

# **PART 11.1 GENERAL PROVISIONS**

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## **Chapter 11.1.01 Zoning Code Adoption and Applicability**

### **§11.1.01.001 Adoption.**

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

### **§11.1.01.002 Title – Citation – Reference.**

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

- A. It shall be sufficient to refer to Title 11 as the “LCFZC” in any prosecution for the violation of any provision of this Zoning Code or in any proceeding at law or equity.
- B. It is sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion of this Zoning Code as an addition to, amendment to, correction, or repeal of the La Cañada Flintridge Zoning Code.
- C. References may be made to the Title, Chapters, Sections, and Subsections of the Zoning Code and such references shall apply to those Titles, Chapters, Sections, or Subsections as they appear in this Zoning Code.
- D. Whenever a reference is made to this Zoning Code as the La Cañada Flintridge Zoning Code or to any portion thereof, or to any ordinance of the City of La Cañada Flintridge, codified herein, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.
- E. The provisions of this Zoning Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances that are therein specifically designated by number or otherwise and that are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Zoning Code.
- F. References in City forms, documents, and regulations to the Chapters, Sections, and Subsections of the former Zoning Code shall be construed to apply to the corresponding provisions contained within this Zoning Code.

### **§11.1.01.003 Structure of Regulations.**

- A. This Zoning Code consists of seven (7) Parts:
  - 1. Part 1: General Provisions;
  - 2. Part 2: Administration;

3. Part 3: Zones, Allowable Land Uses, and Zone-Specific Standards;
  4. Part 4: Special Regulations;
  5. Part 5: General Regulations;
  6. Part 6: Land Use and Development Permits and Procedures;
  7. Part 7: Definitions
- G. This Zoning Code is further structured as described in Subsections 1 – 4 below, and as shown in the diagram in Subsection 5:
1. Each Part is divided into Chapters. Chapters within each Part are numbered consecutively, starting with the Title number, followed by the Part number, followed by .01, .02, .03, and so on. Within each new Part, the Chapter numbers reset to .01. For example, the first Chapter of Part 1 of the Zoning Code is numbered "Chapter 11.1.01." The first Chapter of Part 2 is numbered "Chapter 11.2.01.;" the first Chapter of Part 3 is numbered "Chapter 11.3.01.;" and so on.
  2. Each Chapter is further divided into Sections. Sections within each Chapter are numbered consecutively, starting with the Title number, followed by the Chapter number, followed by .001, .002, .003, and so on. Rather than the word "Section," the symbol "§" is used in the numbering scheme for sections. For example, the first Section of the first Chapter of Part 1 of the Zoning Code is numbered "§11.1.01.001.;" the first Section of the first Chapter of Part 2 is numbered §11.2.01.001.;" the first Section of the first Chapter of Part 3 is numbered §11.3.01.001.;" and so on.
  3. Each Section may be divided further into multi-level Subsections, as follows: A.1.a.i.(a).
  4. This Zoning Code also includes tables and figures. The information provided in the tables and figures has the same regulatory authority as the text. The numbering of the tables and figures corresponds to the Part and Chapter, and each is further numbered consecutively by following the Title number, Part number, and Chapter number by a "-" followed by 1, 2, 3, and so on. For example, the first table in the first Chapter of Part 3 is numbered Table 11.3.01-1.
  5. Diagram of numbering structure of the Zoning Code:  
Title 11  
Part 1  
Chapter 11.1.01  
§11.1.01.001  
A.  
    1.  
        a.  
            i.  
                (a)

**§11.1.01.004 Authority.**

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

**§11.1.01.005 Purpose.**

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

- A. Provide the legislative framework for implementation of the General Plan;
- B. Provide consistency between zoning and General Plan land use designations;
- H. Protect and preserve the existing community character;
- I. Continue an orderly use of land;
- J. Encourage compatibility between different types of development and land uses;
- K. Maintain and protect the value of property;
- L. Protect and preserve valuable resources;
- M. Reduce hazards to the public; and
- N. Enable flexibility in development type, scale, and use by location to respond to emerging economic and social trends that benefit the City.

**§11.1.01.006 Applicability.**

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

- A. **Permissive Zoning Code.** This Zoning Code is a permissive Zoning Code, such that if a specific use is not enumerated, then that use is presumptively prohibited, except as otherwise provided in Section 11.1.02.004.
- B. **New or Altered Land Uses or Structures.** Compliance with this Zoning Code is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

- O. **Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this Zoning Code. See Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels) for more details.
- P. **Minimum Requirements.** The provisions of this Zoning Code shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, City officials or bodies have the discretion to impose more stringent requirements than set forth in this Title as may be necessary to promote orderly land use and development.
- Q. **Land Use Permit or Entitlement Required – Limitation on Subsequent Permits.** Land use permits or entitlements are required when a development, as defined in this Zoning Code, is proposed. No person shall begin construction, occupy, or conduct a use or operation within the city, and the City shall not issue any other permit related to the development, until any required land use permits or entitlements have been approved and all applicable appeal periods have expired.
- R. **Other Requirements and Permits.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of Los Angeles County or any regional, State, or federal agency.
- S. **Permit Consistency.** All certificates, permits, and licenses issued in compliance with this Zoning Code shall conform to the provisions of this Zoning Code. Any certificate, permit, or license conflicting with the provisions of this Zoning Code shall be null and void.
- T. **Effect of Zoning Code Changes on Projects in Process.** The enactment of this Zoning Code, or any amendments thereto, may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this Title, the following provisions shall apply. Successive amendments to this Zoning Code shall specify their applicability to pending applications and projects not yet or under construction; in the event an amendment is silent on this matter, the following shall apply:
1. **Building permits issued prior to effective date.** Any current building permit(s) issued prior to the effective date of this Zoning Code shall be permitted to be exercised even if contrary to the provisions of this Zoning Code.
  2. **Pending applications.** All land use permit applications that are active and that have been decided by the Director to be complete before the effective date of this Title, or any amendments thereto, will be processed according to the regulations in effect when the application was deemed complete.
  3. **Approved projects not yet under construction.** Any structure authorized by a land use entitlement for which construction has not begun as of the effective date of this Zoning Code, or any amendment thereto, may still be constructed in compliance with the approved permit, as long as a building permit has been issued prior to expiration of the land use entitlement and construction is completed prior to the expiration of the building permit or, where applicable, before the expiration of any approved time extension.

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

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

#### **§11.1.01.007 Responsibility for Administration.**

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

#### **§11.1.01.008 Replacement of Other Ordinances.**

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

#### **§11.1.01.009 Continuation of Existing Law.**

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

#### **§11.1.01.010 Ordinance Amendments Included.**

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

#### **§11.1.01.011 Severability.**

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

## Chapter 11.1.02 Interpretations and Rules

### §11.1.02.001 Purpose.

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

### §11.1.02.002 Abbreviations.

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

- A. Director of Community Development = Director;
- B. City Council of the city of La Cañada Flintridge = City Council;
- C. Community Development Department = Department;
- D. La Cañada Flintridge Municipal Code = LCFMC or Municipal Code;
- E. State of California = State;
- F. County of Los Angeles = County;
- G. Los Angeles County Fire Department = Fire Department;
- H. Los Angeles County Sheriff's Department = Sheriff's Department
- I. Any reference to the Government Code, Health and Safety Code, Penal Code, Public Resources Code, Public Utilities Code, or any other State code in this Zoning Code shall mean the particular code of the State, unless otherwise specified.

### §11.1.02.003 Terminology.

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

- A. **Language.** The words "shall," "will," "must," "is to," and "are to" and similar words and phrases are always mandatory. "Should" is not mandatory but is strongly recommended. "May" is permissive. The words "include," "includes," and "including" mean "including but not limited to..." The word "and" means that all connected words or provisions apply; the word "or" means that the connected words or provisions shall apply singly or in any combination. The phrase "either/or" indicates that the connected words or provisions shall apply singly, but not in combination.
- B. **Tenses.** The present tense includes the past and future tenses; and the future the present.
- V. **Plural or Singular.** The singular number includes the plural, and the plural the singular.

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

#### **§11.1.02.004 Interpretations.**

- A. **Interpretation of Regulations.** Whenever there is any question regarding the interpretation of the provisions of the Zoning Code or their application to any specific case or situation, the Director, or his or her designee, shall have the authority and responsibility to interpret, administer, and enforce this Zoning Code pursuant to Section 11.2.01.003. Interpretations by the Director are final. The Director shall have the authority to forward to the Planning Commission any question regarding interpretation. Interpretations include, but are not limited to, the following:
1. **Zoning code interpretation.** The Director has the authority and responsibility to issue Zoning Code interpretations when, in his or her opinion, the meaning or applicability of any provision of this Zoning Code is ambiguous or otherwise subject to interpretation. The purpose of such interpretations is to disclose the manner in which the Zoning Code shall be applied in future cases, provided that any interpretation may be superseded by a later interpretation when the Director decides that the earlier interpretation was in error or is no longer applicable under the current circumstances.
  2. **Zone boundary interpretation.** If there is uncertainty about the location of any zone boundary or other feature shown on the Zoning Map, the precise location of the zone boundary shall be decided by the Director.
    - a. Zone boundaries shown as approximately following the property line of a lot shall be construed to follow the lot line.
    - b. If a zone boundary is not coterminous with a lot line, the location of the zone boundary shall be decided by using the scale appearing on the Zoning Map, unless the boundary location is indicated by dimensions printed on the map.
    - c. Zone boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
    - d. Zone boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.

3. **Development on lots divided by zones.** Where a zone divides a lot in single ownership and of record prior to and continuously since the time the zone was established, the regulations applicable to each zone shall be applied to the area within that zone and no use other than parking serving a principal use on the site shall be located in a zone in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a zone in which the use is not a permitted or conditional use unless otherwise provided for in this Zoning Code.
  4. **Similar use decision.** The Land Use Permit Table (Table 11.3.02-1) in the Zoning Code may not include all possible uses and/or address unforeseen circumstances. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a use permit, or not permitted, the Director has the authority and responsibility to decide whether or not a proposed use is similar to a listed use and whether it may be permitted, permitted with a use permit, or not permitted in a particular zone.
- X. **Standards and Guidelines.** Standards are regulations and shall be interpreted literally. Guidelines represent the general spirit of the regulations, including, but not limited to, design, scale, site organization, aesthetics, and may be interpreted literally.
- Y. **Figure Disclosures.** Figures are intended to demonstrate the associated regulations and shall be interpreted literally, with exceptions for encroachments and modifications, as provided for in this Zoning Code.

#### **§11.1.02.005 Conflicting Requirements.**

- A. **General Plan and Zoning Code.** If instances of inconsistency arise between the General Plan and this Zoning Code, the standards and language of the General Plan shall apply.
- B. **Zoning Code and City Code Provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and other regulations of the City, including approved Final Subdivision Maps, the most restrictive shall apply, unless specifically stated otherwise.
- C. **Specific Plans or Development Agreements.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of an adopted Specific Plan, similarly adopted other Plan, or any Development Agreement, the requirements of the adopted Plan or adopted Development Agreement shall apply, unless specifically stated otherwise.
- D. **Private Agreements.** The City shall not recognize or enforce any private covenant, private conveyance, or private agreement unless it is a party to the covenant, conveyance, or agreement. No regulation in this Zoning Code shall be construed to supersede more restrictive use or development standard regulations contained in the Conditions, Covenants, and Restrictions of any property. However, in no case shall uses be allowed beyond those allowed by the Zoning Code.

#### **§11.1.02.006 Discretion.**

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

**§11.1.02.007 Requirements as Minimums.**

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

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## **Chapter 11.1.03 General Provisions and Area Requirements**

### **§11.1.03.001 Buildings Moved.**

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

### **§11.1.03.002 Temporary Housing in Disaster Areas.**

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

### **§11.1.03.003 Area or Width Reduced by Public Use.**

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

### **§11.1.03.004 Reduction of Lot Area or Width.**

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

- A. Sufficient so that the number and type of structures on such resulting lot or parcel of land comply with the provisions of this chapter;
- B. The required area, or required width of the applicable zone.

### **§11.1.03.005 Rescission.**

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

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

#### **§11.1.03.006 Multifamily Residential Air Quality.**

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

- A. Vegetation barriers at least ten feet wide shall be planted between residential development and freeways. The design and species of plants used in the vegetation barriers shall follow guidance described in the Environmental Protection Agency's July 2016 document "Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality."
- B. Fixed windows shall be installed on the side of residential buildings facing freeways or Foothill Boulevard, as allowed by the building and fire code.
- C. Central heating, ventilation, and air conditioning (HVAC) systems shall include high efficiency particulate air (HEPA) filters (MERV-13 or higher). Property owners shall develop a maintenance plan to ensure the filtering system is properly maintained.
- D. Outdoor air intake systems for HVAC systems shall be located as far away as possible from freeways and Foothill Boulevard.
- E. Balconies shall be avoided or limited on the side of residential buildings facing the freeways and Foothill Boulevard.
- F. Multifamily residential developments or mixed use developments that include multifamily units located immediately adjacent to freeways shall include sound walls along the property line adjacent to the freeway.

#### **§11.1.03.007 Permitted Lower Income Housing.**

- A. The Director shall prepare and maintain an official list of lots that meet the requirements of California Government Code Section 65583.2(c) and (h), a copy of which shall be available in the office of the Director and on the City's website.
- B. Residential development that includes at least twenty percent (20%) of the units as housing affordable to lower income households shall be permitted on lots that meet the requirements of California Government Code Section 65583.2(c) or (h).