

# PART 11.5 GENERAL REGULATIONS

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## Chapter 11.5.01 Grading

### §11.5.01.001 Purpose.

This Chapter provides a review process and criteria for development which proposes grading in excess of fifty (50) cubic yards to evaluate and mitigate potential impacts and to preserve natural landforms.

### §11.5.01.002 Applicability and Review Threshold.

Any site development or construction (including structural additions to existing development) in any zone which involves any grading, as defined in Chapter 11.7.01 (Grading) for any purpose, whether or not earth is retained, is subject to review pursuant to the following review thresholds and the requirements of this Chapter. Additionally, properties that meet the criteria for hillside development pursuant to Chapter 11.4.05 (Hillside Development) shall comply with Chapter 11.4.05.

- A. Grading which exceeds fifty (50) cubic yards and up to and including one hundred (100) cubic yards requires approval of a Director's Development Review Permit pursuant to Section 11.6.05.002(A)(14) or incorporation into a higher level of review.
- B. Grading which exceeds one hundred (100) cubic yards requires approval of a Development Review Permit pursuant to Section 11.6.05.004(A)(7).

### §11.5.01.003 Development Review Criteria.

All grading that is subject to this Chapter shall comply with Subsections 11.5.01.003(A) through (C). Projects that would excavate to a depth of ten (10) feet or more, or that propose a total cut amount of 1,000 cubic yards or more, shall also comply with Subsection 11.5.01.003(D).

- A. Prominent landforms within the city, including, but not limited to ridgelines, knolls, valleys, creeks (either dry or active), or other unique topographic features or viewscapes, shall be maintained. The most significant of such landforms are identified on, but not limited to, Figure CNE-3 (Topographic and Visual Resources) of the Conservation Element of the City's General Plan.
- B. Any grading and earth-moving operations in connection with the development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site.
- C. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.

- D. Monitoring during construction grading or trenching shall be required for projects that would excavate to a depth of ten (10) feet or more, or that propose a total cut amount of 1,000 cubic yards or more. When invoked, the project applicant must provide written proof that a qualified paleontologist has been retained to observe all earth-disturbing activities. All fossil materials recovered during mitigation monitoring shall be cleaned, identified, cataloged, and analyzed in accordance with standard professional practices. The results of the field work and laboratory analysis shall be submitted in a technical report and the entire collection transferred to an approved fossil curation facility.

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## Chapter 11.5.02 Mechanical and Utility Service Equipment

### §11.5.02.001 Purpose.

This Chapter provides standards for installation and screening roof-mounted, ground-mounted, and wall-mounted mechanical equipment and utility service equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, back-flow preventers, and similar equipment, but excluding solar collectors and related equipment) to mitigate aesthetic, noise, and safety impacts on the community.

### §11.5.02.002 Applicability.

The provisions of this Chapter apply to all new development and relocation of any existing mechanical equipment as provided in this Chapter, excluding maintenance of existing equipment. Replacement of “like-for-like” equipment that is smaller, more efficient, and/or quieter than the equipment being replaced, is exempt.

### §11.5.02.003 Standard Applying to the Single-Family Residential (R-1) Zone.

The following standard applies in addition to the requirements in Section 11.3.03.005.

- A. Ground-mounted or utility service equipment shall be located for easily accessible service.

### §11.5.02.004 Standards Applying to Multifamily Residential (R-3), Mixed Use (MU), and All Non-Residential Zones, and All Overlay Zones.

The following standards apply in addition to the standards of the zone.

- A. **Screening Required.** The screening of roof-mounted and ground-mounted mechanical equipment is required, except as otherwise required by the building and fire codes. Roof-mounted and ground-mounted mechanical equipment shall be screened from public view.
- B. **Roof-Mounted Mechanical Equipment.** Where otherwise permitted, roof-mounted mechanical equipment shall comply with the following standards:
  - 1. **Height limit.** Roof-mounted mechanical equipment and screening shall be subject to the height limitations of the zone within which the property is located, except that roof-mounted equipment may extend above the allowed height limit if required by the City’s building code.
  - 2. **Screening.** Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from a public right-of-way.

3. **Screening methods.** Screening of roof-mounted mechanical equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid, permanent, integral roof and/or parapet components. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the decision-making authority.
- C. **Ground-Mounted Mechanical Equipment.** Ground-mounted mechanical equipment shall comply with the following standards:
    1. **Location.**
      - a. Ground-mounted mechanical equipment and screening, except landscaping, shall be subject to the setback requirements of the zone within which the property is located.
      - b. Ground-mounted mechanical equipment shall be located for easily accessible service.
      - c. In addition to Subsection (F) below, ground-mounted mechanical equipment shall be located to minimize noise impacts on the occupants and to neighboring properties.
    2. **Screening required.** Ground-mounted mechanical equipment, including, but not limited to, air conditioning and heating units, utility connections, and service areas, shall not be visible in any direction (360 degrees) from a public right-of-way.
    3. **Screening methods.** Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges, or other methods approved by the decision-making authority. Chain link fencing with or without slats is prohibited.
  - D. **Exterior Wall-Mounted Equipment and Utility Meters.** Exterior wall-mounted equipment and utility meters shall not be visible from the public right-of-way and shall be designed as an integral part of the building facades and/or concealed by the project design to the extent possible. Whenever possible, exterior wall-mounted mechanical equipment and utility meters should face onto the rear parking areas. Utility conduits shall be integrated within the walls of new structures and meters shall be visible only to the extent required for meter reading by the utility companies.
  - E. **Utility Service Lines.** Utility service lines shall comply with Chapter 7.32 (Undergrounding of Utilities).
  - F. **Noise Levels.** Roof-mounted and ground-mounted mechanical equipment shall be subject to applicable provisions of Chapter 5.02 (Regulation of Community Noise).
  - G. **Maintenance Required.** Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.
  - H. **Exception to Screening Requirement.** Where it can be clearly demonstrated that the exterior roof-mounted or ground-mounted mechanical equipment is not visible from any public right-of-way, the Director may waive the screening requirements of this Chapter.

## **Chapter 11.5.03 Legal Nonconforming Uses, Structures, and Parcels**

### **§11.5.03.001 Purpose.**

This chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels, as defined in Part 11.8 Definitions and Rules of Measurement.

### **§11.5.03.002 Legal nonconforming uses, structures, and parcels - General.**

- A. Legal nonconforming uses, structures, and parcels may remain, and shall not be modified, enlarged, or expanded without bringing the use, structure, or parcel into compliance with City codes existing at the time of the modification, enlargement, or expansion, except as may be provided by this chapter.
- B. Additions to a Nonconforming Use. This chapter does not authorize the extension, expansion or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use or permit the addition of land, buildings or structures used in conjunction with such nonconforming use except:
  - 1. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation and the director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use;
  - 2. Bedrooms may be added to a nonconforming dwelling unit without requiring any additional garage, carport, parking space or driveway paving. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use.
  - 3. Existing convenience stores may expand, subject to a conditional use permit.
- C. Any use located within a legal nonconforming structure may be changed to a use permitted or conditionally permitted in the zone at the time of the change without bringing the structure into compliance with current development standards, provided that any modifications to the nonconforming structure comply with this chapter.
- D. Routine maintenance, repairs, and aesthetic improvements may be performed on a legal nonconforming use, structure, or parcel, provided such work does not involve structural alterations or any enlargement of the structure.
- E. Seismic Retrofitting, Building and Fire Code Compliance. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code and Fire Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Fire Code

- F. Any nonconforming use, structure, or specific element thereof, deemed to violate Building Code requirements or determined by the Director to adversely impact public health and safety, must be brought into compliance with current codes to the extent feasible for the site or structure. Specific elements that may be required to be brought up to code may include but not be limited to fences, walls and retaining walls, parking, and accessory structures.
- G. Discontinuance of a legal nonconforming use for a period of 12 months or more shall immediately terminate the right to operate such use unless it can be demonstrated to the satisfaction of the Director that the legal nonconforming use had been and continues to be actively marketed. If the use is determined to have been continuously and actively marketed, the Director may grant an additional 6-month extension beyond the original 12 months before the use is terminated. Indicia of use termination include, but are not limited to, the use is visibly closed, and business license termination or expiration without renewal.
- H. A Tenant Improvement associated with a legal nonconforming use shall not exceed 12 months or else the use shall immediately terminate the right to operate.
- I. Alterations, modifications, or repairs that are necessary to maintain public health, safety, and welfare, as determined by the Director, may be performed on a nonconforming structure, including additions or modifications necessary to comply with the Americans with Disabilities Act and Title 24 of the California Code of Regulations, including additions or modifications pursuant to reasonable accommodations.

**§11.5.03.003 Legal nonconforming sites and structures.**

- A. **Sites and Structures.** A legal nonconforming structure may be retained, and any legal nonconforming structure that is partially damaged or destroyed may be restored to 100% of its dimensions and footprint prior to the occurrence of such damage or destruction, provided such structure is not expanded, altered, or added to except as specifically provided in Table 11.5.04-1 below.

Table 11.5.03-1: Structure Non-Conformities

Non-Conformity	Requirement
Single Family Residential	
Accessory structures with non-conforming setbacks or height	The accessory structure may be expanded or enlarged only pursuant to Section 11.6.10.002., unless converted into an ADU per state law and Section 11.4.02.
Additions(R-1 zone only)	Additions that comply with current codes and do not convert existing structures into qualified new structures under this Zoning Code are permitted.

<p>Circular driveways on lots less than 75-feet in width for parcels zoned or utilized for single-family residential</p>	<p>Where the parcel is developed with a new structure, the driveway shall comply with Section 11.5.05.005.</p>
<p>Driveway grades and widths for parcels zoned or utilized for single family residential</p>	<p>Where the parcel is developed with a new primary structure, driveway grades shall comply with Section 11.5.05.005 or Section 11.5.05.007 as applicable.</p>
<p>Fences and Walls (except retaining walls) for parcels zoned or used for single-family residential</p>	<p>Allowed to continue and be replaced, consistent with Section 11.3.03.005.G.11, unless determined to impact public health and safety.</p>
<p>Retaining walls and fences outside of the public right-of-way that are non-conforming with regard to location or height</p>	<p>Allowed to continue; except where the site is developed with a new primary building or structure or where deemed to violate Building Code requirements or determined by the Director to be a health and safety issue.</p>
<p>Gates – Vehicle and pedestrian</p>	<p>Where the site is developed with a new primary structure, gates shall comply with Section 11.3.03.005.</p>
<p>Mechanical Equipment</p>	<p>Like for like replacement with respect to size and location is allowed. Placement of new, or replacement other than like for like, shall require compliance with Chapter 11.5.03.</p>
<p>Minimum 50% Front Yard Landscaping associated with a single-family residential lot or use</p>	<p>Where the parcel is developed with a new primary structure, landscaping shall comply with Section 11.3.03.005.</p>
<p>Parking within an enclosed garage, including size of space</p>	<p>Each space must be at least 9 feet side by 19 feet deep interior dimensions consistent with Section 11.5.05.005.A.2a. However, any expansion of the primary structure resulting in the primary structure being defined as “new” shall require compliance with Section 11.5.05.005, unless a DDRP is approved under Section 11.6.10.002(A)(16).</p>
<p>Parking on a hillside lot</p>	<p>Where the site is developed with a new primary structure, parking shall comply with Section 11.5.05.006.</p>

Outdoor lighting	May be maintained in accordance with Section 11.5.06.009.
All zones and uses except single family residential	
Non-residential Tenant improvements	Internal tenant improvements to legal non-conforming structures that are permitted provided construction is completed within 12 months of issuance of the building permit and provided the improvements do not increase any structure nonconformity.
Parking (vehicle and bicycle) (all zones and uses except single family residential), including size of space and drive-aisle width	Allowed to continue indefinitely where no change in use or intensity/density is proposed. Any new structure or expansion of the structure, except to ensure compliance with ADA/Title 24 CCR or in compliance with state law regarding ADUs, shall require compliance with Chapter 11.5.05.
Loading, landscaping, and open space associated with residential zones or uses	Allowed to continue; except that any increase in building area, except to ensure compliance with ADA/Title 24 CCR, or intensity of use shall comply with Chapter 11.5.05 and any applicable standards of the underlying zoning.
Outdoor lighting	<p>Compliance with Chapter 11.5.06 shall be required for:</p> <p>Fixtures within parking areas upon alteration or modification of the existing parking lot that requires a building or grading permit.</p> <p>Replacement of inoperable luminaires.</p>
Refuse and recycling storage areas	New construction or remodeling requiring a discretionary land use and development permit, or non-residential, mixed use, or multi-family development projects, shall comply with Chapter 11.5.08.

B. Repair of Partially Damaged or Destroyed Structures.

1. All buildings permits shall be issued, and reconstruction shall commence, within one year from the date of damage due to involuntary events and be pursued diligently to completion except where the Director finds that circumstances beyond the property owner's control have prevented such commencement. In such a case the Director may grant up to an additional 12 months for building permits to be issued and to commence reconstruction;
2. Nonresidential structures shall be subject to façade and sign review and approval by the Design Commission.

#### **§11.5.03.004 Development or Modification of Legal Nonconforming Parcels.**

- A. Development. A legal nonconforming parcel of record that does not comply with the area or dimensional requirements of this Zoning Code, shall be considered to be a legally buildable parcel if it meets at least one of the criteria specified below. It shall be the responsibility of the applicant to provide substantial evidence to establish the applicability of one or more of the following criteria, to the satisfaction of the Director.
  1. Approved subdivision. The parcel was created through a subdivision approved by the City or the County.
  2. Individual parcel legally created by deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel legal nonconforming.
  3. Lot line adjustment. The current configuration of the parcel resulted from a City or County approved and recorded lot line adjustment.
  4. Government acquisition. The parcel was created in conformity with the provisions of this Zoning Code, but was made legal nonconforming when a portion of the parcel was acquired by a governmental entity.
- B. Modification to a legal nonconforming parcel to increase its conformity. A parcel that is legal nonconforming may be modified through approval of a lot line adjustment in accordance with Chapter 11.6.05 (Lot Line Adjustment) or a merger of contiguous parcels in accordance with Chapter 11.6.06 (Merger of Contiguous Parcels) without the need for a Variance if the effect of the modification increases its conformity with respect to the access, area, or dimensional requirements of this Zoning Code for the zone in which it is located.
- C. Modifications to a parcel required for fire access. Any lot line adjustment required for fire access that renders a parcel nonconforming or that increases a parcel's nonconformity shall be permitted to the extent required for the required access.

## Chapter 11.5.04 Off-Street Parking

### §11.5.04.001 Purpose.

This Chapter is established to:

- A. Provide for required off-street vehicle and bicycle parking, driveway access and drive aisles, lay-out and design, and loading that meet the needs created by specific uses.
- B. Ensure their proper design, location, and usefulness to protect the public's safety.
- C. Balance the needs of drivers with those of bicyclists, pedestrians, and transit users to support and promote a variety of mobility choices.
- D. Minimize the impact of parking on surrounding properties.

### §11.5.04.002 Applicability.

Every use, building, or structure shall provide appropriately maintained off-street parking in compliance with the requirements of this Chapter.

- A. New buildings, structures, and uses shall meet all the standards included in this Chapter, except as otherwise provided by this Chapter.
- B. Off-street parking shall be provided according to the requirements of this Chapter at the time of initial occupancy of a site, construction of a new structure, enlargement of a site or structure, or a change to a use classification that requires a greater parking requirement.
- C. Building, structures, and uses that are legal nonconforming with regard to parking shall comply with Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels).

### §11.5.04.003 General Requirements.

- A. **Location.** All parking shall be provided on-site unless otherwise provided for in this Chapter.
- B. **Use and Maintenance.** Required parking shall be permanently available, maintained for the use it is intended to serve, and shall not be converted to other uses, unless allowed as pursuant to a temporary use as provided for in Chapter 11.6.12 (Temporary Use Permits). Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of graffiti, litter, debris, and dirt. Striping, paving, walls, light standards, and all other facilities related to parking shall be permanently maintained in good and operating (as applicable) condition.
- C. **Parking and Loading to be Unrestricted.** Parking and loading required by this Chapter shall be available to the general public without charge, unless a Development Review Permit to allow valet parking is approved, as provided for in Section 11.5.04.004(H).

- D. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private undeveloped property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is properly zoned and the vendor is licensed or otherwise authorized to transact a vehicle sales business at that location.
- E. **Tandem Parking.**
1. Tandem parking may be allowed for employee parking for commercial uses, provided the applicant can demonstrate to the satisfaction of the decision-making authority that tandem parking will not impede access to the use.
  2. Tandem parking may be allowed for valet parking in accordance with the provisions of Subsection 11.5.04.004(H).
- F. **Mechanical Parking Lifts.** Mechanical parking lifts may be used to meet vehicle parking space requirements.
- G. **Electric Vehicle Charging Stations.** Parking spaces with electrical vehicle charging stations may be used to meet vehicle parking space requirements.

#### **§11.5.04.004 Required Amount of Off-Street Vehicle Parking.**

- A. **Off-Street Vehicle Parking Space Requirements by Land Use.** Each land use shall be provided at least the minimum number of off-street vehicle parking spaces according to the requirements in Subsection 11.5.04.004, except as follows:
1. As otherwise provide for in this Chapter;
  2. As specified in a Specific Plan; or
  3. Where a different number of parking spaces is required through a Use Permit or any other permit approval.
- B. **Calculation of Spaces.** Calculations of required vehicle or bicycle parking spaces that result in fractional numbers shall be rounded down to the nearest whole number.
- C. **Compact Parking Spaces.** Wherever five or more parking spaces are required pursuant to Table 11.5.04-1, up to twenty-five percent (25%) of the total required parking spaces may be provided as compact parking spaces, except that compact parking shall not be used to comply with parking requirements for any single-family residential uses. If compact parking spaces are provided to satisfy the requirements of this Chapter, the compact parking spaces must be designated with a sign or pavement marking.

**Table 11.5.04-1: Required Minimum Off-Street Vehicle Parking Spaces.**

Required Minimum Off-Street Vehicle Parking Spaces		
LAND USE <sup>1</sup>	REQUIRED SPACES	NOTES
<b>Residential Uses</b>		
Single-Family Residential	2 in an enclosed garage	Any tandem space does not count toward the required number of parking spaces
Single-Family Residential subject to Chapter 11.4.05 (Hillside Development)	4 per site (min.); a minimum of 2 shall be within an enclosed garage,	As otherwise required by Section 11.5.04.006(B)
Multifamily Residential	Resident parking: 0-1 bedroom: 1 per unit 2+ bedrooms: 2 per unit <sup>2</sup> Guest parking: 0.25 per unit <sup>2</sup> Off-street loading: A minimum of one (1) off-street loading space shall be provided to ensure adequate space to accommodate loading and unloading for moving trucks, delivery vehicles, ride-sharing/taxi pick-up and drop-off, and other similar uses, consistent with the size of the development, to the satisfaction of the Director of Community Development.	At least 1 of the required resident space(s) per unit must be covered <sup>2</sup> Guest parking may be uncovered
Senior Citizen Multifamily Housing	Resident parking: 0 bedroom: 0.5 per unit <sup>2</sup> 1+ bedrooms: 1 per unit <sup>2</sup> Guest parking: 0.25 per unit <sup>2</sup> Nonresidential employees: 1 per employee on the largest shift	At least one-third (1/3) of the required parking for residents shall be within carports or garages Parking for guests may be uncovered
Conversion to Condominiums (pursuant to Chapter 12.X.XX)	Resident parking: 2 per unit <sup>2</sup> Guest parking: 0.25 per unit <sup>2,3</sup>	Both resident spaces must be covered <sup>2,3</sup> , and must be assigned to and conveyed with the unit Guest parking may be uncovered

<sup>1</sup> Land uses and land use categories described in this table are consistent with Table 11.3.02-1: Land Use Permit Table for All Zones.

<sup>2</sup> The minimum number of parking spaces provided may be reduced for affordable housing in accordance with Chapter 11.4.03 (Affordable Housing Density Bonus) and as otherwise provided for in the California Density Bonus Law (Government Code Section 65915, et seq.) or as otherwise provided for in state law, or when written evidence justifying the reduction is provided and approved by the decisionmaker.

<sup>3</sup> Required off-street parking may be uncovered if the applicant can demonstrate to the Planning Commission that this requirement cannot or should not be reasonably met.

<b>Required Minimum Off-Street Vehicle Parking Spaces</b>		
<b>LAND USE<sup>1</sup></b>	<b>REQUIRED SPACES</b>	<b>NOTES</b>
Emergency Shelters	Parking shall be provided in accordance with Government Code Section 65583(a)(4)(B), as may be amended from time to time	
Single Room Occupancy (SRO)	1 per unit	
Supportive Housing	As required for comparable residential uses in the same zone, except that no off-street parking spaces for units occupied by supportive housing residents shall be required for supportive housing located within one-half mile of a public transit stop.	In accordance with Government Code Section 65583(c)(3), as may be amended from time to time,
Transitional Housing	As required for comparable residential uses in the same zone	In accordance with Government Code Section 65583(c)(3), as may be amended from time to time
Accessory Dwelling Unit (ADU)	See Chapter 11.4.02 for parking requirements for ADUs.	
HEI Overlay Zone	See Table 11.3.10-1 (HEI Overlay Zone Development Standards by Zone) for parking requirements for development in the HEI Overlay Zone	
<b>Civic and Community Uses</b>		
Community Gardens	No parking required if on-street parking is available within 400 feet from the lot upon which the community garden is located	
Convents and Monasteries	Resident parking: 1 per bedroom Guest parking: 1 per every 4 bedrooms	Resident parking must be covered Guest parking may be uncovered
Museums	1 per 500 sf Gross Floor Area ("GFA")	
Private Schools	<ul style="list-style-type: none"> <li>• Up to and including 8th grade: 1 per classroom</li> <li>• Over 8th grade: 1 per classroom plus 1 per 5 pupils</li> <li>• For auditoriums: 1 per 5 fixed seats or 1 per 35 sf GFA where seats aren't fixed</li> </ul>	
Religious Facilities	1 per 5 fixed seats; or 1 per 35 sf GFA where seats are not fixed, in the largest auditorium for public assembly	
<b>Retail Uses</b>		
Retail uses, except as set forth more specifically in this Table	1 per 250 sf GFA	
Automobile Sales, New Vehicles Only	1 per 250 sf GFA for sales/office area; plus 1 per 1,000 sf GFA for display area (indoor and outdoor)	

<b>Required Minimum Off-Street Vehicle Parking Spaces</b>		
<b>LAND USE<sup>1</sup></b>	<b>REQUIRED SPACES</b>	<b>NOTES</b>
Eating and Drinking Establishments	<ul style="list-style-type: none"> <li>• Bar, lounge, &amp; nightclub; brewpub; restaurants, full service; restaurants, fast food: 1 per 100 sf GFA</li> <li>• Restaurant, take-out service: 1 per 250 sf GFA</li> <li>• Outdoor dining (pursuant to Chapter 11.4.33):                             <ul style="list-style-type: none"> <li>○ An outdoor dining area that does not exceed 500 sf shall not be required to provide additional parking</li> <li>○ An outdoor dining area that exceeds 500 sf in area shall comply with parking requirements for the particular type of primary eating and drinking establishment as required in this table, for the amount of square footage in excess of the first 500 sf GFA of outdoor dining area</li> </ul> </li> </ul>	
Plant Nurseries and Garden Supply Stores	1 per 250 sf GFA of indoor retail sales area; plus 1 per 1,000 sf GFA outdoor display/storage area	
Service stations	3 spaces; plus 1 per 250 sf GFA for retail floor area; plus 3 spaces for each service bay; plus 2 spaces per wash bay	As applicable
<b>Office Uses</b>		
All Office Uses	1 per 250 sf GFA	
<b>Research and Development Uses</b>		
Research and Development	As determined by Conditional Use Permit approval	
<b>Service Uses</b>		
Service Uses, except as set forth more specifically in this Table	1 per 250 sf GFA	
Bed and Breakfast Inns	1 per guest room; plus Parking required for the residential use as required by this Zoning Code	Chapter 11.4.18
Car Washes	See Service Stations	
Hotels/Motels and Rooming/Boarding Houses	1 per room	
Mortuaries	1 per 5 fixed seats <sup>4</sup> or 1 per 35 sf GFA where seats are not fixed, plus; 1 per 35 sf of gross assembly area	

Vehicle Repair	See Service Stations	
<b>Medical and Care Uses</b>		
Day Care Facilities (Child and Adult):	<ul style="list-style-type: none"> <li>• Small family day care home:                             <ul style="list-style-type: none"> <li>○ As required for single-family dwelling</li> </ul> </li> <li>• Large family day care home:                             <ul style="list-style-type: none"> <li>○ As required for single-family dwelling</li> </ul> </li> <li>• Child or adult day care center:                             <ul style="list-style-type: none"> <li>○ 1 per 500 sf GFA building area</li> <li>○ A minimum of 1 required space shall be provided and designated with a sign for passenger loading/unloading, unless a drop-off lane or aisle is provided</li> </ul> </li> </ul>	A driveway may be used to provide the passenger loading/unloading space
Residential Care Facilities:	<ul style="list-style-type: none"> <li>• Small family residential care:                             <ul style="list-style-type: none"> <li>○ As required for single-family dwelling</li> </ul> </li> <li>• Large family residential care:                             <ul style="list-style-type: none"> <li>○ 1 per every 5 beds shift</li> </ul> </li> <li>• Residential care facilities for the elderly:                             <ul style="list-style-type: none"> <li>○ 1 per every 5 beds</li> </ul> </li> </ul>	
Medical Clinics and Laboratories	1 per 250 sf GFA	
Hospitals	1.5 per patient bed	
<b>Entertainment, Recreation, and Open Space Uses</b>		
Adult Oriented Businesses	1 per 5 fixed seats <sup>2</sup> or 1 per 35 sf GFA where seats are not fixed	
Health/Fitness Facilities	<ul style="list-style-type: none"> <li>• Small:                             <ul style="list-style-type: none"> <li>○ 1 per 100 sf Gross Leasable Area</li> </ul> </li> <li>• Large:                             <ul style="list-style-type: none"> <li>○ 1 per 250 sf Gross Leasable Area</li> </ul> </li> </ul>	
Indoor amusement and Entertainment Facilities	1 per 100 sf GFA	
Riding and hiking trails	No parking required	
Theaters, auditoriums, clubs,	1 per 5 fixed seats <sup>2</sup> or 1 per 35 sf GFA where	

<sup>4</sup> Eighteen (18) inches of lineal bench or bleacher shall be equal to one (1) fixed seat.

lodges, and private meeting halls	seats are not fixed; plus 1 per 35 sf of gross assembly area	
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- D. **Conditional Uses and Uses Not Identified in Table 11.5.04-1.** The Director shall determine the parking requirement for any conditionally permitted use, or where parking requirements for a use which does not correspond to the land uses or land use categories listed in Table 11.5.04-1. Wherever practical, such determination shall be based on the requirements of the most comparable use or use category specified in Table 11.5.04-1. In such instances, the Director may require a parking study as provided for in Subsection (K) of this Section and/or other information in order to make the determination.
- E. **Multiple Uses and Mixed Use Development.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the total required parking spaces shall be the sum of the requirements for each separate use, except as follows:
1. Reduction of the required number of spaces is approved pursuant to Subsection (F) below; or
  2. Off-site shared parking is provided in accordance with Subsection (G) below.
- F. **Reduction of Required Off-Street Parking.**
1. For any permitted or conditionally permitted use located within one-quarter mile (1,320 feet) of a bus stop or public parking lot, or where on-street parking is provided, a Director’s Development Review Permit as provided for in Subsection 11.6.05.002(A)(15) may be applied for to request a reduced parking rate of up to fifty (50) percent of off-street parking spaces required in Table 11.5.04-1. The Director shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Director that the required findings can be made. The Director may require a parking study pursuant to Subsection (K) of this Section and/or may require other information to make the required findings.
  2. For any permitted or conditionally permitted use located within one-quarter mile (1,320 feet) of a bus stop or public parking lot, or where on-street parking is provided, a Development Review Permit as provided for in Subsection 11.6.05.002(A)(15) may be applied for to request a reduced parking rate of more than fifty (50) percent of off-street parking spaces required in Table 11.5.04-1. The Planning Commission shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section and/or may require other information to make the required findings.

3. For any permitted or conditionally permitted use, a Development Review Permit as provided for in Subsection 11.6.05.004(A)(8) may be applied for to request a reduction to off-street parking spaces required in Table 11.5.04-1 that is not subject to Subsection 11.5.04.004(E)(1). The Planning Commission shall have the authority to modify the parking requirement if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section, and/or other information in order to make the required findings.
- G. **Off-Street Shared Parking.** A Director’s Development Review Permit as provided for in Subsection 11.6.05.002 may be applied for to allow shared parking between land uses with different periods of peak parking demand. The Planning Commission shall have the authority to allow off-site shared parking only if the applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Planning Commission may require a parking study pursuant to Subsection (K) of this Section and/or other information or documentation in order to make the required findings.
- H. **Valet Parking.**
1. **Valet Parking in Commercial Zones**
    - i. A Development Review Permit as provided for in Subsection 11.6.05.004 may be applied for to allow valet parking in commercial zones. The Planning Commission shall have the authority to allow valet parking only if the Applicant can demonstrate to the satisfaction of the Planning Commission that the required findings can be made. The Applicant shall provide the following information and any other information the Planning Commission determines is necessary to make the required findings:
      - (a) Parking lot layout, number and dimensions of spaces proposed to be used for valet service, dimensions of drive aisles, location of vehicle drop-off/pick-up area, and valet routes (if the proposed parking is located off-site). Tandem parking shall not be used unless it is indicated on the plans, including the location and number of tandem parking spaces proposed.
      - (b) Demonstration that the drop-off/pick-up area is free from traffic hazards and will be adequately posted.
      - (c) Days and hours of operation of the proposed valet parking service.
      - (d) Whether a fee would be required for valet parking.
  2. **Valet Parking in Residential Zones for Special Events**

- a. A Temporary Use Permit as provided for in Subsection 11.6.12.004(B) may be applied for to allow temporary valet parking in residential zones in connection with an event or other similar use. The Director shall have the authority to allow valet parking only if the applicant can demonstrate to the satisfaction of the Director that the required findings can be made. The Applicant shall provide the following information and any other information that the Director determines is necessary to make the required findings:
  - i. Location where cars will be parked, location of vehicle drop-off/pick-up area, and valet routes. Tandem parking shall not be used unless it is indicated on the plans, including the location and number of tandem spaces provided.
  - ii. Location and specifications of any valet stand or other temporary use within the public right-of-way.
  - iii. Days and hours of operation of the proposed valet parking service.
  - iv. Approval from the Traffic Engineer and/or Public Works Director of any on-street parking proposal. Should the project require a temporary encroachment permit through Public Works, the applicant is responsible for obtaining all necessary approvals.

3. **Indemnification**

- a. The Applicant shall conform to all City indemnification requirements.

I. **Participation in Public Parking Assessment District.** Participation in a Public Parking Assessment District, as may be established by the City Council, may be used to comply with the provisions of this Chapter to the extent of a use's allotted share of the parking spaces in the district.

J. **Accessible Parking.**

1. The location, number, and design of accessible parking spaces for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.
2. Accessible parking shall be counted toward the total number of vehicle parking spaces required by Table 11.5.04-1.
3. Additional parking spaces shall not be required for an addition to a structure made solely for the purpose of increasing access for disabled persons.
4. In the case of tenant improvements, the number of required parking spaces may be reduced for the purpose of meeting the requirements for accessible parking spaces in compliance with this Subsection.

K. **Parking Study.** When a decision-making authority requires a parking study as provided for in this Chapter, it shall include, but is not necessarily limited to, the following:

1. Type of use(s);
2. Number of employees;
3. Number of patrons/students/guests/visitors/residents, as applicable;
4. The occupant load (per building code) of the building;
5. Square feet of building area and any outdoor area that is readily accessible to patrons/students/guests/visitors/residents in conjunction with the use, as applicable;
6. Hours of operation;
7. Demonstration of adequacy to prevent traffic congestion; and
8. Demonstration of adequacy to prevent excessive on-street parking.

**§11.5.04.005 Vehicle Parking in Single-Family Residential (R-1) Zones.**

Except as otherwise required in Section 11.5.04.006, parking in the R-1 zones shall comply with the following development standards.

**A. Garages.**

1. Every new single-family residence shall have on the same lot or parcel of land one (1) or more garages, or other enclosed structures, providing storage space for two (2) vehicles, conveniently accessible and located at a place where structures are permitted.
2. Each required vehicle storage space shall be at least ten feet (10) wide and twenty (20) feet deep interior dimensions, and shall remain free of permanent structural obstructions, except as follows:
  - a. The required vehicle parking spaces within the garage or other enclosed structure that are nonconforming in terms of size shall continue to be recognized as required parking spaces provided:
    - i. Each space within the garage or enclosed structure is at least nine (9) feet wide by nineteen (19) feet deep interior dimensions; and
    - ii. Any expansion or alteration of the primary dwelling unit, whether the garage or other enclosed structure is attached or detached, shall not involve expansion or alteration of the any walls or roof structure of the garage and shall not result in the structure being considered a new structure.



- d. Modification or alteration of an existing semicircular driveway, where the street frontage is less one hundred (100) feet, may be permitted subject to approval of a Director's Development Review Permit as provided in Section 11.6.05.002(A)(17) and subject to the criteria listed within Subsection (4).
- e. Semi-circular driveways shall not exceed twelve (12) feet in width within the required front setback except as required by the Fire Department, and as necessary for access to parking stalls. One (1) of the two (2) driveways may be allowed up to twenty (20) feet in width subject to review and approval of the Director and subject to the review criteria listed within Subsection (4).
- f. *Criteria for approval of new or modification to existing semicircular driveways.* A new semicircular driveway and curb cuts or modification of an existing semicircular driveway and associated curb cuts as provided for within Subsections (D)(2)(a) through (D)(2)(e) may be permitted where the Director and the Director of Public Works find that the proposed location and design protects public health, safety and welfare based on:
  - i. Street geometric configurations and the provision of adequate line of sight, including but not limited to consideration of corner lots, sharp curves, steep or narrow roads;
  - ii. Above ground obstacles, including but not limited to trees, large utility poles, utility cabinets, or mailboxes;
  - iii. The number of potential conflict points, including but not limited to the number and proximity of driveways to each other; and
  - iv. Sidewalk location and design.

3. **Maximum grade.**

- a. *General.* The finished grade of any driveway shall not exceed an average of fifteen (15) percent, with an absolute maximum grade of twenty (20) percent. Any exception must be reviewed and approved by the Fire Code official. Transitional top and bottom slopes shall be provided to the satisfaction of the Director and the Director of Public Works.
- b. *Elevated driveway.* An elevated driveway shall comply with the requirements of

Figure 11.5.04-1: Elevated Driveway.

- c. *Depressed driveway.* A depressed driveway shall comply with the requirements of

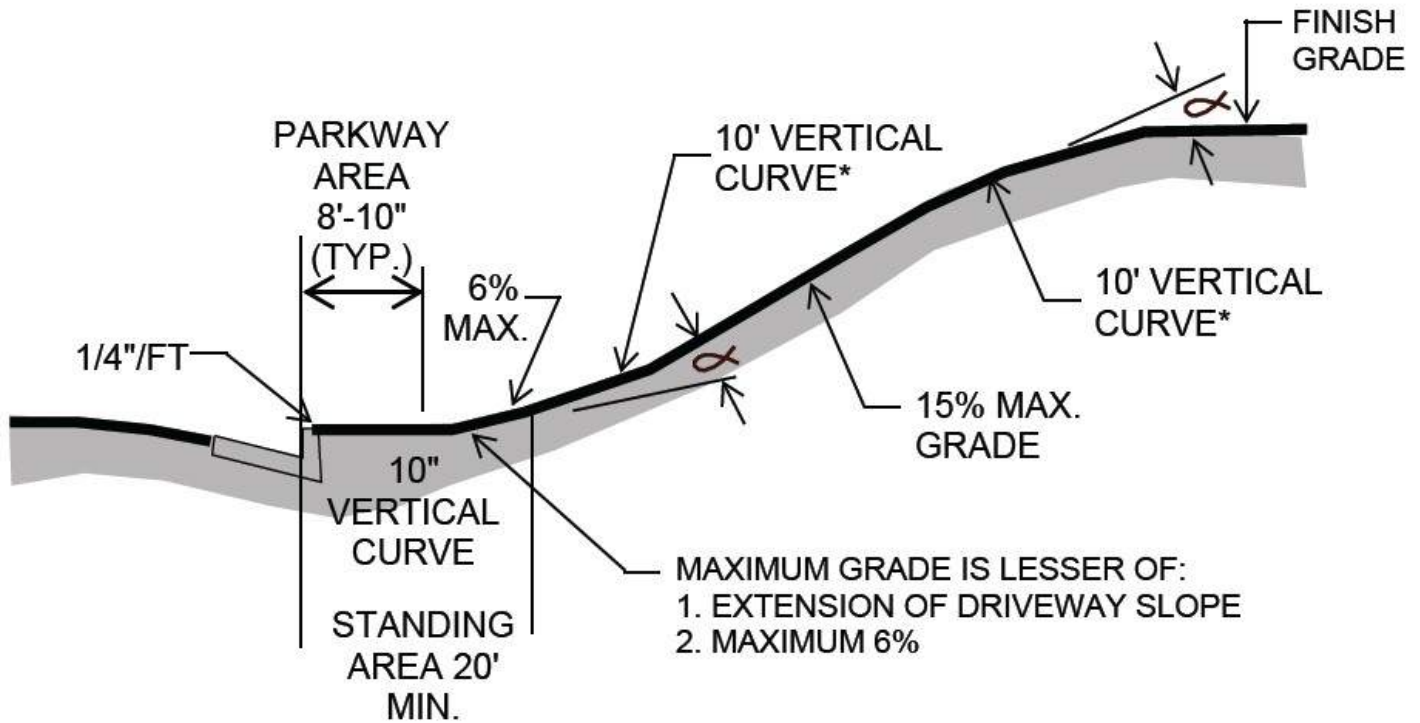
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Figure 11.5.04-2: Depressed Driveway



Figure 11.5.04-1: Elevated Driveway

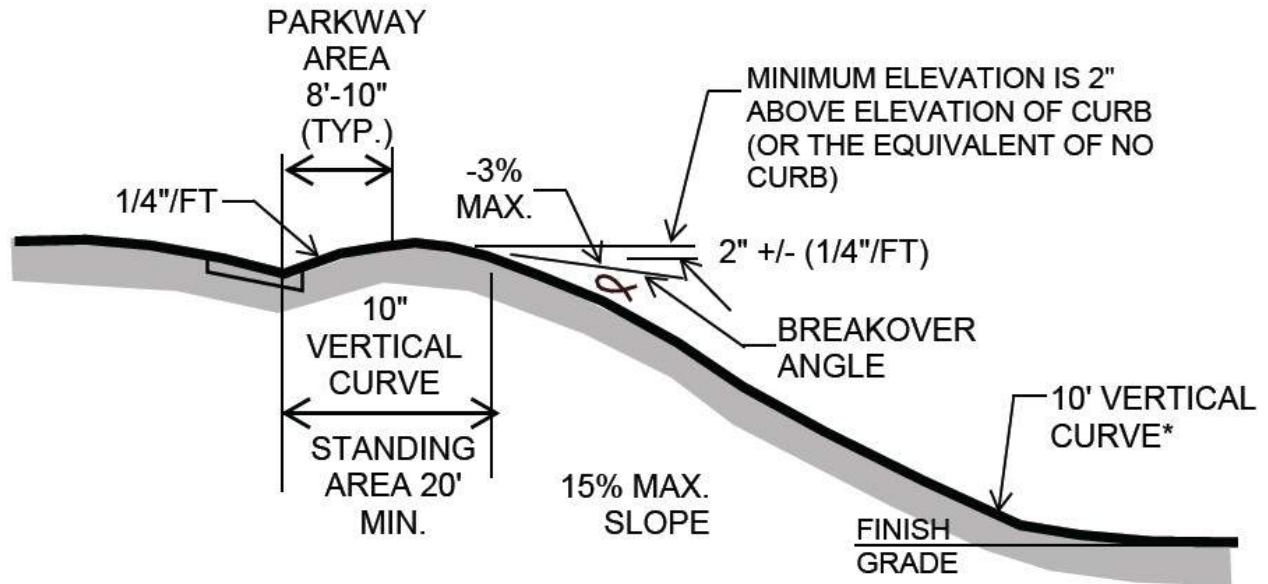
## ELEVATED DRIVEWAY



\*10' VERTICAL CURVE REQUIRED WHERE BREAKOVER ANGLE ( $\alpha$ )  $\geq$  8°

Figure 11.5.04-2: Depressed Driveway

### DEPRESSED DRIVEWAY



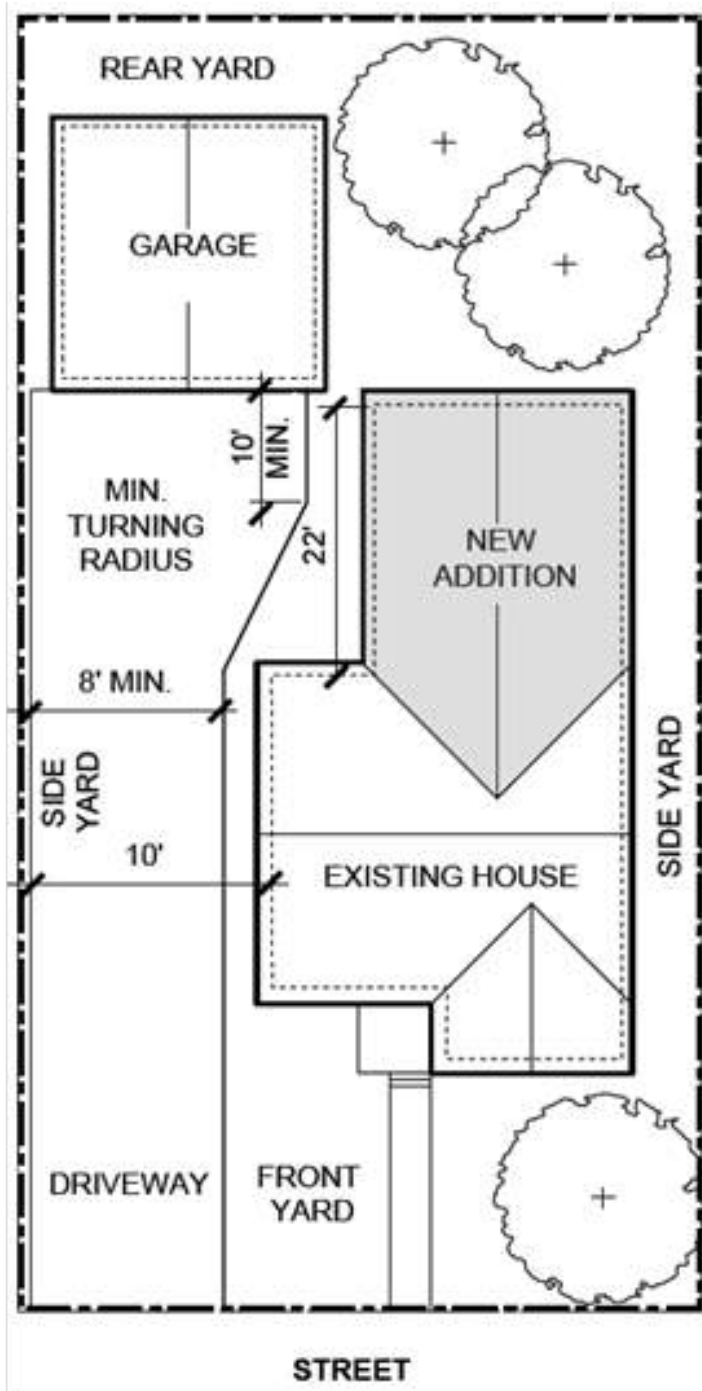
\*10' VERTICAL CURVE REQUIRED WHERE BREAKOVER ANGLE ( $\alpha$ )  $\geq 8^\circ$

4. **Access to detached garage.** Access to a detached garage shall be provided or maintained in accordance with

Figure 11.5.04-3: Garage Turning Radius.



Figure 11.5.04-3: Garage Turning Radius



**§11.5.04.006            Vehicular Parking for Development Subject to Chapter 11.4.05  
(Hillside Development).**

**A.     Driveways.**

1.        **Minimum width—standard.** For private driveways in excess of one hundred fifty (150) feet in length, minimum graded and paved width shall be twenty (20) feet if only one (1) dwelling unit is served, or twenty (20) feet if more than one (1) dwelling unit is served.

**B.     Parking.**

1.        In addition to the two (2) enclosed spaces required pursuant to Section 11.5.04.005(A), any lot developed under the provisions of Chapter 11.4.05 shall provide and maintain two (2) additional off-street parking spaces, a minimum of nine (9) feet by twenty (20), which shall not be developed in tandem, and which shall be readily accessible from the street from which access to the lot being developed is derived.
2.        If the paved width of the street upon which the lot is located is thirty-six (36) feet or greater, the decision-making authority may waive this requirement, if the Applicant can demonstrate to the satisfaction of the decision-making authority that there are no safety or traffic impacts associated with on-street parking.

**§11.5.04.007            Vehicle Parking in Multifamily, Mixed Use, and Non-Residential  
Zones.**

The development, design, construction, or establishment of vehicle parking in multifamily, mixed use, and non-residential zones shall conform to the regulations of this Section, except that modification to the requirements of this Section may be permitted subject to approval of a Director’s Development Review Permit as provided in Section 11.6.05.002(A)(18).

**A.     Review Required.**

1.        **Uncovered surface parking areas.** Unless otherwise required through an entitlement permit, a Zoning Clearance pursuant to Chapter 11.6.03 is required to be approved prior to the establishment or modification of any required uncovered surface parking area. In addition to the application procedures provided for in Section 11.6.03.003, a detailed site plan shall be submitted to the Director that depicts the parking arrangement, accurately dimensioned, showing individual parking spaces, driveways, maneuvering aisles, and turnaround areas, and indicating adequate ingress and egress.
2.        **Structured parking.** A Development Review Permit pursuant to Chapter 11.6.05 is required to be approved prior to the establishment or modification of any parking structure, including roof-top parking.

**B.     Driveways.**

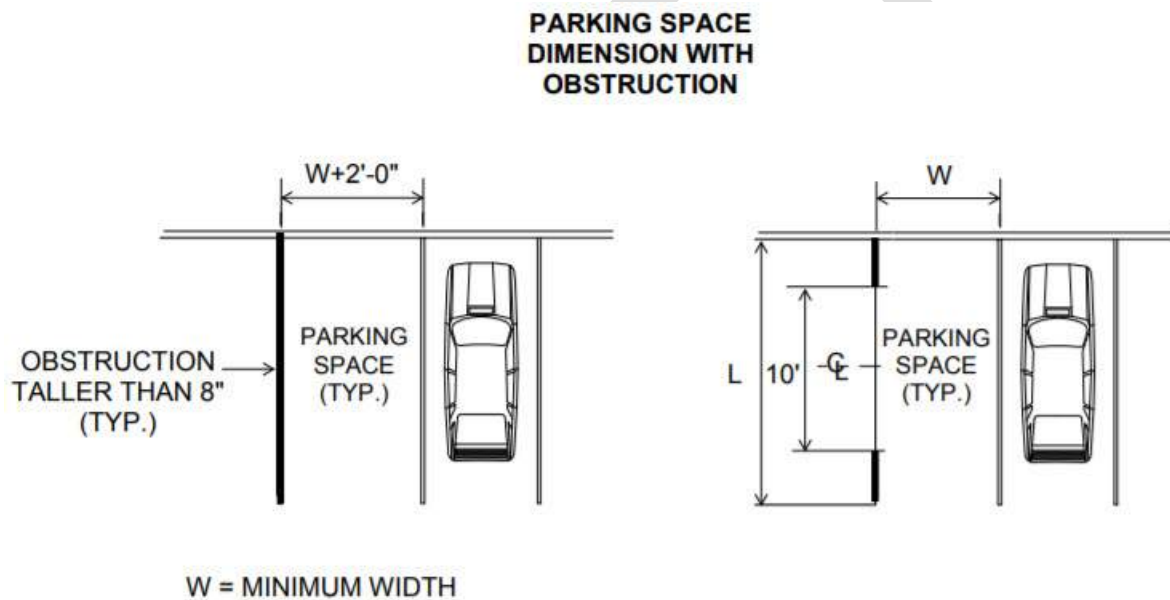
1.        **Curb cuts.**

- a. All new curb cuts or modification to existing curb cuts are subject to approval by the Director of Public Works.
  - b. Existing curb cuts may be required to be removed at the discretion of the Director of Public Works if he/she determines that there is a safety issue or a compelling public purpose.
2. **Width.** All driveways serving multifamily residential and non-residential uses shall be provided as follows:
- a. *One-way driveway:*
    - i. Minimum width twelve (12) feet, maximum width sixteen (16) feet;
    - ii. Minimum separation between a one-way pair of driveways: ten (10) feet full height curb.
  - b. *Two-way driveway:* Minimum twenty-four (24) foot width, maximum thirty-five (35) foot width.
  - c. All dimensions in this Subsection shall be based on the bottom width (or the flat portion) of the driveway, measured at the curb where curbs are in place. Where curbs are not in place, dimensions will be measured at the ditch or flow line, or seven (7) feet from the property line on the street side of the property line if no ditch and no curbs are in place.
3. **Alleys.**
- a. When site access is possible from an alley, the driveway should be located on the alley.
  - b. Alleys shall not be used for required back-up space.
4. **Visibility.**
- a. Driveways shall be constructed and maintained to meet sight distance requirements.
  - b. Sidewalks and pedestrian routes that cross driveways shall be clearly designated using striping, distinctive paving materials, or other appropriate methods.

**C. Parking Space Dimensions.**

1. Vehicle parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long except as otherwise provided for in this Subsection.
2. Compact parking spaces as provided for in Subsection 11.5.04.004(C) shall be a minimum of eight feet six inches (8'-6") wide by sixteen (16) feet long.
3. When the side of a vehicle parking space abuts a fence, wall, post, or other similar obstruction taller than eight (8) inches, the minimum width of the space shall be increased by two (2) feet. This standard shall not apply when the center ten (10) feet of the required length of a parking space is free of obstructions, as provided for in Figure 11.5.04-4.

**Figure 11.5.04-4: Parking Space Dimension with Obstruction**

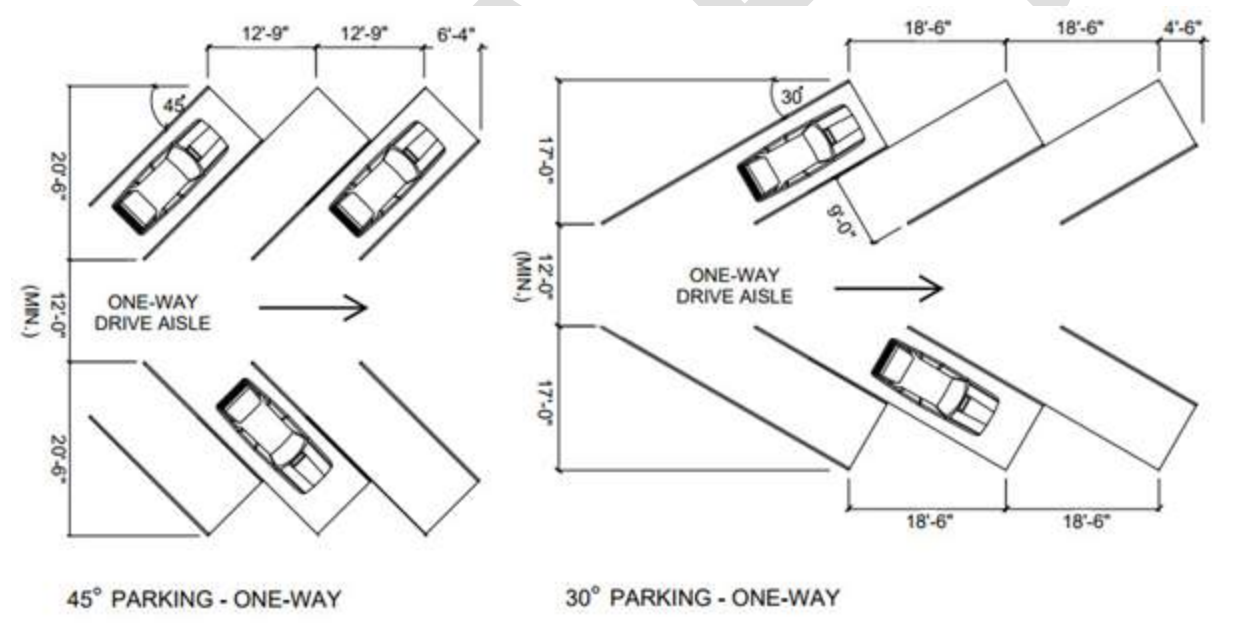


4. Up to three (3) feet of the required parking space length may overhang a planter or walkway, provided the overhang does not decrease pathways for pedestrian access below the width necessary to meet the requirements of California Building Standards Code (California Code of Regulations, Title 24) Americans with Disabilities Act. Parking stop blocks (also known as bumper blocks) shall not be used to satisfy this provision.
5. The dimensions of accessible parking for disabled persons shall comply with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.

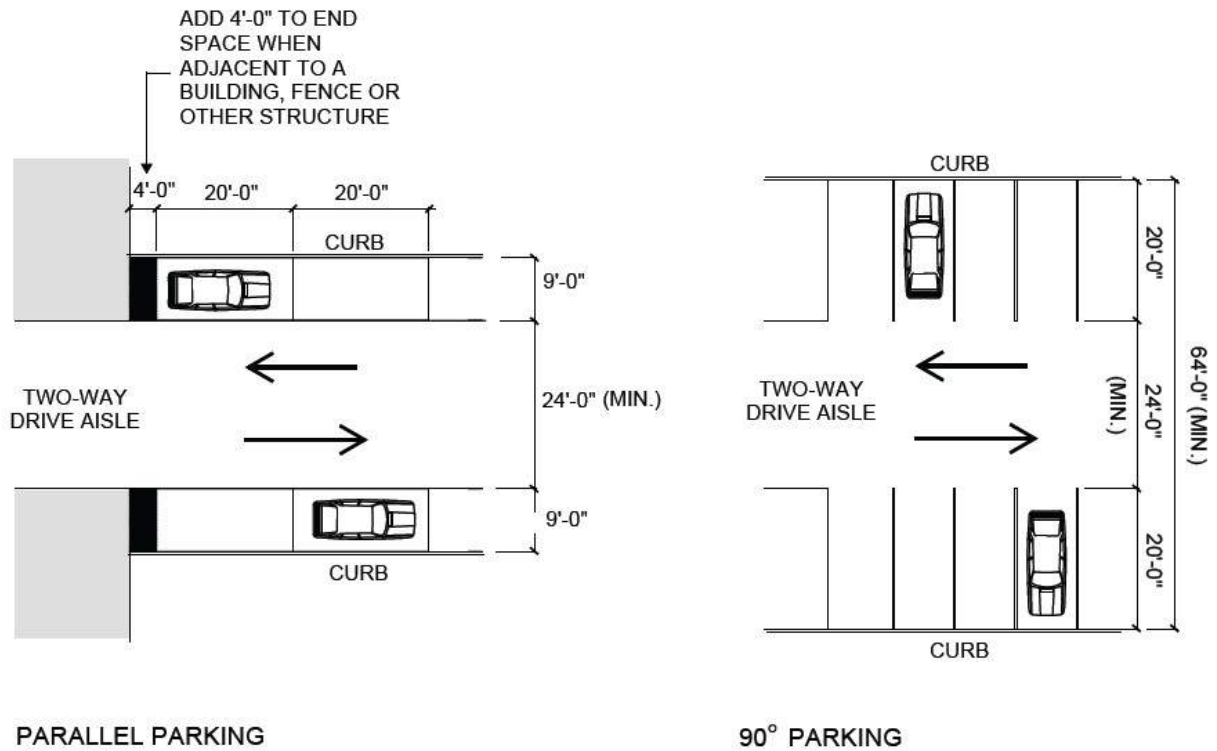
**D. Parking Area Lay-Out and Design.**

1. **Integrated and compatible design.** The design of the parking facility shall be integrated into and compatible with the design of the overall project.
2. **Directional indicators.** Parking areas shall be clearly marked with directional signs or painted arrows to ensure the safe and efficient circulation of vehicles, bicycles, and pedestrians. Entrances and exits to parking facilities shall be clearly designated, and stop signs shall be provided at all exit locations.
3. **Back-up.** A five (5) foot backing area that extends beyond any stall in a dead-end aisle is required.
4. **Minimum parking area dimensions.** Parking areas shall comply with Figure 11.5.04-5: Minimum Parking Area Dimensions—Angled Parking and Figure 11.5.04-6: Minimum Parking Area Design—Parallel and 90° Parking or as otherwise determined by the Fire Department.
5. Reciprocal access is allowed and encouraged.

**Figure 11.5.04-5: Minimum Parking Area Dimensions—Angled Parking**



**Figure 11.5.04-6: Minimum Parking Area Design—Parallel and 90° Parking**



- E. **Pavement Required.** All parking spaces, loading spaces, and driveways shall be required to be surfaced with asphalt concrete, Portland cement concrete, interlocking pavers, or a pervious pavement system incorporating gravel or vegetation. Required pavement shall be placed on a suitable prepared base. The use of light colored, pervious pavement is encouraged.
- F. **Pedestrian Access.**
1. At least one (1) pedestrian pathway shall be provided from the street or sidewalk to the primary building entrance. Multi-tenant, campus-style, and mixed use development may be required to add additional pedestrian pathways to the satisfaction of the decision-making authority.
  2. Pedestrian pathways shall be incorporated into the site design in a manner that encourages access by pedestrians. Internal sidewalks and pedestrian pathways shall be clearly designated using striping, distinctive paving materials, or other appropriate methods.
  3. Where a transit stop or facility is located adjacent to the site, the pedestrian pathway shall be provided as near as is feasible to the transit stop or facility.
- G. **Additional Development Standards and Objective Design Standards for Parking Structures.** In addition to the requirements of this Chapter, the following shall apply to new parking structures:

1. **Development standards for parking structures.**

- a. If below-grade parking is provided in a structure adjacent to Foothill Boulevard, then commercial, residential, or other uses permitted by the zone shall be provided above the structure at ground level to maintain the continuity of building frontage along Foothill Boulevard.
- b. To maximize ease of use and security, parking structures shall be constructed with “clear spans” related to each circulation aisle and related double-loaded set of parking stalls.
- c. The interior of any parking structure shall be painted with bright, light-reflective color. Except as otherwise required in Chapter 11.5.05 (Outdoor Lighting Standards), artificial illumination shall be provided to create a minimum foot-candle level of five (5) foot candles on the parking deck.
- d. Exterior elevations shall incorporate materials and design features that are consistent with the primary building(s). Green walls may be used to meet this requirement.
- e. Notwithstanding other provisions of this Chapter, parking structures shall have, along all elevations that face a public street or a residential use, a minimum three (3) foot high buffer on all levels (including roof top parking and the top deck of a parking structure) to screen headlights. Such buffer shall consist of a decorative masonry wall that is consistent with the architectural style of the building, solid hedge, green wall, or other screening treatment to the satisfaction of the Director.
- f. Ventilation motors shall be screened and enclosed with acoustic panels that limit noise subject to applicable provisions of Chapter 5.02 (Regulation of Community Noise).

2. **Objective design standards for parking structures.**

- a. Uses such as retail, offices, multifamily residential, or other uses allowed in the zone shall be incorporated on the ground level of the parking structure where the structure faces street frontages.
- b. Parking structure walls facing R-1 zones shall not have openings to avoid light and noise impacts.
- c. In addition to any landscaping required by this Zoning Code, landscaping shall be provided on all levels of a parking structure, including along exterior walls and on roof top parking or the top deck of the parking structure. Landscaping in the form of green roofs for stormwater management is acceptable for use on the top level of the parking structure.

H. **Loading.**

- 1. **Number of Loading Spaces Required.** Off-street loading spaces shall be provided as follows:

**Table 11.5.04-2: Loading Space Requirements**

Type of Land Use	Total GFA	Number and Type of Loading Required
Office Uses	Less than 20,000 sq. ft.	1 Service & Delivery space
	More than 20,000 sq. ft.	1 Small Truck
Retail and other allowed commercial uses	Less than 10,000 sq. ft.	1 Service & Delivery space
	10,000 to 20,000 sq. ft.	1 Small Truck
	More than 20,000 sq. ft.	1 Large Truck + 1 Small Truck
Mixed Use	Combine requirements for commercial and multifamily based on GFA of non-residential and number of residential units	
Type of Land Use	Number of Units	Number and Type of Loading Required
Multifamily	2-10	1 Service & Delivery space
	11-20	1 Small Truck
	21 or more	1 Service & Delivery space + 1 Small Truck

2. **Location.** Loading spaces shall be located to meet as many of the following criteria as deemed feasible by the Community Development Director. The spaces shall:

- a. Have direct vehicular access from a driveway or access aisle.
- b. Not be within the required front or street side yard setback;
- c. Be limited to the rear two-thirds of the parcel;
- d. Be situated to ensure that loading and unloading takes place on site and in no case within adjacent public rights-of-way or main drive aisles on site, including any drive aisle that is also a designated fire lane;
- e. Be situated to ensure that vehicular maneuvers occur on site.

3. **Design and Development Standards.**

- a. *Dimensions.*
  - i. Service & Delivery – Shall have at least 9 feet in width and 18 feet in length and 8'-6" of vertical clearance within the loading space.
  - ii. Small truck - Shall have at least 10 feet in width, 20 feet in length, and 14 feet of vertical clearance within the loading space.
  - iii. Large Truck - Shall have at least 12 feet in width, 35 feet in length, and 14 feet of vertical clearance within the loading space.

b. *Loading Doors and Gates.* Loading bays and roll-up doors shall be painted to blend with the exterior structure walls and be located on the rear of the structure as far from single-family residential uses as possible.

c. *Screening.* Loading areas adjacent to residential uses or public streets or alleys shall be screened with a solid masonry wall, at least six feet in height.

d. *Striping.* Loading areas shall be striped, indicating the service & delivery or loading space(s) and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner or tenant in a clear and visible manner at all times.

I. **Grade.** No parking area will be approved that has a minimum grade less than one-half (0.5) percent or a maximum grade exceeding five (5) percent. Driveways to parking areas shall not exceed twenty-five (25) percent longitudinal grade and five (5) percent cross grade. Longitudinal slope shall not exceed twenty (20) percent for fire lanes.

J. **Parking Area Landscaping.**

1. Landscaping at any interior parking area intersection shall not obstruct a driver's vision of vehicle and pedestrian cross traffic.

2. All landscaped areas within and/or adjacent to parking areas, including internal circulation, parking spaces, and turn-around areas, shall be enclosed by a raised six-inch (0'-6") concrete curb or low wall. The concrete curb may include cut-outs as part of the design required for bioswales and bioretention basins. The Director may waive this requirement when the landscaped areas are designed in accordance with an integrated, comprehensive low impact development parking lot design.

3. With the exception of trees, landscaping adjacent to pedestrian pathways shall be no more than three (3) feet in height.

4. Interior landscaping for uncovered surface parking areas shall be provided as follows.

a. A minimum five (5) foot wide (inside dimension) planter area or landscape strip shall be provided between any uncovered parking space and the property line. This subsection does not apply to the Old Town District.

b. One (1) planter shall be required at each end of each parking aisle and one (1) additional planter area shall be required for each ten (10) parking spaces. This subsection does not apply to the Old Town District.

c. Except as required for vehicular movement, planter lengths shall be two feet (2'-0") less than the adjacent parking space lengths. Each planter shall average at least five (5) feet in inside width unless otherwise provided for.

d. All areas not used for parking, circulation, or another functional aspect within uncovered surface parking areas shall be landscaped.

5. **Trees.**

- a. At least one (1) tree shall be provided per each prescribed planter.
  - b. Trees shall be a minimum of fifteen (15) gallon size, and at least twenty-five (25) percent of trees shall be of 24-inch box size or greater at planting.
  - c. Exception: Surface parking areas covered by solar photovoltaic shade structures or shade structures with roofing material that complies with the City's adopted Building and Fire Codes are permitted in whole or in part in lieu of shade tree plantings. These structures would qualify as accessory structures and be subject to the applicable development regulations of their underlying zone.
6. All landscaped areas shall be permanently maintained with proper care, weeding, pruning, and irrigation to maximize the health and longevity of plantings and to maintain conformance with the approved landscape plan.
7. All landscaping shall be in compliance with Chapter 4.23 (Water Efficient Landscaping).
8. All landscape lighting shall be in compliance with Chapter 11.5.05 (Outdoor Lighting Standards).

**§11.5.04.008 Bicycle Parking**

- A. **Spaces Required.** Bicycle parking shall be provided according to the standards in Table 11.5.04-3: Bicycle Parking Requirements; except that if the project is subject to the requirements of Chapter 11.5.11 (Trip Reduction and Travel Demand Management), the required amount of bicycle parking shall be the greater amount required of this Chapter or Chapter 11.5.11. Bicycle racks may be used for bicycle parking, unless otherwise noted.

**Table 11.5.04-3: Bicycle Parking Requirements**

<b>Required Minimum Off-Street Bicycle Parking Spaces</b>	
<b>LAND USE<sup>1</sup></b>	<b>REQUIRED SPACES</b>
<b>Residential Uses</b>	
Single-Family Residential	N/A
Multi-Family Residential	1 per unit <sup>2</sup>
Senior Citizen Multi-family Residential Housing	1 per 10 units
Emergency Shelters	1 per 10 beds
Single Room Occupancy (SRO)	1 per 10 units
Supportive Housing	As required for comparable residential uses in the same zone
Transitional Housing	As required for comparable residential uses in the same zone
Accessory Dwelling Unit	N/A
<b>Civic and Community Uses</b>	
Community Gardens	2 per site
Convents and Monasteries	Resident parking: 1 per bedroom Guest parking: 1 per every 4 bedrooms
Museums	1 per 5,000 sf GFA
Private Schools	Up to 8th grade, 1/classroom: Over 8th grade: <ul style="list-style-type: none"> <li>• School with grades 9 through 12: 1/each classroom plus 1 for each 50 pupils</li> <li>• Auditorium: 1/5 fixed seats or 1/35 sf GFA where seats aren't fixed</li> </ul>
Religious Facilities	1 per 50 fixed seats or 1 per 350 sf GFA where seats are not fixed, plus 1 per 350 sf of gross assembly area, classrooms, meeting rooms, etc.
<b>Retail Uses</b>	
Retail uses, except as set forth more specifically in this Table	1 per 2,500 sf GFA
Automobile Sales, New Vehicles Only	1 per site
Eating and Drinking Establishments	<ul style="list-style-type: none"> <li>• Bar, lounge, &amp; nightclub; brewpub; restaurants, full service; restaurants, fast food:</li> </ul> 1 per 1,000 sf GFA

<sup>1</sup> Land uses and land use categories described in this table are consistent with Table 11.3.02-1: Land Use Permit Table for All Zones.

<sup>2</sup> Bicycle parking for multifamily residential uses is not required when the units have individual enclosed garages that are assigned to each dwelling unit.

LAND USE <sup>1</sup>	REQUIRED SPACES
	<ul style="list-style-type: none"> <li>• Restaurant, take-out service: 1 per 2,500 sf GFA</li> <li>• Outdoor dining (pursuant to Chapter 11.4.33):                             <ul style="list-style-type: none"> <li>○ An outdoor dining area that does not exceed 100 sf shall not be required to provide additional bicycle parking</li> <li>○ An outdoor dining area that exceeds 100 sf in area shall comply with bicycle parking requirements for the particular type of primary eating and drinking establishment as required in this table, for the amount of square footage in excess of the first 100 sf of outdoor dining area</li> </ul> </li> </ul>
Plant Nurseries and Garden Supply Stores	1 per 2,500 sf GFA of indoor retail sales area; plus 1 per 10,000 sf GFA outdoor display/storage area
Service stations	1 space
<b>Office Uses</b>	
All Office Uses	1 per 2,500 sf GFA
<b>Research and Development Uses</b>	
Research and Development	As determined by Conditional Use Permit approval
<b>Service Uses</b>	
Service Uses, except as set forth more specifically in this Table	1 per 2,500 sf GFA
Bed and Breakfast Inns	1 per 10 guest rooms
Car Washes	See Service Stations
Hotels/Motels and Rooming/Boarding Houses	1 per 10 rooms
Mortuaries	1 per 50 fixed seats <sup>2</sup> or 1 per 350 sf GFA where seats are not fixed, plus; 1 per 350 sf of gross assembly area
Recycling Facilities	<ul style="list-style-type: none"> <li>• Reverse Vending Machine:                             <ul style="list-style-type: none"> <li>○ N/A</li> </ul> </li> <li>• Small:                             <ul style="list-style-type: none"> <li>○ N/A</li> </ul> </li> </ul>
Vehicle Repair	See Service Stations
<b>Medical and Care Uses</b>	
Child Day Care Facilities:	<ul style="list-style-type: none"> <li>• Small family day care home:                             <ul style="list-style-type: none"> <li>○ N/A</li> </ul> </li> <li>• Large family day care home:                             <ul style="list-style-type: none"> <li>○ 1 per 5 onsite employees</li> </ul> </li> <li>• Child day care center:                             <ul style="list-style-type: none"> <li>○ 1 per 5 onsite employees, plus</li> <li>○ 1 per 5 children</li> </ul> </li> </ul>
Residential Care Facilities:	<ul style="list-style-type: none"> <li>• Small family residential care: N/A</li> <li>• Large family residential care: 1 per 5 onsite employees</li> </ul>

LAND USE <sup>1</sup>	REQUIRED SPACES
	<ul style="list-style-type: none"> <li>Residential care facilities for the elderly: 1 per 5 onsite employees</li> </ul>
Medical Clinics and Laboratories	1 per 2,500 sf GFA
Hospitals	1 per 50 patient beds
<b>Entertainment, Recreation, and Open Space Uses</b>	
Adult Businesses	1 per 50 fixed seats <sup>2</sup> or 1 per 350 sf GFA where seats are not fixed
Health/Fitness Facilities	<ul style="list-style-type: none"> <li>Small:                             <ul style="list-style-type: none"> <li>1 per 1,000 sf GFA; plus</li> <li>1 per 5 onsite employees</li> </ul> </li> <li>Large:                             <ul style="list-style-type: none"> <li>1 per 2,500 sf GFA; plus</li> <li>1 per 5 onsite employees</li> </ul> </li> </ul>
Indoor amusement and Entertainment Facilities	1 per 1,000 sf GFA
Riding and hiking trails	N/A
Theaters, auditoriums, clubs, lodges, and private meeting halls	1 per 50 fixed seats <sup>2</sup> or 1 per 350 sf GFA where seats are not fixed; plus 1 per 350 sf of gross assembly area

**B. Bicycle Facility Design.**

1. Bicycle racks shall be designed to support a bicycle by its frame without damage to the bicycle, allow bicycles frames and/or wheels to be easily locked to the rack, and provide easy access to each parked bicycle when the rack is fully loaded.
2. Bicycle racks shall be protected by a barrier to prevent vehicles from striking parked bicycles.
3. A minimum of twenty five percent (25%) of the required bicycle parking shall be located within one hundred (100) feet of the primary entrance to the use to accommodate short-term bicycle parking.

<sup>2</sup> Eighteen (18) inches of lineal bench or bleacher shall be equal to one (1) fixed seat.

### **§11.5.04.009 Recreational Vehicle Parking or Storage.**

- A. In the single-family residential (R-1) and the residential planned development (RPD) zones and on lots in multifamily residential (R-3) zone developed with single-family residences unless otherwise specified: The parking or storage of all recreational vehicles shall require approval of a Director's Development Review permit as provided in Section 11.6.05.002(A)(19), with the exception of recreational vehicles not exceeding six (6) feet in height as indicated in Subsection (A)(5) of this Section, incidental parking as defined in Subsection (A)(6) of this Section, or emergency parking as defined in Subsection (A)(7) of this Section. Per the discretion of the Director, additional landscaping to screen the recreational vehicle from neighboring views may be required. Recreational vehicles shall be parked or stored behind a six (6) foot tall sight-obscuring gate and/or fence/wall/hedge. Front, side, and rear yard parking or storage shall be regulated as required in Subsections (A)(1) through (4) of this Section.
1. **Front yard and front façade.** Recreational vehicles shall be parked or stored out of the required front yard setback and behind the front façade of the primary structure, except in cases where the recreational vehicle is parked or stored in an area not prominently visible from the street and public right-of-way as determined and conditioned by the Director.
  2. **Garage access.** Recreational vehicles may be parked or stored in areas that would prevent vehicle access of parking spaces within a garage or carport unless it negatively impacts parking within the neighborhood as determined by the Director through the Director's Development Review permit as provided in Section 11.6.05.002(A)(19).
  3. **Interior side and rear yards.** Recreational vehicles exceeding six (6) feet in height that are parked or stored within the required interior and rear yard setbacks shall maintain a minimum space of eight (8) feet between the recreational vehicle and the property line.
  4. **Exterior side yard.** The parking or storage of recreational vehicles within the required exterior side yard setback is prohibited.
  5. **Recreational vehicles not exceeding six (6) feet in height.** Recreational vehicles not exceeding six (6) feet in height may be parked or stored within the required interior side or rear yard setbacks.
  6. **Incidental parking or storage.**
    - a. Incidental parking or storage of up to fourteen (14) days in any calendar year subject to a permit issued pursuant to the requirements and restrictions contained in Section 8.11.020(D).
    - b. Incidental parking or storage of a recreational vehicle for a maximum of two (2) hours is allowed without a permit for purposes of loading or unloading the vehicle.
    - c. Incidental parking or storage of recreational vehicles within a shared driveway shall be prohibited.

- d. Incidental parking or storage of recreational vehicles shall not unreasonably impact egress/ingress access to a shared driveway.
7. **Emergency parking or storage permitted.** Parking or storage of recreational vehicles is permitted during emergency situations where the primary structure has been deemed unusable as determined by the Director. Examples of emergency situations include, but are not limited to, the following: mudslides, floods, fires, earthquakes, wind damage, long-term power outages, or as determined by the Director.
- B. **In the Multifamily Residential (R-3) Zone.** The storage of recreation vehicles within any multifamily project shall be permitted subject to the following provisions:
1. Highway operative recreational vehicles (e.g., camper-trucks, motor homes, etc.) shall be stored within the enclosed or covered parking spaces for each unit or placed within a separate storage area.
  2. Other recreational vehicles, consisting of, but not limited to, trailers, boats, etc., shall be stored within a separate storage facility within the project or at another appropriate off-site location.
  3. Storage areas for recreational vehicles shall be enclosed with a six (6) foot or higher decorative block wall or acceptable substitute which is screened by exterior landscaping, and shall be paved with concrete, asphalt or similar surface. The location and size shall be subject to the approval of the Planning Commission.
  4. No recreational vehicles shall be stored in designated guest parking areas.
- C. **In the Mixed Use Zone.** The storage of recreational vehicles associated with the residential portion of the mixed use development shall be prohibited.
- D. **In the HEI Overlay Zone.** The storage of recreational vehicles associated with any residential development shall be prohibited.

## Chapter 11.5.05 Outdoor Lighting Standards

### **§11.5.05.001 Purpose.**

This Chapter establishes outdoor lighting standards that will:

- A. Minimize light pollution, glare, reflections, and light trespass that would interfere in the use or enjoyment of property that is sensitive to obtrusive impacts of artificial outdoor lighting.
- B. Limit the types, kinds, construction, installation, and uses of artificial outdoor light fixtures and lighting practices that contribute to light pollution, light trespass, and skyglow.
- C. Allow for the maintenance of nighttime safety, security, utility, and productivity.
- D. Conserve energy and resources associated with the production of artificial outdoor lighting.
- E. Provide for reasonable lighting of buildings and landscaping for aesthetic purposes.

### **§11.5.05.002 Applicability.**

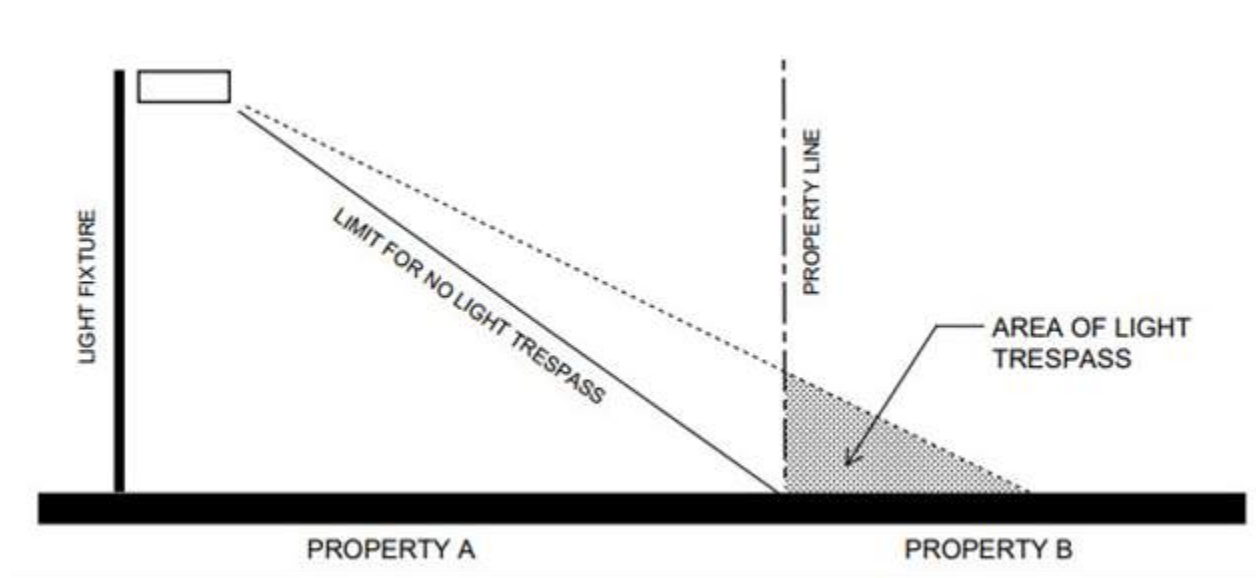
- A. All outdoor light fixtures installed after the effective date of this Chapter shall be installed in conformance with the provisions of this Chapter.
- B. Any alteration to an existing parking facility that requires a permit pursuant to the permitting requirements of Part 6 shall conform with the provisions of this Chapter.
- C. If a non-residential property or use with outdoor lighting that is not in conformance with this Chapter is abandoned for a continuous period of 180 days, then all outdoor lighting shall be reviewed and brought into compliance with this Chapter before a new use is approved.
- D. Signs are not subject to this Chapter. Regulations for lighting of signs are set forth in Chapter 11.5.08 (Sign Regulations).

### **§11.5.05.003 General Lighting Standards.**

All outdoor lighting on private property shall comply with the following standards:

- A. All outdoor light fixtures shall be installed and maintained in a manner that does not permit light trespass and so that direct glare and reflections are contained within the boundaries of the site (see Figure 11.5.05-1). Further, any fixed objects that reflect or refract light, such as windows, mirrors, or other reflective surfaces, must not result in light pollution.

**Figure 11.5.05-1: Light Trespass**



- B. All outdoor lighting shall be arranged to reflect away from adjoining properties and public rights-of-way.
- C. No outdoor lighting shall be permitted where the light source is directed toward or results in illumination of a property or properties other than that property upon which the light source is physically located.
- D. Motion sensors that activate outdoor lights shall be placed in such a manner that they are not triggered by movement or activity located off the property on which the light is located.
- E. Lighting directed upward that does not light buildings, landscape, or site surfaces is prohibited in all zones.
- F. Where outdoor light fixtures are used for aesthetic purposes to up-light buildings, architectural features, and trees and other landscape features, they shall comply with the following requirements:
  - 1. The maximum illumination on any vertical wall surface or angular roof surface shall not exceed 2.5 foot candles. Light levels shall be limited to 0.1 foot candle at the roofline and exterior corners, so as to prevent light trespass and skyglow.
  - 2. Where practical, lights should be mounted to shine downward, rather than up onto buildings and landscape features.
  - 3. Where up-lighting is used, light fixtures shall be fully shielded and aimed and controlled so that the directed light is substantially confined to the object to be illuminated and also complies with the additional lighting requirements of the zone within which the property is located.
- G. Where up-lighting is used to illuminate one or more flag(s) and associated flag pole(s):

1. Lighting shall be limited to one (1) light fixture per flag pole.
  2. A Conditional Use Permit shall be required in accordance with Section 11.6.06.004.
- H. Lighting fixtures placed on a building shall be architecturally integrated as part of the overall design of the building and shall be of minimal intensity, except where oriented toward outdoor areas as security lighting.

**§11.5.05.004 Outdoor Lighting Standards for Single-Family Residential Uses.**

No outdoor lighting shall be installed or used in single-family residential zones except in accordance with the provisions of this Section or as otherwise required in this Zoning Code.

- A. Outdoor light fixtures on property in single-family residential zones shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property.
- B. No one outdoor light fixture shall exceed 2,880 initial lumens.
- C. Outdoor light fixtures may be mounted on any exterior wall, structure, or light pole at a maximum of fifteen (15) feet above the adjacent finished floor level, except that an outdoor light fixture adjacent to a second story balcony, deck, or exterior door may be mounted on the wall at a maximum height of eight (8) feet above the finished floor level. Any exception to this Subsection requires the Director to approve an Engineered Lighting Plan in accordance with Section 11.5.05.006.
- D. Lighting on fences and walls in all single-family residential zones shall comply with this Chapter and Section 11.3.03.005(G).
- E. Notwithstanding the provisions of this Section, an Engineered Lighting Plan in accordance with Section 11.5.05.006 may be required at the discretion of the Director.

**§11.5.05.005 Outdoor Lighting Standards in Non-Residential, Multifamily, Mixed Use, and Overlay Zones.**

No outdoor lighting shall be installed in any non-residential, multifamily, or mixed use zone or in any overlay zone, except in accordance with the provisions of this Chapter or except as otherwise provided for in this Zoning Code.

- A. An Engineered Lighting Plan shall be required for all development on non-residential, multifamily, and mixed use zoned property in accordance with Section 11.5.05.006.
- B. No individual outdoor light fixture shall exceed 10,500 initial lumens, except as otherwise may be required by local, regional, State, or federal agencies.
- C. Lighting levels are balanced with an average/minimum uniformity ratio that does not exceed 4:1.

- D. Outdoor light fixtures for uncovered parking areas (including the top deck of a parking structure), and vehicle driveways shall not exceed a height of fifteen (15) feet. Overhead walkway lighting is between eight (8) and twelve (12) feet in height. Such overall height shall be measured from the paved parking area surface to the uppermost part of the light fixture, including the lamp.
- E. Lighting shall be directed onto the driveways, walkways, and parking areas within the development and away from adjacent properties and public rights-of-way.
- F. Outdoor light fixtures on non-residentially, multifamily, and mixed use zoned property and in any overlay zone shall be fully shielded within twenty-five (25) feet of adjacent residential property lines, measured perpendicular to the lot line, and shall be designed and installed to preclude light trespass onto adjacent property. Lighting on the uncovered top deck of a parking structure is prohibited between the hours of 11:00 p.m. and sunrise, except that lighting is allowed while the parking facility is open to the public. Security lighting is excluded from this prohibition.
- G. Multifamily residential projects, including the residential portions of mixed use developments and residential portions of development in the HEI overlay zone, and emergency shelter facilities, shall provide lighting in accordance with this Chapter, except as modified by the following standards:
  - 1. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one (1) foot candle of illumination during the hours of darkness.
  - 2. On-site walkway areas shall maintain a minimum illumination level equivalent to one-quarter (0.25) foot candle during the hours of darkness. Overhead walkway lighting shall be between eight (8) and twelve (12) feet in height.
  - 3. Methods of illumination may be wall- or ground-mounted with deflectors to confine the rays to the site with minimal intrusion to the dwelling units.
  - 4. Utilize motion sensors where appropriate for safety and energy conservation.

#### **§11.5.05.006 Engineered Lighting Plan.**

When an Engineered Lighting Plan is required by this Chapter or Zoning Code, it shall be provided as follows:

- A. The Engineered Lighting Plan shall include the location, height, number of lamps, lumens per lamp, estimates of maximum illumination on site, and spill/glare at property lines shall be submitted for approval by the Director.
- B. The Engineered Lighting Plan shall be required to include a photometric study demonstrating compliance with the lighting standards of this Chapter.
- C. The Engineered Lighting Plan shall be prepared by a certified lighting professional.

### **§11.5.05.007 Temporary Lighting.**

Temporary lighting may be approved by the Director subject to the approval of a Temporary Use Permit in accordance with the provisions of Section 11.6.12.005(B)(4).

### **§11.5.05.008 Prohibited Outdoor Lighting.**

The following types of outdoor lighting are prohibited:

- A. Outdoor floodlighting by flood light projection above a horizontal plane drawn through the lighting fixture's lowest light-emitting part.
- B. Laser lights and pulsed light sources or any similar high-intensity light, except in emergencies by police, fire, or medical personnel or at their direction.
- C. Neon or LED tubing or perimeter strips along building structures as articulation.

### **§11.5.05.009 Exemptions from this Chapter.**

- A. All outdoor lighting fixtures existing and legally installed prior to the date of adoption of this Zoning Code are exempt from the requirements of this Chapter, except that:
  - 1. When existing luminaires become inoperable, replacement in compliance with this Chapter is required; and
  - 2. This exemption shall cease to apply when a structure is considered new in accordance with the definition of "Structure, New" in Part 8 of this Zoning Code.
- B. Low voltage, temporary lights used for holiday decorations may be unshielded. Holiday lights must not be installed prior to forty-five (45) days before and removed no later than fifteen (15) days after the applicable holiday.
- C. Solar-powered lights of 300 initial lumens or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable shielding standards.
- D. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting, and is used in conjunction with a valid Building Permit.
- E. Lighting for public roadways for traffic control, such as signals and other devices.
- F. Vehicular lights and all temporary emergency lighting needed by fire, police, medical, or other emergency services personnel.
- G. Navigation lights, such as those located on radio/television towers.
- H. Any facility or equipment that is subject to preemptive State or federal standards for illumination levels.

## **Chapter 11.5.06 Preservation and Protection of Designated Trees on Private Property**

### **§11.5.06.001 Purpose.**

The purposes of this Chapter are to preserve and protect certain species of trees, as set forth in this Chapter, that are of aesthetic importance and to protect the scenic beauty of the area in a manner that does not unreasonably infringe upon the rights of property owners. It is pertinent to the public interest, health, and welfare that the protection of these certain species of trees be guarded against damage, destruction, and removal. These purposes can be achieved through education and regulation regarding the care and removal of protected trees.

### **§11.5.06.002 Applicability.**

This Chapter applies to all property in the city, except City-owned or controlled property, which is addressed in Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC, and property that is owned or controlled by a public agency.

### **§11.5.06.003 Definitions.**

For the purposes of this Chapter, the following terms are defined as follows:

- A. "Certified arborist" means an individual who is certified as an arborist, possesses and maintains a city business license, and is on the Official City Approved Arborists and Tree Trimmers List, as set forth in Section 11.5.06, at the time the work is performed.
- B. "Commercial tree service" means a service hired for the purpose of trimming protected trees that, at the time the work is performed, has a D49 contractor's license (tree service), a city business license and is on the Official City Approved Arborists and Tree Trimmers List, as set forth in Section 11.5.06.
- C. "Damage" or "damaging" means any act which causes or tends to cause injury or disfigurement to a protected tree, including the root system, or impairs its structural integrity. This includes, but is not limited to, topping, poisoning, burning, or girdling a protected tree or attaching any object by means of nails, screws, lag bolts, or other similar objects. Attachment of cables, braces or similar, undertaken by a licensed arborist to protect or preserve the health of the tree, shall not be defined as "damage" or "damaging" so long as undertaken, supervised, or directed by a licensed arborist for the purpose of protecting or preserving the health of the protected tree.
- D. "Development activity" means any development work upon property subject to this Chapter, including, but not limited to:
  - 1. Construction, installation, reconstruction, demolition, or moving of a building or structure; or
  - 2. Grading, excavation, or compaction of soil; or

3. Flatwork.
- E. “Emergency” means an immediate threat or hazard to health, safety or property caused by the presence of the protected tree as a result of accident, disease, storm damage, acts of nature affecting the protected tree, or other acts not caused by the property owner.
- F. “Flatwork” means an improvement built or placed at grade not requiring a footing, including, but not limited to, driveways, walkways, and/or equipment pads.
- G. “Historic Deodar District” means the area that encompasses the following streets: Alta Canyon Road (North of Alta Park Lane), Bonita Vista Drive, Bubbling Well Lane, Del Oro Drive, Earl Drive, Earlmont Avenue, El Vago Street (West of Indian Drive), Fairmount Avenue, Hacienda Drive, Hillard Avenue, Jarvis Avenue, Linda Vista Drive, Louise Drive, and Palm Drive (North of Fairmount Avenue).
- H. “Project area” means any development activity within thirty (30) feet of a protected tree.
- I. “Property owner” means a person who is the record owner, as shown on the Los Angeles County assessor’s latest secured real property assessment roll or then current grant deed of record as shown in the Los Angeles County recorder’s office.
- J. “Protected tree” means:
1. Any of the following trees on property located in the single-family residential (R-1) zone having a diameter of twelve (12) inches or greater at fifty-four (54) inches above natural grade: Coast Live Oak, Interior Live Oak, Canyon Live Oak, Scrub Oak, Coastal Scrub Oak, Valley Oak, Mesa Oak, and California Sycamore Tree. Where a tree trunk is divided below fifty-four (54) inches above natural grade, the diameter of all trunks, as measured at fifty-four (54) inches from the natural grade, shall be added to determine a tree’s diameter.
  2. Any Deodar Cedar Tree on property located in the R-1 zone that has a diameter of twelve (12) inches or greater at fifty-four (54) inches above natural grade, that has a trunk which is partially or wholly within twenty (20) feet of any curb or edge of pavement, and that is located within the Historic Deodar District, as defined in this section. Where a tree trunk is divided below fifty-four (54) inches above natural grade, the diameter of all trunks, as measured at fifty-four (54) inches from the natural grade, shall be added to determine a tree’s diameter. This definition shall not apply to any Deodar Cedar Tree located within the public right-of-way, which is regulated by Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC.
  3. Any species of tree greater than five (5) feet in height on property in a non-R-1 zone, except City-owned or controlled property, which is addressed in Chapter 4.24 (Trees in the Public Right-of-Way) of the LCFMC.
- K. “Protection zone” means a defined area surrounding a protected tree which may be impacted by development activity as described in Section 11.5.06.007(C).

- L. "Removal," "remove," "removed," or "removing" means transplanting a protected tree, complete extraction of a protected tree, or cutting of a protected tree so that only a stump remains.
- M. "Replacement tree" means a substituted tree designated by the Director, the Planning Commission, the Council, and/or a court of law as a replacement for a protected tree. A replacement tree is deemed a protected tree.
- N. "Structure" means anything built, constructed, fabricated, formed or placed which requires a fixed location on the ground. For the purposes of this definition, structure does not include flatwork.
- O. "Topping" (also known as "heading back," "stubbing" or "pollarding") means a severe type of trimming which results in the cutting back of large branches to stub, or the removal of the upper twenty (20) percent or more of a protected tree's trunk or primary scaffold.
- P. "Trim," "trims," "trimmed" or "trimming" (also known as "pruning") means detaching or separating either in whole or in part, any limb, branch, and/or root, from any part of a protected tree.

#### **§11.5.06.004 Tree Preservation and Protection Guidelines.**

The City is committed to natural resource stewardship and a healthy and sustainable tree population. Trees and vegetation provide a multitude of benefits, which include clean water, clean air, enhanced quality of life, and improved property values. In an effort to promote the maintenance of protected trees, the City shall maintain the "Tree Preservation and Protection Guidelines," as adopted by resolution of the Council, as amended from time to time. A copy of said resolution shall be available in the office of the Director and on the City's website. The "Tree Preservation and Protection Guidelines" are intended to inform residents and business owners of tree trimming techniques that reflect industry standards and acceptable best management practices for the preservation of protected trees in the city. The "Tree Preservation and Protection Guidelines" recommend best practices for the proper care and maintenance of protected trees.

#### **§11.5.06.005 Trimming of Protected Trees.**

- A. Official City Approved Arborists and Tree Trimmers List.
  - 1. The Director shall prepare and maintain the "Official City Approved Arborists and Tree Trimmers List," a copy of which shall be available in the office of the Director and on the City's website. Certified arborists and commercial tree services must appear on this list at the time they are performing any trimming of protected trees, or as otherwise may be required in this Chapter.
  - 2. A certified arborist or commercial tree service may be added to the "Official City Approved Arborists and Tree Trimmers List," subject to completing a business license application, a supplemental application for certified arborists and commercial tree services, and a signed acknowledgement that the certified arborist or commercial tree service had received, read, and understood this Chapter.

3. A certified arborist and/or commercial tree service may be removed from the “Official City Approved Arborists and Tree Trimmers List” for failure to comply with the provisions of this Zoning Code as further discussed in Section 11.5.06.008(C).
- B. Authorized Persons Who May Trim Protected Trees.
1. For property located in the single-family residential (R-1) zone, only the following persons may trim protected trees:
    - a. A commercial tree service;
    - b. A certified arborist;
    - c. A property owner and/or household member(s) who personally performs the work on his or her property.
  2. For property located in a non-R-1 zone, only the following persons may trim protected trees:
    - a. A commercial tree service;
    - b. A certified arborist.

#### **§11.5.06.006 Removal of Protected Trees.**

- A. **Permit Required.** A Tree Removal Permit shall be required for the removal of any protected tree in accordance with the provisions of this Section.
- B. **Criteria for Tree Removal Permit.** A Tree Removal Permit may be issued only if any one (1) of the following criteria is met:
1. Where the protected tree itself, its excess foliage, or any one or more of its limbs is, in the opinion of the Director, unreasonably interfering with a structure or other improvement and there is no reasonably practical alternative to mitigate the interference.
  2. Where, upon taking into account the size, shape, topography, and existing protected trees upon the lot, the denial of the permit would create an unreasonable hardship or a significant undue impairment of the use and enjoyment of the property by the property owner.
  3. Where the protected tree is so diseased or damaged that it is no longer viable or is a threat to cause damage to property or to other protected trees.
  4. Where the removal of one or more protected trees is required by the Fire Department for reasons of public health, safety, and/or welfare, including to provide an effective firebreak. This criterion must be supported by written documentation from the Fire Department.
  5. Where a property owner requests removal of a protected tree for other reasonable cause and the removal will not impact the character of the neighborhood from public view or adjacent properties or where such removal can be reasonably mitigated.

C. **Exceptions from Tree Removal Permit Requirements.** A Tree Removal Permit is not required in the following cases:

1. Removal of an unprotected tree.
2. Removal of a dead tree, as determined by the Director.
3. Removal of a protected tree which is required by the City, the Fire Department, or a public utility.
4. Removal of a protected tree due to an emergency, subject to the following requirements:
  - a. If an emergency occurs during regular City Hall business hours, the person removing the protected tree, or causing it to be removed, shall notify the Director prior to the removal of the protected tree if reasonably practicable. If it is not reasonably practicable to provide notice, the person removing the protected tree, or causing it to be removed, must notify the Director within a reasonable period of time after the removal and provide supporting documentation of the emergency.
  - b. If an emergency removal occurs outside of regular City Hall business hours or when City Hall is otherwise closed, the person removing the protected tree, or causing it to be removed, must notify the Director within a reasonable period of time after the removal and provide supporting documentation of the emergency.

D. Procedure for Issuance of Tree Removal Permits.

1. **Permit application requirements.** The Tree Removal Permit application shall be filed with the Director on a form provided by the Director and shall be processed in accordance with the procedures specified by Chapter 11.6.01 (Filing and Processing of Applications).
2. **Permit fee.** The fee for the Tree Removal Permit shall be as established by City Council resolution as may be amended from time to time.
3. **Decision.**
  - a. The Director shall evaluate the application along with the criteria established in Subsection B, as applicable.
  - b. If the Director can make any one of the criteria for removal in his or her determination based on a visual inspection of the protected tree(s), the Tree Removal Permit shall be granted.

- c. If the Director, however, requires further evidence to make any one of the findings, the Director may require an arborist report to be prepared by a certified arborist, as defined in Section 11.5.06.003. The applicant may provide an arborist report or, alternatively, provide a deposit to the Director, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.
  - d. A determination of the Director to grant the permit may include reasonable conditions for the removal of the protected tree.
  - e. Upon the determination to either approve or deny the Tree Removal Permit, the Director shall provide notice to the applicant, the abutting property owners, and all others whose names appear on the application for removal, in accordance with the provisions for notice as specified in Section 11.2.02.003 for permits subject to Review Process B (Notice of Director Review).
  - f. The decision of the Director may be appealed to the Planning Commission in accordance with Chapter 11.2.03 (Call-Up and Appeals).
  - g. A Tree Removal Permit application made in connection with a development proposal shall be considered concurrently with the development proposal.
- E. As a condition to granting a Tree Removal Permit pursuant to Subsections (B)(1) through (B)(4), inclusive, the property owner or applicant may be required to plant replacement trees on the subject property if removal of the protected tree(s) impacts the character of the neighborhood from public view or adjacent properties and where removal can be mitigated on-site. The replacement trees shall be planted as follows:
- 1. The number and size of replacement trees required shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the office of the Director and on the City's website.
  - 2. For property located in the R-1 zone, a replacement tree(s) shall be any species of a protected tree(s), as defined in Section 11.5.06.003, as determined by the Director. For property located in a non-R-1 zone, a replacement tree(s) may be any species of tree, as determined by the Director.
  - 3. The location of replacement tree(s) shall be determined by the Director or the Planning Commission.
  - 4. The property owner must agree to accept the conditions of replacement by his or her signature on the acknowledgement of conditions before activation of the Tree Removal Permit, including a condition that the property owner shall provide written notice to subsequent property owners about the existence of a replacement tree that is subject to the provisions of this Chapter.

5. When the replacement is completed, the applicant shall contact the Planning Department for an inspection of the work and to demonstrate evidence of the mitigation.
  6. In any case where the Director reasonably determines that the required replacement tree(s) cannot be planted on the subject property due to the size, shape, topography, or design of existing development of the subject property, the Director may authorize the property owner or applicant to pay money into the City's Tree Replacement Fund in lieu of the required planting of replacement trees. The amount shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.
- F. As a condition to granting a Tree Removal Permit pursuant to Subsection (B)(5), the property owner or applicant shall be required to plant replacement trees on the subject property, as set forth in Subsection (F)(1), or pay a designated amount into the City's Tree Replacement Fund, as set forth in Subsection (F)(2).
1. Replacement trees.
    - a. If replacement trees are to be planted, the number and size of replacement trees required shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.
    - b. For property located in a single-family residential (R-1) zone, a replacement tree(s) shall be any species of a protected tree(s), as defined in Section 11.5.06.003, as determined by the Director. For property located in a non-R-1 zone, a replacement tree(s) may be any species of tree, as determined by the Director.
    - c. The location of replacement tree(s) shall be determined by the Director or the Planning Commission. If the subject property cannot accommodate multiple protected trees, if required, alternative public property locations within the City (rights-of-way, parks, etc.) may be designated.
    - d. The property owner must agree to accept the conditions of replacement by his or her signature on the acknowledgement of conditions before activation of the tree removal permit, including a condition that the property owner shall provide written notice to subsequent property owners about the existence of a replacement tree that is subject to the provisions of this Chapter.
    - e. When the replacement is completed, the applicant shall contact the Planning Department for an inspection of the work and to demonstrate evidence of the mitigation.

2. **City's Tree Replacement Fund.** Except where it is determined by the Director, Planning Commission, or City Council that planting of replacement trees is necessary for purposes of mitigation, the property owner or applicant may pay money into the City's Tree Replacement Fund as an alternative to planting replacement trees. The amount shall be based on the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.
- G. **Term.** Unless otherwise stated in the conditions of approval, a Tree Removal Permit shall be valid for a period of one (1) year.
- H. **Authorized Persons Who May Remove Protected Trees.**
  1. For property located in the single-family residential (R-1) zone, only the following persons may remove protected trees:
    - a. A commercial tree service;
    - b. A certified arborist;
    - c. A property owner and/or household member(s) who personally performs the work on his or her property.
  2. For property located in a non-single-family residential zone, only the following persons may remove protected trees:
    - a. A commercial tree service;
    - b. A certified arborist.

#### **§11.5.06.007 Protection Requirements During Development Activity.**

- A. **Reasonable Safeguards.** In recognition that development activity presents a risk of harm to protected trees, this Section is intended to ensure that reasonable safeguards are taken to ensure that protected trees are protected during development activity.
- B. **Director's Determination—Tree Protection.**
  1. **When required.** Development activity that includes any of the following shall require approval of a Tree Protection—Director's Determination prior to conducting said work:
    - a. Placing or constructing a structure within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

- b. Installing new paving or flatwork within a distance from the protected tree equivalent to two (2) times the trunk diameter, up to a maximum of ten (10) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.
- c. Excavating a footing, basement, or pool, or substantial compaction within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet. For purposes of the provisions of this Subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.
- d. Placement of fill material within a distance from the protected tree equivalent to three and one-half (3½) times the trunk diameter of a protected tree, up to a maximum of fifteen (15) feet. For purposes of the provisions of this subsection, the distance shall be measured from the outer trunk edge of the protected tree at grade.

2. **Procedure for Director’s Determination—Tree Protection.**

- a. *Site plan.* When protected trees are located within a project area involving development activity requiring a building permit, grading permit, or other zoning entitlement, the property owner or applicant shall identify the following on a site plan or, in lieu of a site plan, an approved landscape plan:
  - i. The location and species of all protected trees in the project area including the approximate location of each protected tree’s canopy. Protected trees shall each be identified on the site plan by separate number.
  - ii. Canopies of neighboring protected trees that overhang the project area.
  - iii. Existing and proposed grades, existing and proposed improvements, and septic tanks and utility lines in the project area, if impacted.
  - iv. The location and type of the proposed protective barrier for each protected tree.
  - v. All site plans will be reviewed by City Staff, in consultation with a certified arborist, if necessary. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director’s and/or consultant’s/arborist’s costs to be incurred by the City to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.
  - vi. The requirements of Subsection (B) shall not be applicable if the only development activity being conducted is flatwork that does not encroach within the area described in Subsection (D)(1)(b).
- b. *Fee.* The fee for the Director’s Determination—Tree Protection shall be as established by City Council resolution as may be amended from time to time.

- c. *Required finding.* If the Director can find that the health of the protected tree will not be unreasonably impacted by the proposed development activity, the Director shall approve the site plan. Approval of the site plan by the Director shall constitute approval of the Director's Determination—Tree Protection.
  
- d. *Consultation with arborist.* If the Director requires further evidence to make the necessary finding in Subsection (c) above, the Director may consult with a certified arborist as part of the Director's determination. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director's and/or consultant's/arborist's costs to be incurred to conduct the review, or as may be established by the fee resolution as adopted by the Council as may be amended from time to time, whichever is greater.
  - i. Unless waived by the Director, the arborist report shall be prepared by a certified arborist, as defined in Section 11.5.06.003, in the following cases:
    - (a) Any development activity within the applicable protection zone of a protected tree.
    - (b) In conjunction with an application for a Tree Removal Permit, if required, to support the applicable finding(s) for issuance.
    - (c) In all other instances as determined by the Director, Planning Commission, and/or City Council, to preserve and protect the health of a protected tree.
  - ii. The arborist report shall contain the following information:
    - (a) The name, address and daytime telephone number of the preparer.
    - (b) For each protected tree, the circumference and diameter of the trunk, measured fifty-four (54) inches above natural grade or, in the case of multiple trunks, the cumulative diameter of all trunks that are fifty-four (54) inches above natural grade.
    - (c) The locations of protected trees and the outlines and dimensions of the respective canopies on a corresponding site plan.
    - (d) Aesthetic assessment of the protected tree, considering factors such as, but not limited to, symmetry, broken branches, unbalanced crown, excessive horizontal branching.
    - (e) Recommendations to remedy structural problems where required.
    - (f) Evidence of disease.
    - (g) Identification of insects or pests.
    - (h) Evaluation of vigor, such as new tip growth, leaf color, abnormal bark, presence of deadwood, and thinning of crown.

- (i) Health rating based on the archetype tree of the same species.
    - (j) Recommendations to improve the health of the protected tree, such as insect or disease control, pruning and fertilization.
    - (k) Evaluation of the applicant’s proposal as it impacts each protected tree shown on the site plan, including suggested mitigating and/or future maintenance measures where required. This information shall only be provided when there is development activity within the protection zone of a protected tree.
  - iii. In lieu of the property owner or applicant obtaining an arborist report, the property owner may authorize the Director to obtain the arborist report on behalf of the property owner or applicant, subject to a deposit.
  - iv. All arborist reports will be reviewed by City Staff, in consultation with a certified arborist, if necessary. If arborist review is required, such review is subject to a deposit, based on a reasonable estimate of the Director’s and/or consultant’s/arborist’s costs to be incurred by the City to conduct the review, or as may be established by the fee resolution as adopted by the City Council as may be amended from time to time, whichever is greater.
3. **Conditions.** A determination of the Director to approve the site plan may include reasonable conditions to mitigate the impacts of the development activity on the protected tree, including, but not limited to:
- a. Roots that are two (2) inches or greater in diameter shall not be cut within the protection zone and roots that are four (4) inches or greater in diameter shall not be cut outside the protection zone.
  - b. Branches that could be damaged by vehicles or that interfere with the development activity must be trimmed by a certified arborist or commercial tree service.
4. **Appeal.** The decision of the Director may be appealed to the Planning Commission in accordance Chapter 11.2.03 (Call-Up and Appeals).
- C. **Protection Barriers.**
- 1. Prior to the commencement of development activity, and during all phases of development activity, within a project area, a property owner or applicant shall establish and maintain a protection barrier for each protected tree scheduled to be retained within the project area. The protection barrier shall:
    - a. Be a chain link fence; and
    - b. Have a minimum height of five feet; and
    - c. Have warning signs indicating the protected tree’s protected status; and

- d. Be located a distance from the trunk base equal to three and one-half (3½) times the trunk diameter, up to a maximum of fifteen (15) feet.
2. The Director, in consultation with a certified arborist if necessary, may modify the standards identified in this Section and/or impose additional measures determined necessary to preserve and protect the health of protected trees depending upon the nature of development activity and site features.
- D. **Remedies for Noncompliance.** In the event of noncompliance with any requirement in this Section, the Director may issue a stop work order in accordance with Section 11.2.04.004 for all or part of the project on the site.

### **§11.5.06.008 Violations and Enforcement.**

- A. The following actions are prohibited and are violations of this Zoning Code:
  1. Damaging any protected tree.
  2. Causing a protected tree to die.
  3. Removing a protected tree without a Tree Removal Permit, where one is required.
  4. Removing a protected tree in an emergency without complying with the proper procedures, including, but not limited to, the failure to provide the required notice and/or supporting documentation.
  5. Hiring a commercial tree service or arborist who, at the time of performing the work on a protected tree, fails to appear on the Official City Approved Arborists and Tree Trimmers List.
  6. For arborists and commercial tree services, the failure to, at the time of performing the work on a protected tree, possess and maintain the proper certification, a City business license, appropriate State contractor's license, and/or inclusion on the Official City Approved Arborists and Tree Trimmers List.
- B. Any violation of Subsection (A) shall be punishable as a misdemeanor, subject to the fines and related penalties of Section 1.04.010 of the LCFMC, and/or as an administrative citation, subject to the fines set forth in Chapter 1.07 of the LCFMC.
- C. In addition to the penalties imposed in Subsection (B), a person who is in violation of Subsection (A), shall be required to pay restitution to the City to mitigate the loss of the protected tree(s) as follows:
  1. Persons who commit the following violations are required to pay restitution:
    - a. Damaging any protected tree, such that the protected tree dies within one (1) year from the act causing damage.
    - b. Causing a protected tree to die.

- c. Removing a protected tree without a tree removal permit, where one is required.
  - d. Removing a protected tree in an emergency without complying with the proper procedures, including, but not limited to, the failure to provide the required notice and/or supporting documentation.
2. The amount of restitution shall be established in the City's Tree Replacement Chart as adopted by resolution of the City Council, as amended from time to time. A copy of said resolution shall be available in the Office of the Director and on the City's website.
3. Restitution shall be paid into the City's Tree Replacement Fund.
4. Failure to pay restitution after the date ordered shall constitute a new, continuing, and separate offense each day that the restitution amount remains unpaid. All civil, criminal, and/or administrative remedies may be exercised for each such offense.
5. Any person who is required to pay restitution and who meets the low, very-low, or extremely-low income categories as established annually by the California Department of Housing and Community Development may apply for a financial hardship waiver as follows:
  - a. The request for waiver shall be on a form approved by the Director and available in the Office of the Director;
  - b. The completed form shall be submitted to the Director within ten (10) days of the notification of required payment of restitution;
  - c. Upon receipt of such application, the Director shall schedule a hearing before the Zoning Hearing Officer. Notice of the hearing shall be sent by certified mail, return receipt requested, at least ten (10) calendar days prior to the hearing according to the provisions of Chapter 11.2.02 (Public Notice and Hearing Requirements);
  - d. At the time fixed for the hearing, the Zoning Hearing Officer shall consider all relevant evidence demonstrating a financial hardship;
  - e. A financial hardship shall be determined to exist if the person requesting the waiver meets the then-current low, very-low, or extremely-low income categories as established annually by the California Department of Housing and Community Development; and
  - f. If the Zoning Hearing Officer finds that a financial hardship does not exist, the Zoning Hearing Officer shall deny the application. If the Zoning Hearing Officer finds that a financial hardship exists, the Zoning Hearing Officer may modify and/or waive the amount of restitution that is required to be paid. The decision of the Zoning Hearing Officer shall be in writing and shall be sent by certified mail, return receipt requested within thirty (30) days of the hearing. The decision of the Zoning Hearing Officer shall be final.

- D. In any case where restitution is required pursuant to Subsection (C), the property owner of the subject property shall plant a replacement tree on the subject property in accordance with Section 11.5.06.006(F)(1). This Subsection shall apply irrespective of whether the property owner is a responsible person for the underlying violation of Subsection A. In such cases when the property owner is not the party who committed the illegal removal or damage (such that the protected tree dies within one year from the act causing damage), the City shall tender to the property owner the amount of restitution collected from the offending party in an amount not to exceed the actual cost of replacement and installation. Payment shall be provided by the City after confirmation of installation by the Director and receipts have been provided to the City by the property owner. Failure to plant a replacement tree after the date ordered shall constitute a new, continuing, and separate offense each day that the replacement tree remains unplanted. All civil, criminal, and/or administrative remedies may be exercised for each such offense.
- E. For violations of Subsection (A), a certified arborist or commercial tree service shall be subject to the penalties imposed by Subsections (B) and (C), and/or removal from the Official City Approved Arborists and Tree Trimmers List for a period of six (6) months for a first violation of this Zoning Code. After three (3) violations, a certified arborist or commercial tree service shall be removed from the Official City Approved Arborists and Tree Trimmers List for a period of five (5) years.
- F. For violations of Subsection (A), a commercial tree service or arborist who, at the time of performing the work on a protected tree, fails to appear on the Official City Approved Arborists and Tree Trimmers List, shall be subject to the penalties imposed by Subsections (B) and (C) and shall not be eligible for inclusion on the Official City Approved Arborists and Tree Trimmers List for a minimum of six (6) months.

## Chapter 11.5.07 Refuse and Recycling Storage Areas

### §11.5.07.001 Purpose.

This Chapter provides development standards for refuse and recycling storage areas with trash enclosures in development projects to protect the health, safety, and welfare of the public and to prevent trash and other debris from entering the storm drain system and waterways in accordance with state and federal regulations.

### §11.5.07.002 Applicability.

The requirements of this Chapter shall apply to:

- A. All new nonresidential development projects, mixed-use development projects, and multifamily residential development projects, including residential development in the HEI overlay zone, of five (5) units or more that will utilize shared waste and recycling enclosures; and
- B. Any remodeling of an existing type of development project specified in Subsection (A) that requires a discretionary land use or development permit as required by this Zoning Code.

### §11.5.07.003 Standards for New Development Projects as specified in Section 11.5.07.002(A).

Refuse and recycling storage areas required by this Section shall meet minimum standards, as follows:

#### A. Minimum Storage Requirements.

1. All development that is subject to this Section shall provide one or more refuse and recycling storage areas of a size sufficient to provide adequate storage for solid wastes and recyclable materials generated in accordance with the intensity of use(s) of the development, to the satisfaction of the Director.
2. At least fifty (50) percent of the required storage area shall be dedicated exclusively to the collection of recyclable materials and shall be located adjacent or in close proximity to refuse collection bins.
3. For mixed use development, including residential development in the HEI overlay zone, residential and non-residential waste streams shall be collected separately.
4. Enclosures that will be used by food service establishments (including, but not limited to eating/drinking establishments, markets, bakeries, grocery stores, and all other establishments that prepare and/or serve fresh food on the premises) must also provide space for a separate waste/organics bin of sufficient size to collect food waste generated onsite.

5. Compactors may be utilized which can compress refuse equivalently to the above requirement. Where compactors are utilized pursuant to Subsection (A)(1) above, they shall be completely enclosed within walls and a roof. Compactor enclosures shall include roof ventilation and shall have drainage lines connecting to the sewer and water spigots for hosing down of compactor enclosures.

**B. Location and Access Requirements.**

1. Refuse and recycling storage areas shall be located away from public streets at the rear or side of buildings and shall not be located within any required setback areas.
2. Refuse and recycling storage areas shall be conveniently accessible to the employees/residents of the units/buildings they are designed to serve. Clustering of bins is permitted on a multi-tenant site.
3. Refuse and recycling storage areas shall be located in a manner that is easily accessible for refuse pickup companies.
4. The developer/applicant shall provide signage directing building occupants of the location of the bins.

**C. General Design and Screening.** All refuse storage areas shall be screened from public view to the extent possible. Where refuse, recycling, and/or compactor enclosures are not located inside a building, they may be attached to the building or may stand-alone enclosures and shall be designed as provided in this Subsection (C)(1).

1. Refuse storage areas or compactors shall be integrated into the rear or side building façade if reasonably possible. If it can be demonstrated that the integration of the structure within the façade is not possible, then exterior refuse storage areas shall be designed as follows:
  - a. Where exterior enclosures are provided, they shall be screened by a trash enclosure wall constructed to a width, depth, and height adequate to accommodate the number of refuse and recycling bins needed and to screen all such bins from view, except that in no case shall the walls of the enclosure be less than six (6) feet in height.
  - b. An exterior enclosure that is attached to the building of the primary structure shall be designed such that the enclosure appears as an integral part of the appearance of the façade.
  - c. The materials facing a stand-alone enclosure shall be the same as the primary material of the rest of the façade or of other solid, nonflammable material consistent in design, quality, and color with the building(s) serviced by the area. Use of chain link fencing shall be prohibited.
  - d. The pad upon which trash bins or receptacles are stored and the access or pathway over which the bins or receptacles are moved for collection purposes shall be composed of a smooth, flat material such as concrete.

**D. Landscaping.**

1. Exterior enclosures shall require landscaping to screen views of the refuse and recycling storage area.
2. The plant materials shall be appropriately sized and spaced so that a dense screen grows in a short period of time and views of the storage area are effectively screened, including a combination of drought resistant shrubs and/or climbing evergreen vines.

**E. Security/Gates.**

1. Each refuse and recycling storage area shall be provided with decorative solid heavy gauge metal gates designed with cane bolts to secure the gates when in the open and closed positions.
2. Gates shall be designed not to swing into any drive aisle, parking space, and walkway, and shall not otherwise interfere with onsite and offsite circulation.
3. Access into the enclosure, including pedestrian access doors, shall be lockable to discourage trespassing, illegal dumping, and theft of recyclable materials. The removal of refuse that is illegally dumped on the subject property becomes the responsibility of the property owner.

**F. Sanitation and Maintenance.**

1. All exterior refuse and recycling storage areas, whether attached to the primary building or detached, shall be covered with solid roofing to prevent rainfall from entering the enclosure and to prevent contaminants from washing into the storm drain system. The roof shall extend past any open sides but shall not prevent waste collection vehicles from accessing the refuse and recycling collection bins.
2. There shall be no storm drain located inside the enclosure or in the immediate vicinity of the refuse and recycling storage area.
3. Each refuse and recycling storage area shall be provided with a water line and drain for cleaning purposes.
4. Property owners of refuse and recycling storage areas shall be responsible for the cleanliness and sanitary conditions of the surrounding area.
5. At his or her discretion, the Director shall have authority to require more frequent waste collections at premises where overflowing refuse and recycling bins become a frequent public nuisance, with the cost of such additional collections to be borne solely by the property owner.
6. All restaurants, markets, or any food-related uses that are within one hundred fifty (150) feet of a residential zone shall maintain their refuse bins to prevent the creation of objectionable odors.

**§11.5.07.004 Standards for Existing Development Projects as Specified in Section 11.5.07.002(B).**

- A. **Refuse and Recycling Storage Area Required.** If an existing development as specified in Section 11.5.07.002(B) does not have an existing refuse and recycling storage area, the development shall be required to provide for collection and disposal of refuse and recycling materials. To the extent possible, the standards provided in Subsection 11.5.07.003(A) shall apply, except as provided for in Subsection (B) below.
- B. **Exception.** Due to potential constraints of an existing built-out site, compliance with all the standards prescribed in Subsection 11.5.07.003(A) may not be possible. The decision-making authority shall have the authority to modify, waive, or otherwise grant exceptions to the requirements of Subsection 11.5.07.002(A) to achieve the purpose of this Chapter without unduly restricting use of the property if it is determined that the site conditions present an undue hardship. However, in all cases a property shall provide a waste collection bin and a recycling bin. The decision-making authority shall review each application on a case-by-case basis.

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## Chapter 11.5.08 Sign Regulations **(Reserved)**

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## **Chapter 11.5.09 Story Pole and Site Marking Requirements.**

### **§11.5.09.001 Purpose.**

This Chapter provides standards and criteria for story poles and site marking requirements, which provide a tool to assist decision-makers, Staff, and the public when reviewing development projects and assist in making applicable findings.

### **§11.5.09.002 Applicability.**

- A. Any project in the single-family residential (R-1) zone that requires approval by the Planning Commission or as may otherwise be required by this Zoning Code.
- B. As may be otherwise required by the decision-making authority.
- C. Planning and construction of story poles shall be accordance with Figures 11.5.09-1 and 11.5.09-2.

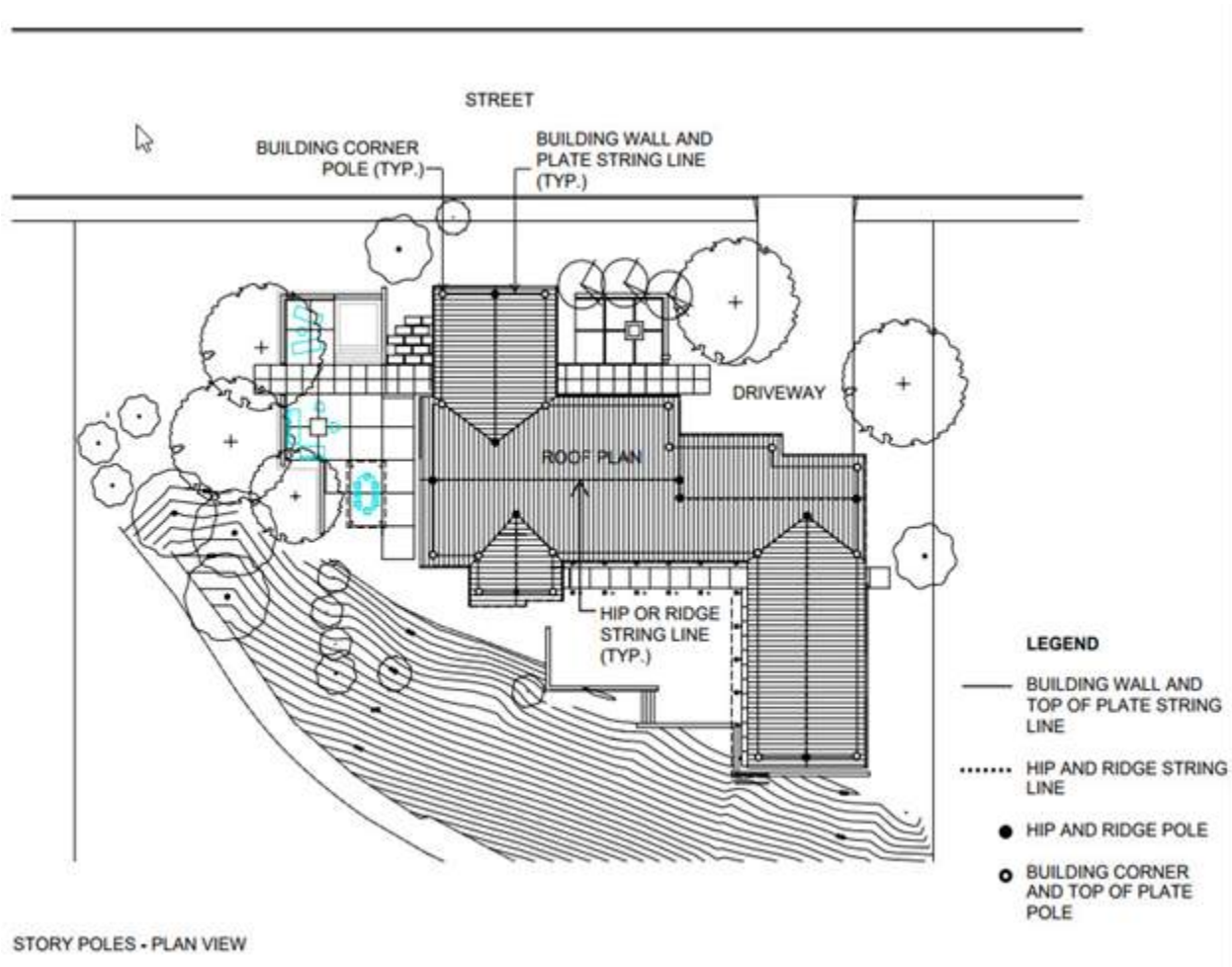
### **§11.5.09.003 Procedure.**

- A. A Story Pole Plan shall be submitted to the City, indicating the location and height of each story pole and/or other site feature(s) and/or building footing outline. Unless otherwise required by the Director, this plan shall be based on the roof plan combined with the site plan.
- B. Each story pole on the site plan shall be numbered and must correspond with a numbered story pole at the project site.
- C. No story poles shall be installed until the Story Pole Plan is approved by the City as adequately showing the outline of the proposed building or other site feature(s).
- D. Staff will not schedule a hearing until the story poles and related installation materials are in place.

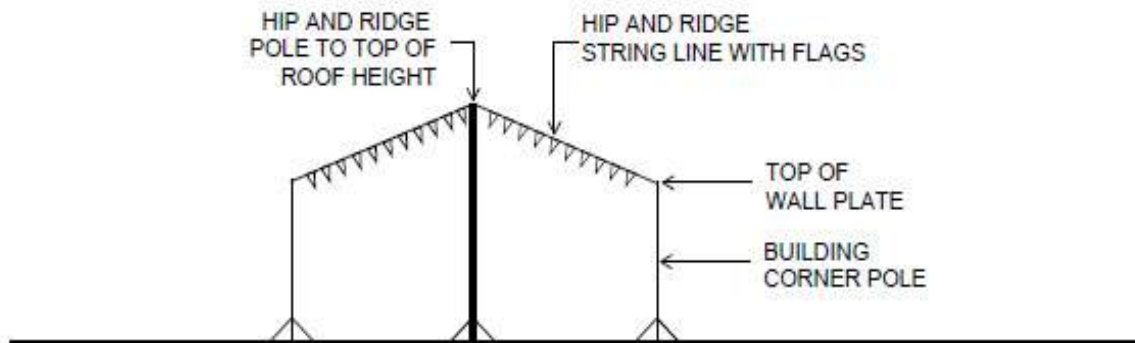
### **§11.5.09.004 Construction.**

- A. Story poles shall be of sufficiently rigid and durable material as to last for at least three (3) months. PVC pipe is not permitted.
- B. Building eaves, ridges, and other prominent horizontal features shall be constructed with materials specified above, strung with durable pennant streamers, and shall be clearly distinguished through the use of colors. One color shall be used to denote building ridges and a contrasting color shall be used to denote eaves.
- C. Other features and/or building footing outline shall be marked in the ground as indicated on the approved Story Pole Plan.

**Figure 11.5.09-1: Story Poles—Plan View**



**Figure 11.5.09-2: Story Pole—Elevation View**



**§11.5.09.005 Certification.**

- A. Prior to story pole installation, the applicant shall sign a release absolving the City of any liability associated with the construction of, or damage by, the temporary story pole construction.
- B. The story poles shall be installed by a licensed contractor. The contractor, or a licensed engineer, architect, or surveyor, shall complete and sign a City form certifying the accuracy of the story pole installation.

**§11.5.09.006 Removal.**

The story poles shall remain in place until the appeal period has expired, or until a City Council appeal action has been made, whichever comes last. Removal shall occur within three (3) days of that date.

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## Chapter 11.5.10 Trails

### §11.5.10.001 Purpose.

This Chapter provides for review of projects in accordance with the City of La Cañada Flintridge Trails Master Plan.

### §11.5.10.002 Applicability.

All projects that are determined by the Director to be trails-affected are subject to the provisions of this Chapter and the City of La Cañada Flintridge Trails Master Plan.

### §11.5.10.003 Requirements.

#### A. General Requirements.

1. For all projects that are determined to be trails-affected, all permits and approvals shall be consistent with the protection and preservation of all existing and proposed trails and trail rights identified in the Trails Master Plan.
2. The Director shall impose, or recommend to the decision-making authority, the imposition of all permit conditions necessary to carry out the purposes of the Trails Master Plan.
3. The Director shall notify the Trails Council as provided for in the Trails Master Plan, as may be amended from time to time.

B. **Ministerial Projects.** Ministerial projects that are determined to be trails-affected shall be reviewed as provided for in Appendix 7 of the Trails Master Plan.

#### C. Discretionary Projects.

1. Discretionary projects that are determined to be trails-affected shall be reviewed as provided for in Appendix 7 of the Trails Master Plan.
2. If the Director, in consultation with the City Manager and City Attorney, determines there is a nexus between the impact of the proposed project and the trail or proposed trail, the project shall be conditioned in such a manner to protect the trail in accordance with the Trails Master Plan. If a survey is required, the applicant shall be required to pay for the survey to ensure the easement and trail are located appropriately.

## **Chapter 11.5.11 Trip Reduction and Travel Demand Management**

### **§11.5.11.001 Purpose.**

This Chapter is intended to comply with the Congestion Management Program's (CMP) requirements for a trip reduction and travel demand management ordinance. The requirements of the South Coast Air Quality Management District ("air district") Regulation XV are separate from this chapter, and administered by the air district. Nothing herein is intended, nor shall it be construed, to limit or otherwise preclude employers from offering or providing additional inducements to use alternatives to single-occupant vehicles to their employees necessary to meet Regulation XV requirements.

In order to use the existing and planned transportation infrastructure more efficiently, maintain or improve levels of service and lower motor vehicle emissions, it is the policy of the City to minimize the number of peak period vehicle trips generated by additional development, promote the use of alternative transportation, improve air quality and participate in regional and countywide efforts to improve transportation demand management.

### **§11.5.11.002 Review of Transit Impacts.**

- A. Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted. Projects for which a notice of preparation (NOP) for a draft EIR (DEIR) has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this Chapter shall be exempted from its provisions. The "Transit Impact Review Worksheet" contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIRs and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.
- B. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR.

### **§11.5.11.003 Transportation Demand and Trip Reduction Measure.**

#### **A. Applicability.**

1. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.
2. Additions to buildings which existed prior to the effective date of the ordinance codified in this Chapter and which exceed the thresholds defined in Section 11.5.11.003(B) shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements.

#### **B. Development Standards.**

1. Nonresidential development of twenty-five thousand (25,000) gross square feet or more shall provide the following:
  - a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:
    - i. Current maps, routes, and schedules for public transit routes serving the site;
    - ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
    - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
    - iv. Bicycle route and facility information including regional/local bicycle maps and bicycle safety information; and
    - v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
2. Nonresidential development of fifty thousand (50,000) gross square feet or more shall comply with Subsection (B)(1) of this Section and shall provide all of the following measures:

- a. Not less than ten (10) percent of the employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for a building permit. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/stripped as demand warrants; provided, that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed/stripped for carpool/vanpool vehicles.
  - b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches (7'-2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
  - c. Except as otherwise required in Section 11.5.04.009, bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle which protects the bicycle from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be provided.
3. Nonresidential development of one hundred thousand (100,000) gross square feet or more shall comply with subsections (B)(1) and (2) of this Section and shall provide all of the following:
- a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;
  - b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
  - c. If determined necessary to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops; and
  - d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite.

**§11.5.11.004 Land Use Analysis Program.**

All development projects for which an EIR is required to be prepared shall be subject to the Land Use Analysis Program contained in the CMP, and shall incorporate into the EIR an analysis of the project's impacts on the regional transportation system. Said analysis shall be conducted consistent with the Transportation Impact Analysis (TIA) Guidelines contained in the most recent CMP adopted by the Los Angeles County transportation authority.

**§11.5.11.005 Monitoring.**

Prior to the issuance of a certificate of occupancy or of any business license for the management of the development, or for any tenant therein, the applicant of said certificate or business license shall certify that all required development standards of this chapter are provided.

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## Chapter 11.5.12 Historic Preservation

### §11.5.12.001 Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare through the following measures:

- A. Safeguard the heritage of the city by protecting resources that reflect its cultural, historic and architectural legacy;
- B. Promote public understanding, appreciation and involvement in the unique heritage of the city;
- C. Foster civic pride in the beauty and notable accomplishments of the past;
- D. Enhance the visual and aesthetic character of the city;
- E. Promote the maintenance and use of historic resources;
- F. Ensure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded;
- G. Fulfill the City's responsibilities under the California Environmental Quality Act regarding historic resources;
- H. Implement the historic preservation goals, policies, and programs of the General Plan.

### §11.5.12.002 Definitions.

The following words, as used in this chapter, shall have the respective meanings assigned to them in the following definitions:

- A. "Alteration" means any exterior change or modification to the character-defining or significant, physical improvements or architectural features of a historic resource. Alteration shall include new construction of additions, but not include ordinary maintenance and repairs.
- B. "Architectural feature" means an exterior design element of a historic resource embodying the style thereof, including, but not limited to, the kind, color, texture of building materials; tile and iron work; the type, style, and arrangement of windows, doors, lights, signs, and other fixtures appurtenant to such structure; and, on a larger scale, includes siting, composition, and massing (the number, placement and size of improvements).
- C. "Certificate of appropriateness" means the discretionary approval required before exterior alterations, additions, or demolitions related to a historic resource can be permitted.
- D. "City's official register" means the City's official list of historic or architecturally significant sites, places, or landmarks.

- E. "Contract" means a Mills Act contract.
- F. "Demolition" means the complete destruction or removal of a building or structure or removal of more than fifty percent (50%) of the perimeter walls or roof thereto without a substantially similar replacement.
- G. "Historic resource" means any improvement, historic landmark, or other object of cultural, architectural, or historic significance to the citizens of the city, the region, the state, or the nation, which has previously been designated for historic preservation on a federal, state or the City's official register as set forth in Section 11.5.12.004 below.
- H. "Mills Act contract" means an agreement authorized by this chapter and California Government Code Section 50280 et seq., as amended.
- I. "Qualified consultant" means a preservation architect, architectural historian, or other professional who meets one of the professional qualifications standards as defined by the National Park Service (1992, N.P.S.).
- J. "Qualified historic property" means privately owned property which is not exempt from property taxation and which is:
  - 1. Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or
  - 2. Listed in any California or county of Los Angeles official register of historic or architecturally significant sites, places, or landmarks;
  - 3. Designated as a historic resource and listed in the City's official register and as subsequently amended; or
  - 4. Not designated or listed in the City's official register, but includes an application for designation prepared by a qualified consultant and submitted concurrently with an application for a Mills Act contract. The nomination must be deemed complete by the Mills Act application deadline; or
  - 5. Not identified as a historic resource due to inappropriate alterations, but includes an application for designation prepared by a qualified consultant submitted concurrently with an application for a Mills Act contract, if/when the proposed work program results in exterior restoration and/or reconstruction of historic and architectural features and if the work is in compliance with the Secretary of the Interior's Standards for Rehabilitation. The nomination must be deemed complete by the Mills Act application deadline.

- K. "Secretary of the Interior's Standards for Rehabilitation (also Secretary's Standards)" means the Secretary of the Interior's Standards for Rehabilitating Historic Buildings, issued by the U.S. Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, N.P.S.) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, N.P.S.), and any subsequent publication on the Secretary's Standards by the N.P.S.
- L. "State Historical Building Code" means Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

**§11.5.12.003 Criteria for Designation of Historic Resources (City's Official Register).**

Evaluation of Historic Resources. When considering applications to designate a historic resource, the Planning Commission may recommend that the City Council add the subject property to the City's official register if the property satisfies at least one (1) of the following criteria:

- A. The property is identified with persons or events significant in local, regional, state, or national history; and/or
- B. The property is representative of the work of a notable builder, designer or architect; and/or
- C. The property embodies one (1) or more distinctive characteristics of style, type, period, design, materials, or craftsmanship; and/or
- D. The property has a unique location or physical characteristics or represents an established and familiar visual feature of neighborhood, community, or the city.

**§11.5.12.004 Designation Process for Historic Resources (City's Official Register)**

- A. Any person who wishes to request that a property be designated as a historic resource and included in the City's official register shall submit an application to the Director along with any required supporting documents (historic resources report) and any required fees approved by the City Council by resolution. The application shall be on a form approved by the Director.
- B. Upon receipt of a complete application, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with Section 11.2.02.003 of this Zoning Code.
- C. Following the close of the public hearing, the Planning Commission may recommend that the City Council designate the subject property as a historic resource, adding it to the City's official register if the property satisfies at least one (1) of the criteria set forth in Section 11.5.12.003.

- D. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing. Notice of the public hearing shall be provided in accordance with subsection B of this section. Following such hearing by the City Council, it shall consider the matter and determine whether the subject property shall be designated a historic resource and added to the City's official register based on the criteria set forth in subsection A of this section. The City Council's determination shall be by resolution and therein authorize the Mayor to execute a declaration of designation.
- E. The designation of a historic resource shall be approved by a declaration of designation executed by the Mayor and mailed to the owner of record of the designated property.
- F. The City Clerk shall record the declaration in the Office of the County Recorder.
- G. Any property designated as a historic resource and listed on the City's official register shall be eligible for a contract with the City under the Mills Act, which provides for property tax relief and for the preservation of those historic properties. Mills Act contracts are governed by Section 11.5.12.009(C) of this chapter.
- H. The City's official register shall be maintained by the Director and available in his or her office.

**§11.5.12.005 Rescinding a Designation.**

- A. Any person who wishes to rescind the historic resource designation shall submit an application to the Director along with any required supporting documents and any required fees approved by the City Council by resolution. The application shall be on a form approved by the Director.
- B. Upon receipt of a complete application, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with Section 11.2.02.003 of this Zoning Code.
- C. Following the close of the public hearing, the Planning Commission may recommend that the City Council rescind the historic resource designation if the Planning Commission finds:
  - 1. The subject property no longer satisfies the criteria listed in Section 11.5.12.003(A); or
  - 2. The property owner requests removal for reasonable cause and reasonable cause has been demonstrated to the Planning Commission.
- D. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing in accordance with Section 11.2.02.003 of this Zoning Code. The City Council's determination shall be by resolution.
- E. The City Clerk shall file for removal of the recordation with the Office of the County Recorder.

- F. If a property is approved for removal from the City's official register, but is still subject to a Mills Act contract, the removal from the City's official register shall not be effective until the Mills Act contract is canceled by the City or the term of the contract has expired following the non-renewal of the Mills Act by the property owner.

**§11.5.12.006 General Regulations for Historic Resources.**

- A. No discretionary or ministerial permit shall be issued by the City for the alteration or demolition of a historic resource unless and until the applicant obtains a certificate of appropriateness as provided in this section.
- B. The provisions below shall govern permits for alteration of a historic resource.
1. The applicant shall submit a report from a qualified consultant (meeting one of the professional qualifications standards as defined by the National Park Service) wherein the consultant shall opine whether the proposed alterations to the historic resource are consistent with the Secretary of the Interior's Standards for Rehabilitation, and related guidelines. In lieu of providing said report, the applicant may submit a deposit to the City to fully reimburse the City for the preparation of a report by a consultant selected by the City. The report may also include recommendations to make the proposed alterations consistent with the Secretary of the Interior's Standards for Rehabilitation.
  2. The applicant shall also submit:
    - a. Plans and specifications showing the proposed exterior appearance;
    - b. Materials and colors to be used on the exterior of the resource;
    - c. Relationship of the proposed work to the surrounding environment, if necessary;
    - d. Relationship to the existing scale, massing, architectural style, site and streetscape, and landscaping; and
    - e. Any other information determined by the Director to be necessary for review of the proposed alteration.
    - f. Fee in amount set forth by resolution of the City Council.
  3. The Director shall only issue a certificate of appropriateness (alteration) if the Director determines that the proposed alterations are consistent with the Secretary of the Interior's Standards for Rehabilitation and related guidelines.
  4. Notwithstanding the foregoing, the following actions will be deemed to not affect the historic integrity of the structure and are exempt from review under this section:
    - a. Routine maintenance and minor repairs;

- b. Exterior painting if the color, texture, and general appearance matches the existing exterior painting;
  - c. Interior alterations;
  - d. Replacing deteriorated roofing materials with the same type of material already in use;
  - e. Replacing damaged chimneys with the same type already in use;
  - f. Addition or removal of screens, awnings, canopies, and similar incidental appurtenances;
  - g. Addition or removal of yard walls and fences;
  - h. Addition or removal of landscaping; and
  - i. Addition or removal of driveways and walkways or other flat concrete work.
- C. The provisions below shall govern permits for demolition of a historic resource.
- 1. A certificate of appropriateness (demolition) shall be required prior to demolition. The certificate of appropriateness (demolition) shall be subject to compliance with the California Environmental Quality Act ("CEQA") and be issued prior to issuance of a demolition permit by the City's Building and Safety Division.
  - 2. The following procedure shall be completed prior to issuance of the certificate of appropriateness (demolition):
    - a. The applicant shall submit an application for certificate of appropriateness (demolition) along with an application fee in an amount set forth by resolution of the City Council.
    - b. Upon receipt of a complete application and after compliance with CEQA, the Director shall schedule a public hearing before the Planning Commission for its review and consideration of the application in accordance with Section 11.2.02.003 of this Zoning Code.
    - c. Following the close of the public hearing, the Planning Commission may recommend that the City Council approve the application if the Planning Commission finds that demolition is necessary for any one of the following reasons:
      - i. All efforts to restore, rehabilitate, and/or relocate the structure have been exhausted; or
      - ii. Restoration/rehabilitation is not practical because the extensive alterations required would render the resource not worthy of preservation; or
      - iii. Failure to demolish the resource would adversely affect or detract from the character of the neighborhood.

- d. The recommendation of the Planning Commission, whether to approve or deny the application, shall be forwarded to the City Council for its consideration at a noticed public hearing. Notice of the public hearing shall be provided in accordance with subsection (C)(2)(b) of this section. Following such hearing by the City Council, it shall consider the matter and determine whether to issue the certificate of appropriateness (demolition) based on the criteria set forth in subsection (C)(2)(c) of this section. The City Council's determination shall be by resolution.
  - e. Notwithstanding the foregoing, a certificate of appropriateness (demolition) shall not be required if an unsafe or dangerous condition exists that cannot be rectified under the California State Historic Historical Building Code.
  - f. A certificate of appropriateness (demolition) shall not be granted unless and until a development application or proposal for development of the subject property has been submitted to the City, describing what will replace the demolished historic resource. The development application and certificate of appropriateness (demolition) shall be processed and considered concurrently with one another.
- D. If a certificate of appropriateness (demolition) is granted, the Director shall recommend that the City Council concurrently rescind the historic resource designation and remove the subject property from the City's official register, as applicable. Compliance with Section 11.5.12.005 shall not be required except that the City Council's determination shall be by resolution.
- E. Notwithstanding any other provision of this chapter, the Director may authorize permits to demolish, relocate, remove, or significantly alter a designated or eligible historic resource if a permit is necessary for the preservation of the health and safety of the public.

#### **§11.5.12.007 Historic Resources Reports.**

A historic resources report shall, at a minimum, set forth the following information about the subject building or structure:

- A. Year completed;
- B. Architectural style/physical description;
- C. Photographs;
- D. Architect/builder – brief history of architect and/or builder;
- E. Ownership history – brief biography of owners – highlight notable owners;
- F. Permit history;
- G. Assessor's information;
- H. Historic significance/significance evaluation;

- I. A description of the integrity of the property; and
- J. Other supporting documentation as determined by the director.

**§11.5.12.008 Penalties.**

- A. If a historic resource is demolished without compliance with the requirements of this chapter, no building or construction-related permits shall be issued for a period of five (5) years from the date of demolition as reasonably determined by the Director.
- B. If a historic resource is altered without compliance with the requirements of this chapter, no building or construction-related permits shall be issued for a period of three (3) years from the date of alteration as reasonably determined by the Director, except for nonstructural maintenance or to correct a code deficiency or health and safety issue.
- C. In addition to the penalties above, any violation of subsections A and B of this section shall be deemed a misdemeanor and is subject to the fines and related penalties identified within Section 1.04.010 of the LCFMC.

**§11.5.12.009 Incentives for Properties Designated as Historic Resources.**

- A. **State Historical Building Code.** All designated historic resources shall be eligible to utilize the State Historical Building Code for reasonable alternatives or reasonable levels of equivalency in situations where strict compliance with established statutes or regulations would negatively affect a historic resource's historic appearance.
- B. **Waiver of Covered Parking Requirements.** For designated historic resources, the requirement for two (2) covered parking spaces—when adding a bedroom to a residential dwelling—shall be waived if an existing one-car garage contributes to the significance of the property and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the dwelling.
- C. **Mills Act.**
  - 1. **Purpose.** The City Council desires to foster the preservation, rehabilitation, and maintenance of landmark and historic properties in the city. In furtherance of this policy, the purpose of this chapter is to implement the Mills Act and establish a process to enter into contracts with owners of qualified historic properties, for property tax relief and for the preservation of those historic properties. The Mills Act preservation incentive will support the goals and objectives of the General Plan by encouraging the maintenance and preservation of historic structures (Conservation Element of the General Plan, CNE Goal 3: Encourage the preservation of significant historical resources within the city.).
  - 2. **Eligibility.** Approval of Mills Act contracts shall have the following limitations on eligibility:
    - a. Mills Act contracts shall be limited to qualified historic properties.

- b. The total City property tax revenue reduction in any one (1) year, of all existing and newly approved Mills Act contracts combined, shall not exceed \$30,000 or \$3,000 for any one (1) individual property, unless approved by the City Council.
  - c. Mills Act contracts shall be limited to properties that are in need of restoration and/or rehabilitation at the time of application as demonstrated by a detailed and specific work program that enumerates elements that are visible from the street and/or building systems that protect the overall structural integrity of the house (seismic retrofitting, electrical systems, plumbing, roofing, etc.).
3. **Administrative Guidelines and Procedure for Approval of Mills Act Contracts.** The City Council shall issue administrative guidelines for implementation of the Mills Act contract process by resolution.
4. **Concurrent Review.** An application for historic resources designation (inclusion on the City's official register) and an application for approval of a Mills Act contract, may be reviewed concurrently. Final action on the City's official register shall first be taken before final action on the approval of a Mills Act contract.
5. **Required Provisions in Mills Act Contracts.** A Mills Act contract shall include provisions required by applicable state law and those provisions required by the City including, but not limited to:
- a. The term of the Mills Act contract shall be for a minimum period of ten (10) years.
  - b. Each Mills Act contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, one (1) year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. Each contract shall also provide that after five (5) years, and every five (5) years thereafter, the Director or designee shall inspect the interior and exterior of the premises to determine the owner's continued compliance with the contract. If the property owner or the City Council desire in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least ninety (90) days prior to the renewal date or by the City Council at least sixty (60) days prior to the renewal date, one (1) year shall automatically be added to the term of the contract.
  - c. Each Mills Act contract shall provide that, for the preservation of the qualified historic property and, when necessary, the property owner restore and rehabilitate the property to conform to the rules and regulations of the State Office of Historic Preservation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
  - d. Each Mills Act contract shall provide for an inspection of the interior and exterior of the premises by the City prior to a new agreement, and every five (5) years thereafter, to determine the owner's compliance with the Mills Act contract. The property owner further agrees to allow the City to photograph the subject property.

- e. The owner agrees to permit periodic examination of the interior (if applicable) and exterior of the premises by the Los Angeles County assessor, the State Board of Equalization, the State Department of Parks and Recreation, and/or any other governing agency as may be necessary to verify the owner's compliance with the Mills Act, and to provide any information requested to ensure compliance with the Mills Act.
- f. The Mills Act contract shall be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract. An updated Mills Act contract shall be entered into with new owner(s) of the subject property.
- g. The Mills Act contract shall state that the City may cancel the contract after a duly noticed public hearing if it determines that the property owner has breached any of the conditions of the Mills Act contract or has allowed the property to deteriorate to the point that it no longer meets the criteria under which it was designated on the City's official register. The Mills Act contract shall state that if the City cancels the contract pursuant to this section, the owner shall pay the state of California a cancellation fee of twelve and one-half percent (12.5%) of the full value of the property at the time of cancellation, as determined by the Los Angeles County assessor without regard to any restriction on the property imposed by the Mills Act contract.
- h. The Mills Act contract shall provide that, as an alternative to cancellation, the City may bring an action for specific performance, injunction, or other action necessary to enforce the Mills Act contract.
- i. The Mills Act contract may provide that modifications to any approved work plan require review and approval by the Director.
- j. The Mills Act contract shall also provide that in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the contract may be cancelled by the City, or upon the owner's application, without requiring the owner to pay the state of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the state of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

**6. Cancellation of Mills Act Contracts.**

- a. If the City Council determines that the owner has breached any of the conditions of a Mills Act contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property, the City Council shall do one of the following:
  - i. Bring any action in court necessary to enforce a contract, including, but not limited to, an action to enforce the contract by specific performance or injunction; or

- ii. Cancel the Mills Act contract in accordance with the procedures set forth in the Mills Act.
- b. Prior to the proposed cancellation of a Mills Act contract, the City Council will conduct a public hearing to determine if the contract shall be cancelled. Written notice of the public hearing shall be provided in accordance with Section 11.2.02.003 of this Zoning Code, in addition to any other notice required under applicable state law.
- c. Concurrent with any termination of a Mills Act contract, the City Council may also consider removal of the subject property from the City's official register if the subject property no longer satisfies the criteria to be listed on the City's official register.

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## Chapter 11.5.13 Objective Design Standards

### §11.5.13.001 Purpose.

Recent state housing legislation requires jurisdictions to implement streamlined and ministerial review processes for qualifying housing projects. One requirement is for jurisdictions to replace design guidelines with objective design standards for multifamily residential development, including residential portions of mixed use developments. Objective design standards are numeric and/or quantifiable and can be measured, as opposed to design guidelines, which are subjective and require interpretation. The Objective Design Standards in this chapter provide a clear set of architectural and site design requirements for new multifamily residential development and mixed-use development. These standards provide clear and quantifiable direction to ensure that future development maintains the unique character and quality of design within the City of La Cañada Flintridge, quality materials are used, and building form and scale are appropriate to the site.

### §11.5.13.002 Applicability.

These objective design standards shall apply to new qualifying residential projects, in addition to any and all other standards, regulations, and plans that apply to development in the City. A qualifying project is a Housing Development Project as defined in Gov. Code 65589.5 in zones where the use is principally permitted. Qualifying residential projects shall comply with the objective design standards, and include multi-family housing, residential mixed use projects with at least two-thirds of the square footage designated for residential use, or supportive and transitional housing.

### §11.5.13.003 General Requirements.

New qualifying development shall comply with the objective design standards in this section. Some objective design standards apply only to commercial portions of mixed use developments (indicated by “mixed use”), while others apply to residential and mixed use developments (indicated by “all”).

#### 1. **Building Placement and Orientation.**

- a. Mixed Use: Tenant Spaces and/or buildings are connected to each other by public sidewalks, pedestrian pathways and promenades, courtyards, plazas, or similar features, and are not separated by parking areas/
- b. All: Each building entrance, parking area, private and public open space, and pedestrian facility includes one (1) or more of the following features in a manner that preserves and does not obstruct the view into the area:
  - i. Landscaping
  - ii. Outdoor furniture

- iii. Enhanced pavement
  - iv. Recessed entry
  - v. Decorative lighting
  - vi. Public art
  - vii. Other similar amenities
- c. All: Buildings within thirty (30) feet of a public street right of way have at least one (1) primary entrance that faces a public street or that is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance. Corner buildings have corner entrances except where not possible. Every building has at least one (1) entrance that does not require passage through a parking lot or garage to gain access.
- d. No buildings abutting a single-family zone have rooftop terraces and decks.

2. **Building Form and Massing.**

- a. Mixed Use: Ground floor façades for nonresidential uses are designed with one or more structural bays. The maximum width of each bay is between twenty five (25) and fifty (50) feet. At least one entrance is provided for each shopfront bay.
- b. All: For facades over thirty (30) feet in length, no more than seventy five percent (75%) of the facade shares the same plane.
- c. All: A minimum three-foot (3') offset is required for any wall plane that exceeds thirty feet (30') in length.
- d. All: Blank walls (facades without doors, windows, landscaping treatments) are not more than thirty (30) feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.
- e. All: There are not more than seven (7) repeated structural bays or other major elements.
- f. Mixed Use: Storefronts are articulated within the rhythm of fifteen (15) to twenty five (25) foot modules.

3. **Architecture and Articulation.** The objective design standards required by this subsection are considered minimum standards. Refer to the *City of La Cañada Flintridge Architectural Styles Design Manual* for articulation and decorative features or elements and amenities that apply to the particular architectural style chosen for the development.

- a. All: Building are in the following architectural styles, dependent on size (see Table 11.5.14-1), in terms of materials, colors, forms, and details.

**Table 11.5.13-1: Architectural Style**

Architectural Style	Structures less than 35,000 Square Feet	Structures 35,000 Square Feet or Great
Craftsman	X	
Italian Renaissance	X	X
Mission	X	X
Monterey	X	
Spanish	X	X
Spanish Colonial Revival	X	X

b. All: Building facades include at least three (3) features and elements, to create openings, reveals, shadow lines, articulation of edges and surface breaks. Features and elements must occupy a minimum of five percent (5%) of the building’s facade. Features and elements include, but are not limited to, the following list.

- i. Pilasters
- ii. Eave treatments
- iii. Alcoves
- iv. Sconces and decorative lighting
- v. Wall fountains
- vi. Decorative tiles
- vii. Structural bays
- viii. Transoms
- ix. Awnings (segmented)
- x. Detailed bulkhead treatment
- xi. Cornices and moldings

- xii. Balconies
- xiii. Decorative grillwork
- xiv. Roof modulation

Other features and elements determined by the Director to be similar and consistent with the Architectural Styles Design Manual.

- c. Mixed Use: A minimum of sixty percent (60%) of the first story street-facing commercial portion of the building façade between two (2) and eight (8) feet in height is comprised of clear windows that allow views of indoor space or product display areas.
- d. All: Sites have the following number of amenities as provided in subsection (e) below, based on the size of the development.
  - i. One (1) amenities for sites between 10,000 sf and 20,000 sf.
  - ii. Two (2) amenities for sites between 20,000 sf and 30,000 sf.
  - iii. Three (3) amenities for sites between 30,000 sf and an acre.
  - iv. Four (4) amenities for sites greater than an acre.
  - v. Amenities:
    - (a) Trellises
    - (b) Arbors
    - (c) Benches
    - (d) Tables and chairs
    - (e) Planters
    - (f) Fountains
    - (g) Small water bodies
    - (h) Sculpture
    - (i) Sculptural lighting
    - (j) Murals
    - (k) Other amenities determined by the Director to be similar and consistent with the Architectural Styles Design Manual.

- e. All: Ends of parapet walls are not visible.
- f. All: When stepped or gabled, visible ends of parapet walls are not more than four (4) times taller than the width of the wall section, but not less than one (1) foot thick.
- g. All: Windows are recessed not less than two (2) inches or project less than one (1) foot from the façade plane to create texture and shadow lines.

4. **Building Materials and Colors**

- a. All: Light reflectance values do not exceed eighty (80) percent for walls or fifty (50) percent for visible roofs.
- b. All: Glazing is transparent or not more than ten percent (10%) tinted at the ground floor. Mirror glazing is not allowed on any floor.
- c. All façade materials, such as siding, window types, and architectural details, used on the street-facing façade are used on all other building façades that are visible from the public right-of-way.

5. **Site Landscaping**

- a. Setback areas are completely dedicated to landscaping and pedestrian areas, except for the minimum necessary driving aisles.

**§11.5.13.004 Review Authority.**

Development projects that are subject to the requirements of this chapter shall be reviewed in accordance with the requirements of Chapter 11.6.08 (Design Review).