sale of alcoholic beverages, tobacco products, tobacco paraphernalia, electronic cigarettes, and electronic cigarette paraphernalia from a kiosk shall be prohibited.
- M. Drive-through service for kiosk uses shall be prohibited.

## **Chapter 11.4.18 Late Night Hours**

### **§11.4.18.001 Purpose.**

This Chapter provides criteria and regulations to minimize the potential impacts of non-residential uses operating during Late Night Hours that adjoin or are adjacent to residentially zoned property.

### **§11.4.18.002 Applicability.**

The provisions of this Chapter apply to all non-residential uses that adjoin or are adjacent to residentially zoned property.

### **§11.4.18.003 Conditional Use Permit Required for Operating During Late Night Hours.**

- A. No new establishment that adjoins or is adjacent to residentially zoned or utilized property may conduct the use during Late Night Hours (as defined in Part 8) unless a Conditional Use Permit for such activity during those hours has been granted.
- B. No residentially adjoining or adjacent establishment that was legally in existence as of the date of adoption of this Zoning Ordinance may increase the amount of floor area of such establishment or increase or extend the hours that it conducts during Late Night Hours for any period of time during Late Night Hours unless a Conditional Use Permit for Late Night Hours during such hours has been granted.

### **§11.4.18.004 Review Criteria.**

When reviewing an application for a Conditional Use Permit to allow the conduct or expansion of a use and/or extension of current hours during Late Night Hours, the decision-making authority shall consider the following potential impacts upon adjacent or nearby uses, which may include but are not limited to the following:

- A. Noise;
- B. Lighting and illumination;
- C. Pedestrian activity and vehicular traffic during Late Night Hours;
- D. Trash and recycling activities;
- E. Occupancy loads of the use;
- F. Any other factors that may affect adjacent or nearby uses; and
- G. Loading and unloading and/or delivery activities.

#### **§11.4.18.005 Operational Standards.**

In addition to any conditions imposed pursuant to approval of a Conditional Use Permit, the use operating during Late Night Hours also shall comply with the following operational standards:

- A. **Responsible Person.** The name and telephone number of a person who will be available during the operational hours of the business to address any problems with the subject establishment shall be posted in a conspicuous place on the exterior of the building housing the establishment. The contact person shall be the business owner, business manager, or other similar person who has sufficient authority over the business twenty-four (24) hours a day to address problems that may disturb neighbors.
- B. **No Congregating.** For the purpose of noise abatement, no person conducting a commercial use on a site that is within one hundred fifty (150) feet of any residentially zoned or utilized property shall permit the patrons, employees, agents, associates, or contractors of the nonresidential use to congregate behind the structure containing the nonresidential use, or in any open area or public right-of-way that separates the property containing the nonresidential use from adjoining or adjacent residentially zone property, during Late Night Hours.

#### **§11.4.18.006 Amortization.**

- A. The provisions of this Zoning Code regarding legal nonconforming uses (Chapter 11.5.04—Legal Nonconforming Uses, Structures, and Parcels) do not apply to Late Night Hours. Instead, all owners or operators of establishments operating during Late Night Hours existing on the effective date of this Chapter will have two (2) years to bring any Late Night Hours establishment into compliance with this Chapter.
- B. If an establishment operating during Late Night Hours is not brought into compliance with this Chapter after two (2) years from the effective date of this Chapter, such establishment shall be deemed a nuisance, subject to abatement and enforcement as provided for in Chapter 11.2.04 (Enforcement), unless an extension of time has been approved pursuant to Subsection (C) of this Section.
- C. **Request for Time Extension.**
  - 1. The Planning Commission, with appeal rights to or call-up rights by the City Council, may approve a time extension based on good cause as demonstrated by the Applicant, provided an application requesting such extension is filed a minimum of ninety (90) prior to such expiration date, or as allowed by State law. The application requesting such extension shall include information prescribed by the Director to enable the Planning Commission to recommend, and the City Council to approve, the time extension prescribed in this Subsection. The renewal period, if approved, shall specify the new expiration date.
  - 2. The time extension shall be subject to public hearings in accordance with Section 11.2.02.004.

## **Chapter 11.4.19 Commercial Marijuana Activities Prohibited**

### **§11.4.19.001 Purpose and Intent.**

- A. In order to preserve the public health, safety, and welfare of the residents and businesses of the city, all marijuana-related businesses, activities and uses are prohibited, unless local control is otherwise preempted by State law, and except as provided for by Chapter 11.4.23 (Personal Indoor Cultivation of Marijuana).
- B. This Chapter is not intended to interfere with a patient’s right to medical marijuana as provided for in Section 11362.5 of the Health & Safety Code.
- C. The City affirms that Title 11 (“Zoning”) of the La Cañada Flintridge Municipal Code is structured as a permissive zoning code, wherein any use not enumerated as allowed is prohibited, and the express prohibitions on commercial marijuana activities imposed by this Chapter 11.4.19 are enacted to fully comply with requirements of state law when a city desires to prohibit commercial marijuana activities.

### **§11.4.19.002 Definitions.**

The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:

- A. “Cannabis” has the same definition as “marijuana” provided in this Chapter.
- B. “Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of marijuana and marijuana products; except, as applicable, as set forth in Chapter 11.4.23 (Personal Indoor Marijuana Cultivation) of this Zoning code.
- C. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- D. “Delivery” means the commercial transfer of marijuana or marijuana products to a customer, and includes the use of any technology platform owned and controlled by the same person making such use.
- E. “Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities licensed for and/or engaged in commercial marijuana activities.
- F. “Distributor” means a person engaged in distribution.
- G. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

- H. "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or relabels its container.
- I. "Marijuana" has the same definition as provided in Section 26001 of the Business & Professions Code for the term "cannabis," and as may be amended, defined as "all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from cannabis. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."
- J. "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated marijuana, or an edible or topical product containing marijuana or concentrated marijuana and other ingredients.
- K. "Medical marijuana" or "medical marijuana product" means marijuana or a marijuana product used for medical purposes in accordance with state law, including the Compassionate Use Act (Health and Safety Code § 11362.5) and the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7, *et seq.*).
- L. "Microbusiness" shall have the same definition as provided for in Section 26070 of the Business and Professions Code, and as may be amended from time to time.
- M. "Nursery" means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
- N. "Person" means any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- O. "Retailer" shall mean a person engaged in the retail sale and delivery of marijuana or marijuana products to customers.
- P. "Testing laboratory" means a laboratory, facility, or entity that offers or performs tests on marijuana or marijuana products.

#### **§11.4.19.003 Prohibition of Commercial Marijuana Activities.**

- A. All commercial marijuana activities, whether medical or recreational (adult use) and including non-profit operations, are expressly prohibited in all zones (except for as preempted by state law). No person shall establish, operate, conduct, or allow commercial marijuana activities anywhere within the city except for as preempted by State law.

- B. The City shall not issue any permit, license, or entitlement for any commercial marijuana activity (except for as preempted by state law), including, but not limited to, any activity covered by the state license classifications listed below as provided for in Section 26050 of the Business & Professions Code:
1. Type 1 = Cultivation; Specialty outdoor; Small.
  2. Type 1A = Cultivation; Specialty indoor; Small.
  3. Type 1B = Cultivation; Specialty mixed-light; Small.
  4. Type 1C = Cultivation; Specialty cottage; Small.
  5. Type 2 = Cultivation; Outdoor; Small.
  6. Type 2A = Cultivation; Indoor; Small.
  7. Type 2B = Cultivation; Mixed-light; Small.
  8. Type 3 = Cultivation; Outdoor; Medium.
  9. Type 3A = Cultivation; Indoor; Medium.
  10. Type 3B = Cultivation; Mixed-light; Medium.
  11. Type 4 = Cultivation; Nursery.
  12. Type 5 = Cultivation; Outdoor; Large.
  13. Type 5A = Cultivation; Indoor; Large.
  14. Type 5B = Cultivation; Mixed-light; Large.
  15. Type 6 = Manufacturer 1.
  16. Type 7 = Manufacturer 2.
  17. Type 8 = Testing laboratory.
  18. Type 10 = Retailer.
  19. Type 11 = Distributer.
  20. Type 12 = Microbusiness.
- C. This prohibition includes any activities authorized under new or revised State licenses, or any other State authorization, to allow any type, category or classification of medical or recreational (adult use) marijuana commercial activities, or similar operations, including non-profit, collective or cooperative operations.

- D. The prohibition provided by this Section includes medical marijuana collectives and cooperatives that operate pursuant to Section 11362.775 of the Health & Safety Code, the Compassionate Use Act, or otherwise.

**§11.4.19.004            Violations and Penalties; Public Nuisance.**

- A. At the discretion of the City Prosecutor, any violation of this Chapter is punishable as an infraction pursuant to Subsection 1.04.010(B) of the LCFMC, or punishable as a misdemeanor pursuant to Subsection 1.04.010(A) of the LCFMC, except for as preempted by state law.
- B. Public nuisance abatement.
  - 1. Any commercial marijuana activity that is conducted in violation of any provisions of this Chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 4.33 (Property Maintenance Requirements) of the LCFMC as reasonably applied to enforcement of this Chapter.
  - 2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the property owner where the nuisance is occurring.
  - 3. Any appeal to a determination that commercial marijuana activity constitutes a public nuisance shall be pursuant to the appeal provisions in Chapter 4.33 (Property Maintenance Requirements) of the LCFMC.
- C. The remedies described in this Section are not mutually exclusive. Pursuit of any one remedy shall not preclude City from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity."



## Chapter 11.4.20 Outdoor Dining

### §11.4.20.001 Purpose.

This Chapter provides standards for outdoor dining on private property or within the public right-of-way to ensure compatibility of such uses with surrounding uses and properties and to avoid any safety impacts associated with such uses.

### §11.4.20.002 Standards.

- A. Outdoor dining may only be permitted in areas where restaurants are otherwise permitted and shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.
- B. Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant or within the adjacent public right-of-way. If any portion of the outdoor dining area is proposed to be located within a public right-of-way, the requirements of Section 11.4.20.003 shall also be required in addition to the requirements of this Section.
- C. A seating plan showing the number and location of tables and chairs and any other physical elements (e.g., awnings, covers, other furniture, umbrellas, etc.) shall be provided as a part of the Director's Use Permit application. The number of tables and chairs shall not exceed those approved by the Director, or Planning Commission upon appeal. The physical elements shall be placed only in the locations shown on the approved site plan.
- D. Outdoor dining areas shall be prohibited from being located within fifteen (15) feet of a single-family residential (R-1), multifamily residential (R-3), or residential planned development (RPD) zone.
- E. When an outdoor dining area is located adjacent to a driveway or alley, a five (5) foot setback shall be maintained from the driveway or alley.
- F. Appropriate barriers, such as decorative fences, railings, and planters, shall be placed between outdoor dining areas and public sidewalks, parking, on-site pedestrian circulation, and vehicular circulation areas, except that no barriers shall be required if the outdoor dining is limited to one (1) row of table and chairs abutting the wall of the establishment and if no alcohol will be served. Barriers shall be a minimum of thirty-six (36) inches high and shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.
- G. Physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) that are visible from public rights-of-way shall be compatible with one another and with the overall character and design of the principal structure(s).
- H. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience. Planters may be made from wood, ceramics, stone, or metal. Plastic planter boxes are prohibited.

- I. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall provide supervision by a restaurant employee to ensure compliance with State laws regarding the on-site consumption of alcoholic beverages.
- J. The hours of operation of the outdoor dining area shall be limited to the hours of operation of the associated eating and drinking establishment, except that the hours of operation of the outdoor dining area may be limited further pursuant to Section 11.4.20.004.
- K. Parking shall be provided as required in Chapter 11.5.05 (Off-Street Parking Facilities).

**§11.4.20.003 Additional Standards for Outdoor Dining within the Public Right-of-Way.**

- A. An Encroachment Permit shall be obtained from the Director of Public Works before approval of a Director's Use Permit for the outdoor dining area.
- B. All chairs, tables, and umbrellas located within the public right-of-way per an approved Encroachment Permit shall be removed every day upon closing of the outdoor dining service.
- C. Separation by a railing or other physical barrier may be required by the City Engineer. If required, railing designs must be submitted to the Director, the City Engineer, and the Building and Safety Division for review and approval. All required railings or barriers shall conform to the Public Works Department installation standards and shall be removable.
- D. A continuous pedestrian path of not less than six (6) feet clear width on the sidewalk shall be required for pedestrian circulation outside of the outdoor dining area, provided that the City Engineer may require additional width to protect the public safety. As used herein, pedestrian path means a continuous obstruction-free sidewalk area, paved to City standards, between the outside boundary of the dining area and any obstruction, including but not limited to curb lines, parking meters, street trees, landscaping, street lights, bus benches and enclosures, and public art. These requirements may be modified at the discretion of the City Engineer in locations where unusual circumstances exist and where public safety would not be jeopardized.
- E. Umbrellas may project into the minimum required clear public right-of-way for pedestrians, if the bottom edge of the umbrella is at least seven (7) feet from the surface of the sidewalk, and the required horizontal clearance is maintained pursuant to Title 24 of the California Building Code.
- F. Sale and service of alcoholic beverages shall be prohibited within any portion of any outdoor dining area that is located within the public right-of-way.

**§11.4.20.004 Review Criteria and Conditions.**

When reviewing an application to allow outdoor dining, the decision-making authority shall consider the relation of outdoor dining areas to sensitive receptors (e.g., schools and residential uses). Conditions of approval may be applied to eliminate potential impacts including but not limited to glare, light, loitering, and noise.

## Chapter 11.4.21 Outdoor Vending / Service Facility

### §11.4.21.001 Purpose.

This Chapter provides standards and regulations for the placement and use of outdoor vending/service facilities to mitigate potential adverse impacts which may arise from the undue proliferation and/or inappropriate location and operation of such facility. The regulations of this Chapter are further intended to ensure that outdoor vending/service facilities do not pose a hazard to circulation and that their placement and operation do not degrade the appearance and aesthetic qualities of the community.

### §11.4.21.002 Applicability.

The provisions of this Chapter shall apply to the placement, operation, or maintenance by any person of an outdoor vending/service facility on real property, whether owned, leased, managed, or otherwise controlled, within any zone as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or any specific plan in the City.

### §11.4.21.003 Outdoor Vending/Service Facility Permit Required.

Unless otherwise exempt, the operator of an outdoor vending/service facility shall first obtain an Outdoor Vending/Service Facility Permit pursuant to this Chapter prior to placement and operation of such a facility within the city.

#### A. Limitations.

1. A permit issued hereunder shall be valid for one (1) outdoor vending/service facility. Each outdoor vending/service facility shall have its own individual permit.
2. No more than one (1) outdoor vending/service facility shall be placed on each parcel of real property or each shopping center, where the shopping center includes two (2) or more parcels.

B. **Permit Application Requirements.** The Outdoor Vending/Service Facility Permit application shall be filed with the Director on a form provided by the Director and shall be processed in compliance with the procedures specified by Chapter 11.6.01 (Application Filing and Processing) of this Zoning Code.

C. **Permit Fee.** The fee for the Outdoor Vending/Service Facility Permit shall be as established by Council resolution as may be amended from time to time.

#### D. Decision.

1. Within thirty (30) days of receiving a completed application, the Director shall issue a permit or deny the issuance of a permit.
2. The Director shall not issue the permit unless the Director determines that all requirements of this Chapter have been met.

3. If the Director denies an application, the Director shall provide the applicant, in writing, the specific reason(s) for denial.
  4. The Director’s decision may be appealed to the Planning Commission pursuant to Chapter 11.2.03 (Call-Up and Appeals).
- E. **Transfer of Permit Prohibited.** No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.
- F. **New Permit Required.** If the outdoor vending/service facility is to be moved to a different location on the same property, a new Outdoor Vending/Service Facility Permit shall be required.

#### **§11.4.21.004 Regulations.**

- A. **Use.** All outdoor vending/service facilities shall be accessory to an approved primary use as provided for in Table 11.3.02-1 (Land Use Permit Table for All Zones) or in any specific plan and may not be located on an unimproved lot.
- B. **Placement.** In no case shall an outdoor vending/service facility:
1. Be placed on required parking spaces;
  2. Be located within any landscaped area;
  3. Obstruct pedestrian pathways, including the provisions of Title 24 of the California Code of Regulations (California Physical Access Laws), driving aisles, or any areas necessary for proper pedestrian, vehicular, or bicycle circulation;
  4. Be placed such that the back of the outdoor vending/service facility is more than eighteen (18) inches from an exterior wall of the primary structure on the lot;
  5. Be located within four (4) feet of the public right-of-way, or located in a manner as to encourage or require customers to stand or park in the right-of-way to use the facility;
  6. Be located on a building elevation that does not contain a primary entrance;
  7. Visually obstruct windows, the sales counter as viewed from outside the establishment, or any exits;
  8. Impede pedestrian, bicyclist, and vehicular sight distances;
  9. Be visible from any of the City’s scenic corridors as shown on Figure CNE-3 of the City’s General Plan Conservation Element.
- C. **Additional Requirements:**
1. Notwithstanding the requirements of Subsection (B) of this Section, the Director shall approve the placement of the outdoor vending/service facility. The Director may require screening, such as a fence, wall, or vegetation, to ensure the requirements of Subsection (B) are met.

2. The outdoor vending/service facility shall not exceed eighty (80) inches in height, thirty-six (36) inches in depth, and forty-two (42) inches in width.
3. The outdoor vending/service facility shall not be illuminated except for illumination intrinsic to the device.
4. The area occupied by an outdoor vending/service facility shall not exceed fifteen (15) percent of the width of the building elevation along which it is located.
5. In addition to the provisions of Chapter 11.5.09 (Sign Regulations), sign copy on an outdoor vending/service facility shall:
  - a. Be limited to that which fits on the exterior panels of the machine;
  - b. Only advertise the actual product or service provided by the machine; and
  - c. Be intrinsic to the facility.

**D. Maintenance and Operation.**

1. The operator placing, using, or employing an outdoor vending/service facility shall maintain such facility in a clean and attractive condition and appearance with no structural damage, holes, or visible rust, or graffiti. Any graffiti shall be removed within forty-eight (48) hours of discovery.
2. If the outdoor vending/service facility is removed, the area shall be cleaned and restored to its previous condition, including the removal of any abandoned pipes, conduits, or other connecting hardware.

## **Chapter 11.4.22 Outdoor Display and Activities in Nonresidential Zones**

### **§11.4.22.001 Purpose.**

This Chapter provides standards for outdoor display of materials, merchandise, and equipment and for outdoor activities that are accessory to an allowed use, as provided in this Chapter.

### **§11.4.22.002 Outdoor Display.**

Outdoor display of merchandise shall be allowed in commercial and mixed use zones only when accessory to an allowed use located on the same premises, as provided in Table 11.3.02-1 (Land Use Permits for All Zones), unless otherwise regulated through a Temporary Use Permit, pursuant to Chapter 11.6.11 (Temporary Use Permits), provided the following criteria are met:

- A. Outdoor displays shall be:
  - 1. Directly related to a business occupying a permanent structure on the same site;
  - 2. Limited to twenty (20) square feet in area per business;
  - 3. Limited to displaying only goods of the primary business, such as artwork and pottery, flowers and plants, handcrafted products and goods, furniture, clothing and apparel, acceptable for nursery goods, or other items which are determined by the Director to be similar in nature, except that no packaged goods shall be displayed;
  - 4. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
  - 5. Allowed only during regular hours of operation, except for nurseries.
- B. Outdoor displays shall be approved for a defined fixed location that does not:
  - 1. Disrupt the normal function of the site or its pedestrian and vehicular circulation;
  - 2. Encroach upon or block driveways, landscaped areas, or parking spaces, and does not block structure entrances;
  - 3. Obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic;
  - 4. Shall not encroach upon the public right-of-way, except that the display may extend into or enter over any public sidewalk by a maximum of two (2) feet, where authorized by an Encroachment Permit issued by the City Engineer.
- C. Outdoor displays shall not be placed within fifty (50) feet of any residential dwelling, except for mixed use projects.

**§11.4.22.003 Outdoor Activity in Commercial and Mixed Use Zones.**

- A. Repair, installation, manufacturing, and assembly uses allowed in commercial and mixed use zone shall be conducted within a completely enclosed building.
- B. Outdoor activity or work areas shall be allowed for uses other than those listed in Subsection (A) of this Section only when associated with an allowed use located on the same premises and when not encroaching on required parking areas or landscaped areas.

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## Chapter 11.4.23 Personal Indoor Cultivation of Marijuana

### §11.4.23.001 Intent and Purpose.

- A. **Intent.** The intent of this Chapter is to prohibit throughout the entire city the outdoor cultivation of marijuana, and to establish, consistent with the meaning of Section 11362.2 of the Health & Safety Code, and as may be amended, reasonable regulations governing the indoor cultivation of up to six (6) marijuana plants at a private residence.
- B. **Purpose.** The purpose of this Chapter is to regulate the personal indoor cultivation of marijuana in a manner that protects the health, safety, and welfare of the community consistent with state law. This Chapter is not intended to interfere with a patient's right to medical marijuana pursuant to state law. This Chapter is not intended to give any person unfettered legal authority to grow marijuana.

### §11.4.23.002 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- A. "Adult Use of Marijuana Act" means the Control, Regulate and Tax Adult Use of Marijuana Act, also known as Proposition 64, that will be submitted to the voters of the State of California at the November 8, 2016 statewide general election, and which adds to or amends parts of California law, including the California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code, and Food and Agricultural Code.
- B. "Applicant" means a person applying for a personal marijuana cultivation permit pursuant to this Chapter.
- C. "Marijuana" has the same definition as provided for in Business and Professions Code Section 26001(f) for the term "cannabis," and as may be amended, defined as "all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- D. "Marijuana cultivation" means the growing, planting, harvesting, drying, curing, grading, trimming, processing, or storing of one or more marijuana plants or any part thereof.



- E. "Marijuana cultivation site" means the private residence, or fully enclosed accessory structure to that residence, at which marijuana cultivation is occurring under the provisions of this Chapter, or the property on which the private residence, or fully enclosed accessory structure to that residence, at which an applicant for a personal marijuana cultivation permit proposes to conduct marijuana cultivation.
- F. "Permit" means a personal marijuana cultivation permit described in this Chapter.
- G. "Primary caregiver" has the same definition as provided for in Health and Safety Code Section 11362.7(d), and as may be amended, defined in part as "the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person."
- H. "Private residence" has the same definition as provided for in Health and Safety Code Section 11362.2(b)(5), and as may be amended, defined as "a house, an apartment unit, a mobile home, or other similar dwelling."
- I. "Qualified patient" has the same definition as provided for in Health and Safety Code Section 11362.7(f), and as may be amended, defined as "a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this Chapter."

#### **§11.4.23.003      Marijuana Cultivation Prohibited—Exception.**

- A. **Prohibition.** Marijuana cultivation is prohibited in all zones of the city. No person shall engage in marijuana cultivation in the city for any purpose.
- B. **Exception.** Provided that the provisions of this Chapter are otherwise complied with in their entirety, the prohibition on marijuana cultivation by any person in all zones throughout the city does not apply to the indoor personal cultivation of six (6) or fewer marijuana plants inside a private residence, or inside a fully enclosed accessory structure to such a private residence, occurring cumulatively in an area of no more than fifty (50) square feet, for personal use or for a qualified patient, as authorized under Health and Safety Code Sections 11362.1(a)(3) and 11362.2, and as may be amended.

#### **§11.4.23.004      Personal Indoor Cultivation of Marijuana Permit Required.**

- A. **Permit Required.** No person, who is otherwise qualified to engage in the cultivation of marijuana under Health and Safety Code Sections 11362.1 and 11362.2, and as may be amended, shall engage in the cultivation of marijuana, unless that person has a current valid Personal Indoor Cultivation of Marijuana Permit from the City, pursuant to this Chapter.
- B. **Application.** An applicant shall submit a Personal Indoor Cultivation of Marijuana Permit application to the Director, on a form provided by the Director, and proof of payment of the permit fee, in an amount to be set by resolution of the City Council.
  - 1. The application submitted by an applicant shall include, but not be limited to, the following information, affirmed under penalty of perjury by the applicant:

- a. The property address of where the marijuana will be cultivated.
  - b. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.
  - c. The name of each person who participates in the marijuana cultivation.
  - d. Property owner acknowledgement of cultivation of marijuana at the subject property, affirmed under penalty of perjury.
2. The application submitted by an applicant shall include a scaled property site plan and a scaled diagram of the floor plan within the residence or fully enclosed accessory structure to be used for cultivation at the marijuana cultivation site, and an itemized list of measures taken to comply with the provisions of this Chapter, including, but not limited to, odor control, security, electrical, and building and safety provisions, as well as any equipment that will be used for marijuana cultivation.
  3. Within thirty (30) calendar days of receiving an application for a Personal Indoor Cultivation of Marijuana Permit, the Director either shall accept for processing the application upon finding that the application fully meets the requirements of this Chapter, or shall return the application to the applicant with a written description of the reasons for rejecting the application, and so notify the applicant by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.
- C. **Application Process.** Within sixty (60) calendar days after the Director deems an application for a Personal Indoor Cultivation of Marijuana Permit fully meets the requirements of this Chapter, the applicant shall provide to the Director written proof (as deemed sufficient by the Director), for purposes of verification, of successful completion and passing of both of the following inspections:
1. That the Building and Safety Division of the Community Development Department of the City has inspected the marijuana cultivation site and determined that the private residence or fully enclosed accessory structure, including, but not limited to, the area dedicated to marijuana cultivation, is in compliance with the cultivation application, this Chapter, the Building Code, the Electrical Code, the Plumbing Code, and any other applicable requirement of Title 7 (Buildings and Construction) of the La Cañada Flintridge Municipal Code or any other relevant provision of the La Cañada Flintridge Municipal Code concerning health and safety. This shall include inspection of the equipment, including any artificial lighting and/or ventilation systems, and other materials the applicant proposes to use for the marijuana cultivation.
  2. That the Fire Department has inspected the marijuana cultivation site, and determined that the area dedicated to marijuana cultivation, and (as warranted) the private residence or fully enclosed accessory structure, is in compliance with the Fire Code and any other applicable requirement of Chapter 4.01 (Fire Code) of Title 4 (Public Welfare) of the La Cañada Flintridge Municipal Code. This shall include inspection of the equipment, including fire suppression/extinguishing system, any artificial lighting and/or ventilation systems, and other materials the applicant proposes to use for the marijuana cultivation.

- D. **Application Approval.** Upon verification of the information described in Subsection C above, for a cultivation application which fully meets all the requirements of this Chapter, the Director shall issue a notice of decision of a Personal Indoor Cultivation of Marijuana Permit within sixty (60) calendar days, upon making the following findings, or shall deny the application if the following findings cannot be made, and so notify the applicant in writing by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application:
1. The applicant meets all the requirements of this Chapter, including, but not limited to, those described in Section 11.4.23.005, as well as any other applicable requirements of the La Cañada Flintridge Municipal Code and any regulations promulgated under Subsection 11.4.23.005 (B) of this Chapter.
  2. The applicant for the permit and the marijuana cultivation site are both in compliance with State law, including, but not limited to, Health and Safety Code Sections 11362.1, 11362.2 and 11362.3, and as they may be amended.
- E. **Permits Not Transferable.** A Personal Indoor Cultivation of Marijuana Permit issued pursuant to this Chapter is nontransferable and is specific to the permit-holder and the private residence or fully enclosed accessory structure for which it is issued.
- F. **Permit Renewal.** A Personal Indoor Cultivation of Marijuana permit issued under this Section shall automatically expire one (1) year after the notice of decision. Permit renewal shall be requested through compliance with the procedures for issuance of a permit as provided in this Section including inspection. An applicant for a permit renewal shall be required to pay a permit renewal fee in an amount to be set by resolution of the City Council. However, an applicant for permit renewal shall not be required to submit a new cultivation plan annually, provided the marijuana cultivation site follows the original cultivation plan and the permit holder is not engaged in additional or expanded marijuana cultivation, as affirmed in the renewal form. Renewal applications must be received at least thirty (30) calendar days prior to the expiration of an existing permit, but not earlier than ninety (90) calendar days prior to such expiration. Renewal inspections must occur no earlier than sixty (60) calendar days prior to the submission of the renewal application.
- G. **Permit Revocation.** Permits issued under this Section may be revoked by the Director upon making any of the following findings:
1. The permit was issued in error or the cultivation plan form included incorrect information.
  2. The marijuana cultivated at the marijuana cultivation site has been sold or used for any commercial use, or any other use or activity has occurred that is prohibited by Health and Safety Code Sections 11362.1, 11362.2 and 11362.3, and as they may be amended.
  3. Any violation of the AUMA, and as it may be amended, has occurred at the marijuana cultivation site.
  4. Violation of any of the provisions of this Chapter has occurred at the marijuana cultivation site.

5. The marijuana cultivation site has become a public nuisance or has been operated in a manner constituting a public nuisance.
  6. The marijuana cultivation is not in compliance with conditions of the permit.
  7. The permit holder has engaged in any activity for which the Personal Indoor Cultivation of Marijuana Permit could have been denied originally.
- H. **Appeals.** Any decision of the Director under this Chapter may be appealed to the City Manager or designee. Any such appeal must be in writing, stating the grounds therefor, and be filed within fifteen (15) calendar days of the date of the decision being appealed. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the appellant seeks to be considered by the city manager. The appeal must include the filing of an appeal fee as established by resolution of the City Council. Notice of the time and place of an appeal hearing shall be provided to the appellant at least fifteen (15) calendar days before the date set for the hearing. The City Manager shall, within sixty (60) calendar days of receipt of the appeal, review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, consider any oral testimony offered at the hearing, and then determine whether the appealed decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final. The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedures for judicial review of any final determination.

#### **§11.4.23.005 Personal Indoor Cultivation of Marijuana—Conditions.**

##### **A. Conditions.**

1. **Visibility.** All marijuana cultivation authorized by this Chapter shall be conducted inside a private residence or inside a fully enclosed accessory structure and shall not occur in an area visible from any neighboring property, any public right-of-way, or public view. No exterior evidence of marijuana cultivation occurring at the property shall be visible from public view. A fully enclosed accessory structure shall be located within a securely fenced area in the rear yard of the private residence.
2. **Odor.** The odor resulting from all marijuana cultivation shall not be detectable by unaided human senses from any neighboring property or any public right-of-way. A marijuana cultivation site must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with all applicable building code regulations, including obtaining all required permits and approvals. The ventilation and filtration system must be approved by the city and installed prior to commencing cultivation at the marijuana cultivation site.
3. **Locks and alarm.** Any private residence or fully enclosed accessory structure utilized for marijuana cultivation pursuant to this chapter shall be secured with locks to prevent unauthorized entry and/or theft, remain secure at all times, and have a working security system which consists of a standard audible residential alarm in compliance with Chapter 5.04 (Burglar and Robbery Alarm Provisions) of this code.

4. **Fire extinguisher.** A fully charged portable fire extinguisher, which complies with the regulations and standards adopted by the State fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the cultivation room.
5. **Six (6) plants.** Cultivation at a single private residence (which includes fully enclosed accessory structures on the grounds of that private residence) is limited to up to six (6) living plants.
6. **Residence.** The person or primary caregiver cultivating the marijuana shall reside full-time on the premises where the marijuana cultivation occurs.
7. **Personal use.** Marijuana plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be sold or used for any commercial use, or any other use or activity that is prohibited by Sections 11362.1, 11362.2 and 11362.3 of the Health and Safety Code, and as they may be amended, with the exception that a primary caregiver may cultivate for a qualified patient.
8. **Electricity use.** The collective draw from all electrical appliances at the marijuana cultivation site shall not exceed the maximum rating of the approved electrical panel for the primary legal residence at the marijuana cultivation site. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel. Gas products (including, without limitation, CO<sub>2</sub>, butane, propane, and natural gas) or generators shall not be used for the cultivation of marijuana.
9. **Lighting.** Any lighting fixture used for marijuana cultivation shall not exceed the rated wattage and capacity of the circuit breaker and shall be shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.
10. **Humidity and mold.** Marijuana cultivation shall not create a humidity or mold issue within the private residence or fully enclosed accessory structure in violation of the building code, as adopted by the city, or the city's health and safety regulations, including, but not limited to, the property maintenance standards of the La Cañada Flintridge Municipal Code.
11. **Code compliance.** The private residence or fully enclosed accessory structure used for marijuana cultivation shall at all times be in full compliance with the city building code, electrical code, mechanical code, plumbing code, fire code, and any other requirement found in Title 7, Chapter 4.01 of Title 4, or any other applicable building, health, or safety standard in the La Cañada Flintridge Municipal Code.
12. **Area.** Marijuana cultivation occurring within a private residence or fully-enclosed accessory structure shall be in a cumulative area totaling no larger than fifty (50) square feet.
13. **Residential structure.** The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping, and sanitation facilities with code-compliant ingress and egress. These rooms shall not be used for marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping, and bathing.

14. **Accessory structure.** A fully-enclosed accessory structure, as defined herein, used for the cultivation of marijuana shall be located in a fully fenced and secured rear yard of the residence, and shall maintain the minimum rear and side yard setbacks required for the residential lot. An accessory structure operating as a marijuana cultivation site shall at all times be fully enclosed so that none of the interior area is visible from any neighboring property, any public right-of-way, or public view.
- B. The City Council may, by resolution, adopt both additional conditions to further the purposes of this Section, as well as additional regulations to further the purposes of this Chapter. The City Council may also delegate, by resolution, authority to adopt such conditions or regulations to the City Manager or designee.

#### **§11.4.23.006 Violation and Enforcement—Public Nuisance Declared.**

- A. A violation of this Chapter or noncompliance with any of the requirements of this Chapter shall be subject to any criminal or civil enforcement remedies available under the law and the La Cañada Flintridge Municipal Code. In addition, the City may prosecute a violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction, or by any other means authorized by law or equity. Notwithstanding any other provision of this Code, no conduct which is protected from criminal liability pursuant to State law shall be made criminal by this Chapter.
- B. Any violation of the provisions of this Chapter is declared to be a public nuisance and may be abated by the City either pursuant to the La Cañada Flintridge Municipal Code, including, but not limited to, procedures provided for in Chapter 4.33 (Property Maintenance Requirements) or any other available remedies at law or equity.
- C. At the discretion of the City Prosecutor, any violation of Section 11.4.23.003, 11.4.23.004, or 11.4.23.005 of this Chapter is punishable as an infraction pursuant to Subsection 1.04.010(B) of the LCFMC, or punishable as a misdemeanor pursuant to Subsection 1.04.010(A) of the LCFMC.

## Chapter 11.4.24 Personal Wireless Service(s) Facilities

### §11.4.24.001 Purpose and Intent.

Personal wireless service(s) facilities (PWSF), if not properly integrated or screened from view, will adversely affect the character and visual appearance of the city. It is the purpose of this Chapter to establish uniform and comprehensive development standards that will maintain and enhance the city's character as being a low-density, wooded, predominantly single family residential and hillside community. These standards and controls are intended to ensure that the design and location of these antennas and related facilities are consistent with previously adopted policies of the city as set forth in the general plan; to guide the orderly development of the community; to promote the public health, safety, comfort, convenience, and general welfare of the city; to encourage wireless telecommunications service providers to co-locate on new and existing monopole sites; to encourage wireless telecommunications service providers to configure monopoles and antennas in a way that minimizes any adverse visual impact; to enhance the ability of wireless telecommunications service providers to provide such services throughout the city quickly, effectively and efficiently; and to provide all users of real property affected by the placement of PWSF with the opportunity to comment on the placement of such facilities. Furthermore, it is the intent of this chapter to permit PWSF where they can be installed without creating adverse economic, or safety impacts on neighboring property owners and the overall community.

### §11.4.24.002 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- A. "Applicant" means a provider of personal wireless services who applies to the city to install a PWSF.
- B. "Abandonment" means inoperative or unused for a period of one hundred-eighty (180) days or more.
- C. "Antenna" means that part of a PWSF designed to radiate or receive radio frequency signals.
- D. "Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if the highest point is an antenna. Measurement of antenna height shall include the antenna, base pad and other facilities, equipment and appurtenances and shall be measured from the finished grade.
- E. "Base of Antenna Support Structure" means the lowest point of the base or base pad, whichever is lower.
- F. "Cell site" or "site" means a parcel of land that contains a PWSF including any antenna, support structure, accessory building, or other components associated with, or ancillary to, the use of the PWSF.
- G. "Co-location" means the sharing of one PWSF cell site amongst different providers of personal wireless services.
- H. "COW" means a "cell on wheels" which is a PWSF temporarily rolled in or temporarily installed.

- I. "Fixed Wireless" means a wireless operation providing services such as local and long-distance telephone and high-speed internet to residential and business customers by means of a small, flat, equipment installation approximately twelve inches by twelve inches (12" by 12") (the "fixed wireless remote unit") on the exterior of each home or business that elects to use this service.
- J. "Microcell" means a PWSF having a total antenna area that is no more than three hundred (300) square inches in visual cross-section from any direction and no one dimension exceeding four (4) feet.
- K. "Major facilities addition" means any addition to a PWSF which is not a minor facilities addition.
- L. "Minor facilities addition" means an addition to a PWSF which does not increase (1) the base of the mounting surface area by more than ten percent, or (2) increase the total antenna surface area by more than ten percent with no single antenna being larger than the largest antenna before the addition, where all percentage increases are measured against the original PWSF approved plans.
- M. "Monopole" means the type of antenna mount that is with a single shaft (typically of wood, steel or concrete) and has antennas attached to it.
- N. "Mount" means the structure or surface upon which antennas are mounted. There are three types of mounts: (1) Roof mounted—mounted on the roof of a building, (2) Side mounted—Mounted on the side of a building, and (3) Ground mounted—Mounted on the ground, including but not limited to, monopoles.
- O. "Personal wireless services (PWS)" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- P. "Personal wireless service facility (PWSF)" means a facility for the provision of personal wireless services.
- Q. "Site users" means those individuals who live at, work at, or regularly visit a site, or who are members of an organization operating on the site; all of whom are readily identifiable from the records of owners or tenants of the site. For illustrative purposes only, primary users of a site based on membership include the members of a church located on the site, the parents of children who attend a school located on the site, those holding membership in a YMCA operating on the site and members of a fraternal organization operating on the site.
- R. "Stealth" means: (1) not easily identifiable as a PWSF by a casual observer that is located on property other than the cell site, (2) is aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, textures, screening, painting or architectural integration with the surroundings (e.g., church steeple or bell tower within a church, unobtrusive penthouse on a roof, false rock, false structure or a tree amongst other trees).
- S. "Unlicensed wireless service" means the offering of telecommunications services using duly authorized devices, which do not require individual license, but does not mean the provision of direct-to-home satellite services as defined in Section 303(v) of Title 47 of the United States Code.



### **§11.4.24.003            Applicability.**

Excepting only City-owned or -leased lots or parcels, and the public right-of-way, the procedures and rules set forth in this Chapter are applicable to all PWSF sites built, modified, or additions thereto after the date this Chapter is effective. This Chapter does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers, television antennas, fixed wireless facilities as defined in this Chapter or private residential dish antennas less than one (1) meter in diameter, used for receiving radio frequency or television signals as defined in Section 303(v) of Title 47 of the United States Code, or public safety communications facilities owned or operated by the City.

### **§11.4.24.004            Telecommunications Permit Required.**

No PWSF shall be built, modified or added to without first applying for and obtaining approval from the City as required in this Chapter.

- A. Applications for PWSF or Major Facilities Additions in the Commercial General (CG), Commercial Neighborhood (CN), Commercial Office (CO), Multifamily Residential (R-3), Residential Planned Development (RPD), Mixed Use (MU), Public/Semi-Public (P/PS), and in the Downtown Village Specific Plan, in the Institutional (I), Mixed Use 1 (MU1), Mixed Use 2 (MU2), or Park (P) zones. Applicants requesting approval for a new PWSF, a new co-location to an existing PWSF or a major facility addition in the above zones shall be required to apply for a Telecommunications Permit—Planning Commission Review (TP-PC) using the City’s TP application, and to the Design Commission using the City’s standard design review application. Submittal requirements shall be as contained in these applications, and as required in Section 11.4.24.005 of this Chapter. The Planning Commission and Design Commission shall hear all TP applications in accordance with Chapter 11.2.02 (Public Notice and Hearing Requirements, unless otherwise specified in this Chapter), subject to appeal pursuant to Chapter 11.2.03 (Call-Up and Appeals) of the Zoning Code. The applicant may apply for a preliminary review by the Design Commission prior to or concurrently with application to the Planning Commission.
- B. Applications for Microcells or Minor Facilities Additions in Single-Family Residential (R-1) or Open Space (OS) Zones. All applications for microcells or minor facilities additions to PWSF located in open space (OS), single-family residential (R-I), or within one hundred (100) feet of a single-family residential zone, shall be required to apply for a Telecommunications Permit—Planning Commission Review (TP-PC) using the City’s TP application, and to the Design Commission using the City’s standard design review application. Submittal requirements shall be as contained in these applications, and as required in Section 11.4.25.005 of this Chapter. The Planning Commission and Design Commission shall hear all TP applications in accordance with Chapter 11.2.02 (Public Notice and Hearing Requirements, unless otherwise specified in this Chapter), subject to appeal pursuant to Chapter 11.2.03 (Call-Up and Appeals) of the Zoning Code. The applicant may apply for a preliminary review by the Design Commission prior to or concurrently with application to the Planning Commission.

- C. Applications for Microcells or Minor Facilities Additions Not in Single-Family Residential (R-1) or Open Space (OS) Zones. All applications for microcells or minor facilities additions to PWSF located in zones other than OS, R-1, and greater than one hundred (100) feet from a R-1 zone, shall be required to apply for a Telecommunications Permit—Director’s Review (TP-D), and to the Design Commission using the City’s standard application. Submittal requirements shall be as contained in these applications, and as required in Section 11.4.25.005 of this Chapter. The Director and Design Commission shall hear all TP applications in accordance with Chapter 11.2.02 (Public Notice and Hearing Requirements, unless otherwise specified in this Chapter), subject to appeal pursuant to Chapter 11.2.03 (Call-Up and Appeals) of the Zoning Code. The applicant may apply for a preliminary review by the Design Commission prior to or concurrently with application to the Director.

#### **§11.4.24.005 Additional Application Requirements.**

Applications for the approval of PWSF shall include the following information in addition to all other information required in the City’s TP application.

- A. **Notice Requirements.** A map depicting all properties within five hundred (500) feet of the project site, a list of the names and addresses of all current owners of these depicted properties, two (2) sets of envelope labels for the property owners, and a notice list affidavit are required. Notice of the TP hearing shall be given at least twenty (20) days prior to the hearing to the property owners within five hundred (500) feet of the project site.
- B. **Special Notice Requirements.** If applicable, based on the submittal site, applicants subject to the City’s standard TP process shall not only comply with all the City’s standard TP public notice requirements, but shall be required to certify that notice will be given by mail to all site users of the proposed site, and that the site will be conspicuously posted for notice in compliance with this Chapter. Notice shall be posted of the hearing along each three hundred (300) feet or fraction thereof of street frontage of the site of the contemplated work (all sites shall have a minimum of one (1) sign posting). Site posting shall include two-foot-high by four-foot-wide signs containing the City’s case number, description of the request, applicant’s name and contact phone number, the Community Development Department phone number, and the time, place and date of the public hearing. The site shall be posted at least twenty (20) days before the public hearing. For notice by mail, where names and addresses of the site users are only ascertainable from private records, the applicant shall provide a signed affidavit as part of the application package pledging that the holder of such private records shall give notice to all site users at least ten (10) days prior to the public hearing for the TP. The applicant shall certify, in writing to the Community Development Department that he or she has complied with this Section.
- C. **Visual Impact Analysis.** The applicant shall submit a visual impact analysis, which may include photomontage, field mock-up, or other techniques, which demonstrates the potential visual impacts of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

- D. **Co-Location/Height Justification.** The applicant must provide justification as to why the proposed height is necessary and why co-location on an existing site is not feasible or desirable (if applicable).
- E. **Justification for R-1 or OS Zone Locations.** The applicant must provide justification as to why location in the R-1 or OS zone is necessary and why a PWSF location in CPD, PS, R-3, RPD, MU1, MU2 or Park zones is not feasible (if applicable).
- F. **FCC Standards.** A report certified by the radio frequency engineer stating that emissions from the facility will not exceed standards set by the Federal Communication Commission (FCC).
- G. **Maps.** A map and narrative description of all existing cell site(s) used by the applicant which are located within the city, and any adjoining cell sites located outside the city that provide coverage area within any portion of the city.
- H. **Coverage Assessment.** A report setting forth how and why the proposed site will improve the quality of coverage and indicate the areas where coverage will be improved. The report may include a capacity analysis, a propagation analysis, and/or a decibel level report as appropriate to indicate the improved quality of service.
- I. **Licenses.** Documentation certifying the applicant has obtained all applicable licenses or other approvals required by the Federal Communications Commission to provide the services proposed in connection with the application.
- J. **Waiver.** Any application for a proposed PWSF, which has been identified as not meeting the general requirements or restrictions of this ordinance, may request a waiver as set forth in Section 11.4.24.008 of this Chapter.
- K. **Independent Consultant.** At the discretion of the Director, the applicant may be required to provide authorization to permit the City to hire an independent, qualified consultant to evaluate any technical aspect of the proposed PWSF, including, but not limited to, compliance with applicable federal emission standards, potential for interference with existing or planned public safety emergency response telecommunication facilities, or analysis of the feasibility of alternate stealthing methods. Any authorization for this purpose shall include a deposit by the applicant and an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. Any proprietary information disclosed to the City or the consultant is hereby deemed not to be a public record and shall remain confidential and not be disclosed to any third party without the express consent of the applicant.

#### **§11.4.24.006 Location and Development Standards for PWSF.**

To reduce site proliferation and reduce visual impacts throughout the city, co-location is the preferred site placement, provided that such co-location does not create a visual anomaly or significantly impact stealthing requirements.

- A. **Location.** Subject to the restrictions and requirements of Section 11.4.24.004 and other sections of this Chapter, all PWSF types may be permitted in the public/semi-public (PS), residential planned development (RPD), multi-family residential (R-3), commercial general (CG), commercial neighborhood (CN), commercial office (CO), or mixed use (MU) zones, or in the Downtown Village Specific Plan, in the mixed use 1 or 2 (MU1, MU2), park (P), or institutional (I) zones. Only microcells may be permitted in open space (OS), or residential single-family (R-I) zones.
- B. **PWSF Preferences.** Based on potential aesthetic impact, the order of preference for PWSF type is (1) roof mounted, (2) side mounted, and (3) ground mounted. If a ground mounted PWSF is proposed, the application must include an explanation as to why other PWSF types are not being considered. In all cases, especially monopoles, antenna elements are encouraged to be flush mounted.
- C. **Setbacks.** No PWSF shall be located within or extend into the required setbacks established in the applicable zone.
- D. **Additional Stealth and Impact Criteria in R-1 or OS Zones.** In reviewing applications for microcells in the single-family residential (R-1) or open space (OS) zones, the antenna size and ability to stealth shall be strictly scrutinized for minimal impact to the neighborhood.
- E. **Lights, Signals and Signs.** PWSF signals, lights or signs shall be designed so as to meet but not exceed minimum requirements for security, safety, or FAA regulations. Beacon lights shall not be included in the design of PWSF unless required by the FAA. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.
- F. **Dish Antennas.** Satellite dish or parabolic antennas shall be situated so as to minimize visual impact without compromising their function. No such antenna shall be located in any front yard or a corner side yard unless no reasonable alternative location is available.
- G. **Equipment Structures.** Ground level equipment, buildings and any monopole base shall be screened from public view.
  - 1. **Accessory equipment.** All accessory equipment associated with the operation of a PWSF shall be located inside an existing building, a new addition to an existing building, an underground vault, within an above-ground stealth structure, or within a stealthed above-ground enclosure. All modifications to the existing structure or underground vaults shall comply with the development standards of the zone in which the accessory equipment is located. Depending upon the aesthetics and other issues, the City may approve multiple equipment structures or one or more larger structures.
  - 2. **Security.** All PWSF shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.
- H. **Building Codes.** PWSF shall comply with all applicable building codes.
- I. **Height.** Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area. The height of such facilities shall not be subject to the height limitations of the underlying zone but shall be controlled through the Telecommunications Permit process.

- J. **Signal/Power Cables.** All PWSF cables, wires, or similar electrical transmission devices must be placed underground or be placed within the existing structure or in cableways and properly stealthed to the maximum extent possible.
- K. **Co-Location Requirements:**
1. **Co-locate.** Except for microcells, owners or operators shall share sites where PWSF are located with other owners or operators where feasible, thereby reducing the number of PWSF that are stand-alone facilities. Microcells are specifically encouraged not to co-locate in order to minimize visual impacts.
  2. **No preclusion.** All mounts shall be designed so as not to preclude possible future co-location by other providers.
  3. **Good faith effort.** All applicants for a TP for a PWSF shall demonstrate a good-faith effort to co-locate with other carriers. The City may deny a TP application to an applicant who has not demonstrated a good-faith effort to co-locate on an existing facility. In the event co-location is found to be infeasible, a written statement of the reasons for the unfeasibility shall be prepared. In the event co-location is found to be feasible, the applicant shall include provisions for co-location of PWSF. Such good-faith effort includes demonstration by the applicant of:
    - a. Contact with all the other licensed carriers for PWSF operating in the city in the area of coverage.
    - b. Sharing non-proprietary technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location. This does not require disclosure of proprietary information.
  4. **Numerical limits.** The City shall retain the authority to limit the number of antennas to be located at any one site or adjacent sites in order to prevent negative visual impact associated with multiple facilities. Architectural and other camouflaging treatment shall be coordinated between all users on each site.
- L. **Parking.** Proposed facilities shall not reduce the number of available parking spaces below the amount required by the City's codes.
- M. **FCC Requirements.** All existing and future PWSF shall meet all applicable Federal Communications Commission (FCC) emissions and exposure standards for electromagnetic radio frequency radiation, and all required notices and signs shall be posted on the site as required by the FCC and California Public Utilities Commission (PUC) and as approved by the Director.
- N. **Contact Information.** The owner or operator of any PWSF shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. Applicant shall notify City of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

1. Identity, including name, address and telephone number, and legal status of the owner of the PWSF including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the PWSF;
2. Name, address and telephone number of a local contact person for emergencies and type of service provided.

**§11.4.24.007 Design Review Criteria for PWSF—Criteria to be used by the Design Commission.**

- A. **Pre-existing Character.** Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The Design Commission shall evaluate the effectiveness of visual mitigation techniques.
- B. **Stealthing.** All PWSF shall be stealthed to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, color choice, architectural compatibility, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator’s coverage objectives.
  1. **View corridors.** Due consideration shall be given so that placement of monopoles, antennas and PWSF do not significantly obstruct or diminish views.
  2. **Blending methods.** Ground-mounted PWSF shall have a color generally matching the surroundings or background that minimizes their visibility, unless the FCC, FAA, or other government agency requires a different color. Monopoles shall be painted or finished and maintained in good condition from an aesthetic standpoint. Roof mounted or side mounted PWSF shall be constructed, painted, finished, or fully screened to match as closely as possible the color and texture of the building and/or wall on which it is mounted. Facade mounted equipment shall be camouflaged by incorporating the antenna into the design elements of the building; they shall be painted and textured to match the existing structure. Other stealthing techniques such as disguising the PWSF may also be required as determined by the Design Commission.
- C. **Landscaping.** Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted where such vegetation is deemed necessary to provide screening or to block the line of sight between facilities and adjacent residential uses and residentially zoned properties.
- D. **Screening.** Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means.

- E. **Architectural Integrity.** Equipment buildings or stealthing enclosures mounted on a roof shall be architecturally consistent with the building, such as having a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted.

#### **§11.4.24.008 Waiver Request.**

- A. **Waiver.** A waiver of any of the siting, design, or other requirements or restrictions set forth in this Chapter, may be granted by the Planning Commission at a noticed hearing upon the request of the applicant where the applicant demonstrates by clear and convincing evidence that such restriction or requirement:
  - 1. Prohibits or has the effect of prohibiting the provision of personal wireless services; or
  - 2. Unreasonably discriminates against the applicant when compared to others who are providing functionally equivalent services.
- B. **Independent Consultant.** The City shall have the right to have an independent consultant, at the applicant's expense, evaluate the issues raised by the waiver request.

#### **§11.4.24.009 Findings.**

Any decision to deny, in whole or in part, a request to place, construct, or modify a PWSF shall be in writing and supported by substantial evidence contained in a written record.

- A. **Telecommunications Permit.** A telecommunications permit shall be approved unless upon substantial evidence it is found that:
  - 1. The project fails to comply with the criteria of Sections 11.4.24.005 or 11.4.24.006 of this Chapter; or
  - 2. The proposed height of PWSF is not necessary; or
  - 3. Co-location at another site is feasible (if applicable); or
  - 4. Location in the R-I or OS zones is not necessary and placement in the CG, CN, CO, P-PS, R-3, RPD zones, and in the Downtown Village Specific Plan, in the MU1, MU2, or park zones is feasible (if applicable).
- B. **Design Review.** A Design review application shall be approved unless the design commission finds, upon substantial evidence that the project fails to comply with the criteria of Section 11.26.070 of this Chapter.

#### **§11.4.24.010            Periodic Reviews, Additional Conditions, and Term of Permit.**

- A. **Periodic Review.** Each permit issued shall be subject to review by the City every five (5) years. The Director shall notify the applicant at his or her last known address at least thirty (30) days prior to the review hearing. The review shall be by the same body that approved the original application. The review is to ensure that the facility is still in operation, that it has been properly maintained, and that the original conditions of approval have been adhered to and whether they are to remain the same or need to be modified.
- B. **Additional Conditions.** Pursuant to the review, the City may add conditions to any permit as necessary to advance a significant governmental interest related to health, safety, or welfare, provided, however, that any added condition shall comply with applicable FCC and PUC regulations and standards, and that reasonable advance notice thereof has been provided to all affected parties.
- C. **Term of Permit.** Each permit issued shall be issued for a term of twenty (20) years. The permit shall expire at the end of the permit term unless the applicant submits a written request to extend the term to the Director prior to expiration. If a request to extend the term is timely received, the permit shall remain in effect until a decision is made. If the Planning Commission approves a request to extend the term, the Planning Commission may impose conditions deemed necessary to ensure that the approval will be in accord with the findings. Any decisions of the Planning Commission may be appealed pursuant to Chapter 11.2.03 (Call-Up and Appeals) of the Zoning Code. The Planning Commission shall hear requests for extension of term and shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the extension:
1. The condition of the PWSF;
  2. The current technology and the ability to upgrade the PWSF to better meet the purpose, intent, goals, and provisions of this Chapter;
  3. The character of the neighborhood and the detrimental impact, if any, on the use, enjoyment or valuation of the property in the vicinity by the continued use of the PWSF;
  4. The amount of the applicant's investment in the PWSF improvements and the amount of time required to amortize the investment (the applicant may submit as evidence the depreciation schedule attached to the applicant's latest federal income tax return).

#### **§11.4.24.011            Revocations.**

At any time, the Planning Commission or City Council may initiate proceedings to revoke a permit issued pursuant to this Chapter. Upon making a determination that the permit should be revoked, the decision-making body may, at their discretion, initiate a nuisance abatement action pursuant to the City's nuisance abatement ordinance. Grounds for revocation shall be limited to a finding that:

- A. The owner or operator has abandoned the PWSF; or,



- B. The owner or operator has failed to bring the PWSF into compliance with the conditions of approval, or the requirements of this chapter, within the period of time provided in a written notice sent by the city requiring the PWSF to be brought into compliance; or,
- C. The PWSF is no longer in compliance with applicable FCC or FAA regulations; or,
- D. The City determines that, based upon substantial evidence, revocation would be in the best interests of the public health, safety or welfare.

#### **§11.4.24.012 Maintenance Requirements.**

All PWSF shall comply at all times with the following operation and maintenance standards:

- A. **Equipment.** All PWSF, including lighting, fences, shields, cabinets and poles, shall be maintained by the owner or operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight.
- B. **Landscaping.** Each PWSF which contains trees, foliage or other landscaping elements, whether or not used as screening, shall be maintained in good condition at all times, and the owner or operator of the PWSF shall be responsible for replacing any damaged, dead or decayed landscaping as promptly as reasonably possible. If a landscape plan was required and approved, the site shall be maintained in accordance with the approved landscape plan at all times. Amendments or modifications to the plan shall be submitted for approval to the director of community development.
- C. **Noise.** Each PWSF shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. At no time shall equipment noise from any source exceed an exterior noise level of sixty-five (65) dB at the property line.
- D. **Inspections.** Each owner or operator of a PWSF shall routinely and regularly inspect each site to ensure compliance with the standards set forth in this Section.

#### **§11.4.24.013 Monitoring Requirements.**

After the PWSF is operational, the applicant shall submit, within ninety (90) days of beginning operations, and at annual intervals from that date, a report prepared by a qualified engineer, certifying facility compliance with all applicable City and federal regulations.

**§11.4.24.014 Abandonment.**

- A. **Notice.** At such time that an owner or operator plans to abandon, or is required to discontinue operation of a PWSF or portion thereof, the owner or operator will notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations and the date the PWSF shall be removed. The notice should be given no less than thirty (30) days prior to abandonment. Failure to give notice shall not affect the owner or operator obligation to remove an abandoned PWSF.
  
- B. **Removal.** Upon abandonment, the owner or operator shall physically remove the PWSF or abandoned elements within one hundred eighty (180) days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:
  - 1. Removal of antennas, mounts, equipment cabinets and security barriers from the subject property;
  - 2. Transportation of the antennas, mount, equipment cabinets and security barriers to an appropriate repository;
  - 3. Restoring the site of the PWSF to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the City.
  
- C. **Stay.** The city may stay the requirement to remove an abandoned PWSF upon written request and evidence submitted by the owner or operator that another carrier is in reasonable negotiation to acquire and use the PWSF.
  
- D. **Nuisance Abatement.** If an owner or operator fails to remove a PWSF in accordance with this chapter, the PWSF shall be deemed a public nuisance.

**§11.4.24.015 PWSF Emergency Deployment.**

A COW shall be permitted in all zones for the duration of an emergency declared by the city or at the discretion of the director of community development.

## Chapter 11.4.25 Recycling Facilities

### §11.4.25.001 Purpose.

This Chapter establishes standards for the siting and operation of various types and sizes of commercial recycling facilities to implement the California Beverage Container Recycling and Litter Reduction Act, as amended, and to protect the surrounding properties from impacts related to the operation of such recycling facilities. Recycling facilities shall comply with the following standards.

### §11.4.25.002 Reverse Vending Machines.

- A. **Accessory Use Only.** The machines shall be installed as an accessory use in compliance with the applicable provisions of this Zoning Code, and shall not require additional parking.
- B. **Location Requirements.** If located outside of a structure, the machines shall not occupy required parking spaces, and shall be located within thirty (30) feet of a building entrance, and shall be constructed of durable waterproof and rustproof materials.
- C. **Maximum Size.** When located outdoors, the area occupied by the machines shall not exceed fifty (50) square feet, including any protective enclosure, nor eight (8) feet in height.
- D. **Signs.** Signs shall not exceed a maximum area of two (2) square feet for each machine, exclusive of operating instructions.
- E. **Hours of Operation.** The machines shall have operating hours which are consistent with the operating hours of the primary use.

### §11.4.25.003 Small Collection Facilities.

- A. **Accessory Use Only.** A small collection facility shall only operate as an accessory use in compliance with the applicable provisions of this Zoning Code.
- B. **Location Requirements.** Small collection facilities shall:
  - 1. Not be located within one hundred (100) feet of a lot zoned for or occupied by a residential use; and
  - 2. Be set back at least ten (10) feet from a public right-of-way and shall not obstruct pedestrian or vehicular circulation.
- C. **Maximum Size.** Small collection facilities shall not exceed an area of three hundred fifty (350) square feet or three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers;
- D. **Appearance of Facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

**E. Operating Standards for Small Collection Facilities:**

1. Only California Redemption Value (CRV) eligible glass, aluminum, or plastic containers, paper, and other recyclable items shall be accepted;
2. No power-driven processing equipment shall be used, except for bulk reverse vending machines;
3. Only containers that are constructed with durable waterproof and rustproof material(s) shall be used. Containers shall be secured from unauthorized entry and removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
4. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
5. The operation shall not exceed noise levels of 50 dBA as measured at the property line of the nearest residentially zoned or occupied property, otherwise shall not exceed 60 dBA.
6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
7. Attended small collection facilities located within five hundred (500) feet of a residential zone shall only operate and have materials picked up or delivered between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. and 7:00 p.m. on Saturday and Sunday.

**F. Signs.** Signs shall comply with Chapter 11.5.09 (Sign Regulations), subject to the following requirements:

1. Identification signs shall not exceed a maximum area of ten (10) square feet;
2. Signs shall be compatible and harmonious with the character of their location; and
3. Directional signs, consistent with Chapter 11.5.09 (Sign Regulations) and without advertising message, may be approved by the Director only if determined necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

**§11.4.25.004 Large Collection Facilities Prohibited.**

Large collection facilities shall not be permitted in La Cañada Flintridge.

## Chapter 11.4.26 Residential Care Facilities

### §11.4.26.001 Purpose and Applicability.

This Chapter provides regulations for the establishment and operation of Large Residential Care Facilities and Residential Care Facilities for the Elderly. A Small Residential Care Facility for six (6) or fewer person is a use regulated by the State and shall be considered a permitted use in all zones permitting residential uses in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones) and is not subject to the provisions of this Chapter.

### §11.4.26.002 Standards.

The following standards are intended as minimum requirements for large residential care facilities and residential facilities for the elderly, unless applicable State requirements are more restrictive.

- A. The use shall comply with all property development standards applicable to the underlying zone.
- B. Sleeping areas must meet all of the following criteria:
  - 1. A minimum of seventy (70) square feet of sleeping area per resident, exclusive of closet or storage space, shall be provided.
  - 2. No room commonly used for other purposes shall be used as a sleeping area.
  - 3. No sleeping area shall be used as a public or general passageway to another room, bath, or toilet.
  - 4. A minimum of eight (8) square feet of storage (closet and/or drawers) shall be provided per bed.
- C. The facility shall provide one (1) full bathroom (toilet, sink, shower, and/or bathtub) per every seven (7) beds.
- D. The facility shall be required to provide a common living area of a minimum of one hundred (100) square feet plus additional common area of five (5) square feet per bed, exclusive of the sleeping, dining, and kitchen areas.

### §11.4.26.003 Licenses, Permits, Certifications, and Approvals

The operator of a residential care facility shall be required to obtain and maintain all applicable licenses, permits, certifications, and approvals as required by any and all governing agencies.

## Chapter 11.4.27 Senior Citizen Multifamily Residential

### §11.4.27.001 Purpose.

This Chapter provides standards and guidelines in support of Goal 6 of the Land Use Element to provide a mix of residential types to satisfy a variety of senior housing needs, and to ensure that multifamily housing that is designed for senior citizens facilitates their ability to live independently and provides enhanced safety and convenience features.

### §11.4.27.002 Applicability.

This Chapter applies to senior citizen multifamily housing development in the R-3, RPD, and MU zones of this Zoning Ordinance, and in the Residential, Mixed Use 1, and Mixed Use 2 districts of the Downtown Village Specific Plan except as otherwise provided for in this Chapter. If any portion of a residential development or a portion of the residential part of a mixed-use development is limited to senior citizens, the provisions of this Section may apply, provided that all of the criteria provided in Sections 11.4.27.003 through 11.4.27.005 of this Chapter are met.

### §11.4.27.003 Standards.

The development standards of the base zone shall apply, except as provided below.

- A. **Density.** Any site should be developed with a minimum of twenty (20) dwelling units per acre and shall be developed with a maximum of thirty (30) dwelling units per acre, except as provided in Chapter 11.5.01 (Affordable Housing Density Bonus). This Subsection shall not apply senior citizen multifamily housing in the Downtown Village Specific Plan.
- B. **Unit Design Standards.** All senior citizen multifamily residential units shall be designed to reflect the safety and convenience needs of senior residents. Specific design features shall include:
  1. **Kitchens.** Each unit shall contain a kitchen that includes at least two (2) burners, one (1) oven, one (1) refrigerator/freezer, one (1) sink with hot and cold running water, counter space, and storage.
  2. **Drawers and shelves.** All drawers and shelves shall be on gliders or rotating to assist in reaching;
  3. **Door handles.** All door handles shall be of a lever design instead of knobs for easier grip;
  4. **Security.** All units shall have the following:
    - a. A front door peep hole,
    - b. A dead bolt lock on all exterior doors,
    - c. A mechanism that will activate an emergency signal at a designated central location.

- C. **Convenience Features Required.** Senior citizen multifamily residential projects shall be designed in a manner that offers convenience to their residents. Convenience features that shall be provided for all multifamily senior housing projects include:
1. **Common recreation room.** Every senior citizen multifamily residential development shall contain at least one (1) common recreation room for use by all project residents. Spaces shall be provided for both active and passive activities. The total usable area shall not be less than one hundred fifty (150) square feet.
  2. **Open space.** A minimum of fifty (50) square feet of open space per unit shall be provided. The open space may be provided as private open space directly adjacent to the dwelling unit, as common open space within a unified project for the use by all residents within a project or designated portion of a project; or some combination. The minimum horizontal dimension of private open space shall not be less than five (5) feet. The minimum horizontal dimension of patios, decks, courtyard areas, and other common open space shall not be less than ten (10) feet. Common open space shall be designed for active and passive recreational uses and be of a type and intensity compatible with the residents' lifestyle and health.
  3. **Elevators.** All buildings housing senior citizen multifamily residential units that are over one (1) story in height shall be served by at least one (1) elevator. At least one (1) elevator shall be capable of handling a two thousand five hundred (2,500) pound load suitable for handling ambulance stretchers.
  4. **Laundry facilities.** Accessible self-service laundry facilities shall be required unless each dwelling unit is provided with its own laundry facilities, including a washer and dryer. If the multifamily senior housing development is a condominium, only the laundry hook-ups shall be required.
  5. **Accessibility.**
    - a. All internal site sidewalks shall be a minimum width of five (5) feet unless adjacent to parking spaces, in which case they shall be a minimum width of seven (7) feet.
    - b. All internal site sidewalks shall be lightly textured (non-slip) concrete surfaces, such as light-broom finished concrete.
    - c. Ramps shall be provided between every change of elevation intended to be used by pedestrians or persons in wheelchairs except for any change in elevation between stories that is served by an elevator.
    - d. All common areas shall be wheelchair accessible.
    - e. All senior citizen multifamily residential projects shall provide for units that are handicapped accessible as specified in Title 24, §1214 of the California Code of Regulations.

6. **Transit.** Close proximity to public transit access is a vital amenity for senior citizen multifamily residential projects whose residents and visitors often may not drive and may not own vehicles. The following transit facilities and services may be required for the residents as determined to be appropriate by the decision-making authority on a case-by-case basis. Any required transit facilities and services shall be coordinated with the appropriate transit authority and installed by the developer/owner and maintained by the project owner.
  - a. Bus turn-outs, benches, and/or shelters may be required for all existing and proposed bus stops adjacent to and within the site boundaries of all proposed senior housing developments; and/or
  - b. A private dial-a-ride transportation shuttle may be required.
- D. **Ancillary Non-Residential Facilities.** Senior citizen multifamily residential developments may provide one (1) or more of the following non-residential facilities without a requirement for additional parking, provided that the facilities shall only be for the exclusive use of the residents:
  1. Beauty and barber shop;
  2. Central cooking and dining rooms (may also be used by guests of the residents);
  3. Small scale drug store/pharmacy;
  4. A use determined by the Director to be similar in nature.

#### **§11.4.27.004 Design Guidelines.**

The following design guidelines apply to senior citizen multifamily residential housing, in addition to design guidelines in the R-3 or mixed use zones, as applicable.

- A. Residential development for senior citizens should be designed to facilitate their mobility independence both within the project and through pedestrian connections to the surrounding land uses and transit stops.
- B. Long hallways should be avoided.
- C. Outdoor seating that provides safety and security to residents is encouraged. Benches along pedestrian pathways within the site should be placed at one hundred (100) foot maximum intervals. Outdoor seating designed with armrests and backrests is encouraged. A variety of outdoor seating areas should be offered, from individual seating areas and more intimate spaces to larger, common social areas. Outdoor seating shall be of similar design, materials, and color to provide consistency throughout the project.

#### **§11.4.27.005 Covenant Required.**

- A. The property owner shall enter into a covenant, running with the land, requiring that the senior citizen multifamily housing (or portion thereof, in a mixed-use development) shall be maintained pursuant to the following conditions:



1. That at least one (1) person in residence in each dwelling unit be required to be a senior citizen and that each other resident in the same dwelling unit shall be a qualified permanent resident pursuant to California Civil Code Section 51.3.
  2. That a person hired for compensation to provide live-in, long-term, or terminal health care to a senior citizen may occupy the dwelling unit for such period of time the person is providing the service.
  3. That upon death, dissolution of marriage, or upon hospitalization or other prolonged absence of the senior citizen, any qualified permanent resident shall be entitled to continue occupancy of the dwelling unit with the full rights of the senior citizen.
  4. That temporary residency shall be permitted by a person of less than fifty-five (55) years of age for periods of time, not less than sixty (60) days in any year, as specified in the covenant.
- B. The covenant shall be submitted to the City for review and approval by the City Attorney and recorded in the Office of the County Recorder prior to issuance of building permits for the senior citizen housing development.

## Chapter 11.4.28 Service Stations

### §11.4.28.001 Purpose.

This Chapter provides standards for the establishment and operation of new service station operations and for the modification or expansion of existing service stations.

### §11.4.28.002 Uses and Activities.

- A. **Allowed Accessory Uses and Activities.** The following uses may be allowed as accessory uses to a service station:
1. Convenience stores;
  2. Vehicle/equipment repair, limited;
  3. Towing.
- B. **Prohibited Uses and Activities.** The following uses are prohibited in conjunction with the operation of a service station:
1. Sales of alcoholic beverages;
  2. Storage or repair of wrecked or abandoned vehicles;
  3. Vehicle painting;
  4. Body or fender work;
  5. Rental of vehicle storage or parking spaces;
  6. Walk-in refrigeration units;
  7. Arcade and game machines.

## **Chapter 11.4.29 Short-Term Vacation Rentals Prohibited**

### **§11.4.29.001 Purpose.**

The purpose of this Chapter is to prohibit the establishment and operation of short-term vacation rentals, as defined in Chapter 11.8.01 (Definitions), in any zone located within the city of La Cañada Flintridge.

### **§11.4.29.002 Short-Term Vacation Rentals Prohibited.**

The establishment and operation of a short-term vacation rental, as defined in Chapter 11.8.01 (Definitions) of this Zoning Code, is prohibited in all zones throughout the City of La Cañada Flintridge. No permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment and operation of a short-term vacation rental within the city limits.

### **§11.4.29.003 Violation.**

The establishment and/or operation of a short-term vacation rental shall be considered a violation of this Zoning Code and shall be subject to enforcement as provided for in Chapter 11.2.04 (Enforcement) and other applicable provisions of the LCFMC.

## Chapter 11.4.30 Single Room Occupancy Facilities

### §11.4.30.001 Purpose.

The purpose of this Chapter is to provide for the development of single room occupancy (SRO) facilities within the city to serve the housing needs of lower-income residents, and to regulate the development and operation of SRO facilities within the city.

### §11.4.30.002 Standards.

- A. **Unit Size.** The minimum size of a single-occupancy SRO unit shall be two hundred (200) square feet. The minimum size of a double-occupancy SRO unit shall be three hundred fifty (350) square feet.
- B. **Occupancy.** An SRO unit shall accommodate a maximum of two (2) persons. Double occupancy units shall make up no more than ten (10) percent of an SRO facility.
- C. **Common Area.** SRO facilities shall provide a minimum of ten (10) square feet of interior common area for each unit within the SRO facility, or two hundred (200) square feet total, whichever is greater. Common areas shall not include: (a) janitorial storage; (b) laundry facilities; (c) shared kitchen facilities; or (d) common hallways.

### §11.4.30.003 Design and Amenities.

- A. **Kitchens.** Each SRO unit shall have a kitchen sink with hot and cold water, a garbage disposal, a countertop measuring a minimum of eighteen (18) inches wide by twenty-four (24) inches deep, a refrigerator, a stove/oven unit and/or microwave. If the SRO unit does not have a stove/oven unit then at least one (1) stove/oven unit shall be provided on each story of the structure in a common kitchen available for residents.
- B. **Bathrooms.** Each SRO unit shall include a bathroom containing a sink, toilet, and shower or bathtub. If the unit is double occupancy, the bathroom shall be in a separate enclosed compartment within the unit with an interior lockable door. This compartment shall be a minimum of fifteen (15) square feet.
- C. **Closets.** Each SRO unit shall have a separate closet located within the unit.
- D. **Laundry Facilities.** SRO facilities shall provide laundry facilities in a separate room at the ratio of one (1) washer and (1) dryer for every ten (10) SRO units, with at least one (1) washer and (1) dryer per story.
- E. **Cleaning Supply Room.** SRO facilities shall provide a cleaning supply room or utility closet on each story, including a wash tub with hot and cold running water.

**§11.4.30.004 Management.**

- A. A management plan shall be submitted to the Director for review and approval with the Conditional Use Permit application. Approval or denial shall be at the discretion of the Director.
- B. The management plan shall contain management policies and operations, rental procedures and rates, tenant screening procedures, procedures for handling tenant grievances, maintenance plans, residency and guest rules and procedures, security procedures, and staffing expectations.
- C. An SRO manager shall be on-site at all times.
- D. The SRO owner shall file an annual report with the Director that includes the range of monthly rents charged, occupancy rates, and the number of vehicles owned by residents parked at the site.
- E. SRO units shall be rented for a minimum of one (1) month. Rental terms shall not exceed six (6) months per term.

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## Chapter 11.4.31 Sports Courts and Batting Cages (Private) in Residential Zones

### §11.4.31.001 Purpose.

There are a number of private batting cages and private sport courts located in residential neighborhoods in the city. The purpose of this Chapter is to establish standards and regulations for all private batting cages and private sport courts within any residential zone in the city. The standards and regulations adopted herein are designed and intended to minimize the negative impacts that can result to residents when these uses and structures are located in residential neighborhoods.

### §11.4.31.002 Use Permit Required.

No person or persons shall construct, erect and maintain, or modify a batting cage or private sport court in a residential zone without a permit as required in Table 11.3.02-1 (Land Use Permit Table for All Zones). No use permit shall be issued for a batting cage or private sport court in a residential zone unless it conforms to the requirements of this chapter, and is an accessory use to a primary residential use on the same lot. A use permit will not be issued for a batting cage or private sport court on a vacant residential parcel. A temporary batting cage shall be exempt from the requirement for a use permit and from the requirements of this Chapter except for Subsection 11.4.31.003(E) and (F) and Section 11.4.31.004.

### §11.4.31.003 Construction and Operation Standards.

Batting cages and private sport courts located in any residential zone, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall comply with the following subsections:

- A. **Location of Courts.** Batting cages and private sport courts shall comply with the following location standards:
  1. **Side yard.** Private sport courts, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall be setback at least fifteen (15) feet from all side property lines. Batting cages, including any slabs, fences, or other fixtures accessory thereto shall be setback at least ten (10) percent of the average width of the subject lot but in no case shall the required setback be less than five feet (5) or more than fifteen (15) feet. The Director may approve an encroachment into the side setback for batting cages pursuant to a Zoning Exception as provided for in Subsection 11.6.07.002(A)(7).
  2. **Rear yard.** Private sport courts, including any slabs, fences, overhead light-standards, or other fixtures accessory thereto, shall be setback at least fifteen (15) feet from the rear lot line. Batting cages, including any slabs, fences, or other fixtures accessory thereto shall be setback at least ten feet from the rear property line. The Director may approve an encroachment into the rear setback for batting cages pursuant to a Zoning Exception as provided for in Subsection 11.6.07.002(H).

3. **Front yard.** Batting cages and private sport courts shall not be located in the front yard unless a conditional use permit is reviewed and approved by the Planning Commission.

**B. Grade/Grading.**

1. Grading for the construction of a private sport court that exceeds fifty (50) cubic yards shall require review and approval pursuant to Section 11.5.02.002 and shall otherwise comply with the provisions of Chapter 11.5.02 (Grading).
2. No grading is permitted in connection with the construction or use of any temporary batting cage.

**C. Fencing.**

1. The height of any fence enclosing a private sport court shall not exceed ten (10) feet above the finished surface of the court, and all portions of such fence shall be mesh, chain-link type fencing.
2. All fencing for batting cages must be lined with a mesh-netting interior to capture balls and reduce noise during use.
3. For all batting cages, padding and a hanging net in front of the rear backstop shall be provided behind home-plate to reduce noise resulting from balls hitting the back of the cage.
4. All structural support posts and framing shall be padded to reduce noise.

**D. Lighting.** All batting cages and private sport courts shall be unlighted unless a Conditional Use Permit has been obtained pursuant to Chapter 11.6.09 (Use Permits). In addition to the requirements of Chapter 11.5.06 (Outdoor Lighting Standards), the following minimum standards shall be met in the installation of lights for batting cages and private sport courts. In addition to the following standards, the Planning Commission may impose other conditions which are deemed appropriate.

1. **Height.** Light standards and fixtures for private sport courts shall not exceed twenty (20) feet in height, measured from the finished surface of the court. Light standards and fixtures for batting cages shall not exceed fifteen (15) feet in height.
2. **Hours of illumination.** Lights for private sport courts and batting cages shall be turned off between 10:00 p.m. and 7:00 a.m. A timer shall be installed on each private sport court and batting cage light such that it automatically shuts off within one (1) hour of non-use.
3. **Prohibition on type.** Lights for private sport courts and batting cages shall not blink or flash.
4. **Existing lighted batting cages and private sport courts.** Batting cages, temporary batting cages, and private sport courts shall comply with the hours of illumination as stated in Subsection (D)(2) of this Section. If the existing light standards and fixtures are changed, or new light standards and fixtures are added, the new lighting shall comply with the provisions of Subsection (D) of this Section in all respects.

5. **Existing unlighted batting cages and private sport courts.** No existing unlighted batting cage or private sport court shall have lights installed unless a Conditional Use Permit is obtained, and the cage or court is brought into full compliance with the requirements of this Section.
  6. **Engineered Lighting Plan required.** An Engineered Lighting Plan that complies with Section 11.5.06.006 shall be required for all private sports courts or batting cages that are subject to this Chapter.
- E. **Batting Cage and Temporary Batting Cage Size.** Batting cages and temporary batting cages shall be no larger than seventy (70) feet in length; twelve (12) feet in width; and twelve (12) feet in height, measured from the finished surface of the batting cage.
- F. **Equipment for Batting Cages and Temporary Batting Cages.**
1. Composite baseball bats or wooden baseball bats shall be used in all batting cages and temporary batting cages subject to this chapter.
  2. Aluminum or other metal bats shall not be permitted.
  3. Pitching machine dimpled baseballs, soft covered baseballs, and other similar types of balls shall be used to decrease the noise associated with batting practice.
  4. Regulation baseballs and softballs are prohibited because of the loud noise that accompanies their use during batting practice.
  5. Pitching machines shall be low-noise emitting, and approved by the Director.

#### **§11.4.31.004 Commercial Use Prohibited.**

A batting cage, temporary batting cage, or private sport court subject to the provisions of this Chapter shall only be used by the occupants of the primary or accessory dwelling unit on the same lot, by their invited guests, or by guests of an approved Bed and Breakfast Inn. A batting cage, temporary batting cage, or private sport court shall not be rented nor used as a private club, nor used for commercial purposes, except that batting or tennis instruction may be permitted on an individual basis provided a Home Occupation Permit has been obtained in accordance with Chapter 11.4.16 (Home Occupations).



## **Chapter 11.4.32 Supportive Housing**

### **§11.4.32.001 Purpose.**

This Chapter regulates the development and operation of supportive housing uses. State law requires the City to permit supportive housing as a residential use for a target population, subject to those restrictions that apply to comparable residential uses in the same zone.

### **§11.4.32.002 Location.**

Supportive housing uses shall be subject to the same permit requirements and development standards that apply to comparable residential uses in the same zone.

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## Chapter 11.4.33 Tattooing, Body Piercing, and Body Art Establishments

- A. **Purpose.** This Chapter regulates tattooing, body piercing, and body art establishments to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of tattoo and body piercing parlors and their location near sensitive uses and to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.
- B. **Standards.**
1. **Location.**
    - a. No tattooing, body piercing, or body art establishment shall be located within one thousand (1,000) feet of any other such shop or lounge.
    - b. No tattooing, body piercing, or body art establishment shall be located within one hundred fifty (150) feet of any parcel of land zoned for residential or mixed use.
    - c. No tattooing, body piercing, or body art establishment shall be located within one hundred fifty (150) feet of any parcel of land that contains any one (1) or more of the following specific land uses:
      - i. Religious facility;
      - ii. School (public or private);
      - iii. Child day care facility;
      - iv. Public park or recreation facility; or
      - v. Any establishment with an on-sale or off-sale or alcoholic beverage permit.
  2. **Hours of operation.** In no case shall the hours of operation be earlier than 7:00 a.m. or later than 11:00 p.m.

## **Chapter 11.4.34 Tobacco and/or Electronic Cigarette Shops and Lounges**

### **§11.4.34.001 Purpose.**

This Chapter regulates the location and operation of retail purveyors of tobacco products and/or tobacco paraphernalia and/or electronic cigarette products and/or paraphernalia, and tobacco and electronic cigarette lounges to prevent adverse impacts that can be brought about by the concentration of tobacco and electronic cigarette shops and lounges and their location near sensitive uses and to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

### **§11.4.34.002 Permits Required.**

No person shall cause or permit the creation or expansion of any tobacco and/or electronic cigarette shop or lounge without first obtaining and maintaining the following:

- A. A Conditional Use Permit pursuant to Table 11.3.02-1 (Land Use Permit Table for All Zones), as applicable; and
- B. A Tobacco Retail License pursuant to Chapter 6.07 (Tobacco Retail Licensing) of Title 6 (Business Licenses and Regulations).

### **§11.4.34.003 Standards.**

#### **A. Location.**

1. No tobacco or electronic cigarette shop or lounge shall be located within one thousand (1,000) feet of any other such shop or lounge.
2. No tobacco or electronic cigarette shop or lounge shall be located within one hundred fifty (150) feet of any parcel of land zoned for residential or mixed use.
3. No tobacco or electronic cigarette shop or lounge shall be located within one hundred fifty (150) feet of any parcel of land that contains any one or more of the following specific land uses:
  - a. Religious facility;
  - b. School (public or private);
  - c. Child day care facility; or
  - d. Public park or recreation facility.
4. No tobacco and/or electronic cigarette shop or lounge, located in a building sharing one (1) or more common walls with another retail or commercial establishment, or sharing common attic space with any other use, shall permit smoking anywhere on the premises.

- B. **Admission Charge.** There shall be no charge, nor shall tickets be sold, for admission to a tobacco or smoke shop or lounge, or electronic/vapor substance inhalation shop or lounge.
- C. **Alcohol and Marijuana Prohibited.** The sale or consumption of alcoholic beverages and marijuana shall not be permitted on the premises.
- D. **Age of Patrons.** All patrons of tobacco and/or electronic cigarette shops and lounges shall be at least eighteen (18) years or over.

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## Chapter 11.4.35 Transitional Housing

### **§11.4.35.001 Purpose.**

This Chapter regulates the development and operation of transitional housing uses, which facilitate the transition of homeless individuals and families from temporary to permanent housing. State law requires the City to permit transitional housing as a residential use subject only to those restrictions that apply to comparable residential uses in the same zone.

### **§11.4.35.002 Location.**

Transitional housing units shall be subject to the same permit requirements and development standards that apply to comparable residential uses in the same zone.

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## Chapter 11.4.36 Massage Establishments **(Reserved)**

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