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FOOTNOTE(S):

⁽¹¹²⁾ **Editor's note**— Ord. No. 05-01, adopted February 22, 2005, enacted provisions designated as a new Development Code for the city. Subsequently, Ord. No. 06-06, adopted August 7, 2006, provided for the renumbering of said Development Code into Ch. 88 of the Code of Ordinances and amendment of various sections thereof. See the Code Comparative Table for a detailed analysis of inclusion. ([Back](#))

ARTICLE 1. - DEVELOPMENT CODE APPLICABILITY

This article adopts the Azusa Development Code, describes the authorities on which it is based, provides an overview of how it applies to development within the city, and establishes rules and procedures for the interpretation of Code provisions.

[CHAPTER 88.10. - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE](#)

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88.10.010. - Purposes of the Development Code.

The City of Azusa Development Code carries out the policies of the Azusa General Plan by regulating development and land uses within the city, consistent with the general plan. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the city. More specifically, the purposes of this Development Code are to:

- A.
 - Provide standards for the continuing orderly growth and development of the city that will assist in enhancing and maintaining distinct community identity, and contribute to the health and well being of residents;
- B.
 - Create a comprehensive and stable pattern of development and land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- C.
 - Ensure that proposed development is of human scale, pedestrian-oriented, energy conserving, and is designed to create attractive streetscapes and pedestrian spaces;
- D.
 - Minimize automobile congestion through pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate parking facilities; and
- E.
 - Ensure compatibility between different types of development and land uses.

88.10.020. - Authority for the Development Code.

This Development Code is enacted based on the authority vested in the City of Azusa by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

88.10.030. - Responsibility for Administration.

This Development Code shall be administered by: the Azusa City Council, hereafter referred to as the "council;" the planning commission, referred to as the "commission;" the economic and community development director, referred to as the "director;" the zoning administrator,

and the community development department, hereafter referred to as the "department," as specified by the provisions of this Development Code.

88.10.040. - Applicability of the Development Code.

This Development Code applies to all land uses, subdivisions, and development within the City of Azusa, as follows.

A.

New Land Uses or Structures, Changes to Land Uses or Structures. It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, enlarge, alter, or replace any use of land or structure, except in compliance with the requirements of Section 88.10.050 (Approval Requirements for Development and New Land Uses), and Chapter 88.54 (Nonconforming Uses, Structures, and Parcels). No building permit or grading permit shall be issued by the city unless the proposed construction complies with all applicable provisions of this Development Code.

B.

Subdivisions. Any subdivision of land proposed within the city after the effective date of this Development Code shall be consistent with the minimum lot size requirements of the applicable zone by Article 2 (Urban Standards), the city's subdivision regulations, and all applicable requirements of this Development Code.

C.

Minimum Requirements. The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

D.

Conflicting Requirements:

1.

Development Code and Municipal Code Provisions. If a conflict occur between requirements of this Development Code, or between this Development Code, the City of Azusa Municipal Code, or other regulations of the city, the most restrictive shall apply.

2.

Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards

adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3.

Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.

E.

Other Requirements May Apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the city, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any state, or federal agency.

88.10.050. - Approval Requirements for Development and New Land Uses.

Each structure and/or land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements.

A.

Allowable Use. The land use shall be allowed by [Article 2](#) (Urban Standards) in the neighborhood, district, or corridor where the site is located.

B.

Permit and Approval Requirements. Any planning permit or other approval required by [Article 2](#) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in [Section 88.10.060](#) (Exemptions from Planning Permit Requirements).

C.

Development Standards, Conditions of Approval. Each land use and structure shall comply with the development standards of [Article 2](#), [Article 3](#) (Site Development and Operational Standards), and any applicable conditions imposed by a previously granted planning permit.

D.

Legal Parcel. The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and the city's subdivision ordinance.

E.

New Nonresidential Land Use in Existing Building or on Developed Site. A land use identified by [Article 2](#) (Urban Standards) as a "P" (permitted) use,

that is proposed on a site where no construction requiring a building permit will occur, shall require a zoning clearance as provided by Section 5.12.020 (zoning clearance) to ensure that the site complies with all applicable standards of this Development Code, including parking, landscaping, signs, trash enclosures, etc. Zoning clearance shall not be granted and the proposed land use shall not be established unless the site and existing improvements comply with all applicable requirements of this Development Code, except as provided by Chapter 5.20 (Nonconforming Uses, Structures, and Parcels).

88.10.060. - Exemptions from Planning Permit Requirements.

The planning permit requirements of this Development Code do not apply to the structures, land uses, and activities identified by this section. These are allowed in all planning areas subject to compliance with this section.

A.

General Requirements for Exemption. The land uses, structures, and activities identified by subsection B. are exempt from the planning permit requirements of this Development Code only when:

1.

The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of [Article 2](#) (Urban Standards), [Article 3](#), (Site Development and Operational Standards), [Article 4](#) (Standards for Specific Land Uses), and, where applicable, [Chapter 88.54](#) (Nonconforming Uses, Structures, and Parcels); and

2.

Any permit or approval required by city regulations other than this Development Code is obtained (for example, a building permit).

B.

Exempt Activities and Land Uses. The following are exempt from the land use permit requirements of this Development Code when in compliance with subsection A. above.

1.

Decks, Paths and Driveways. Decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit.

2.

Fences and Walls. See [Section 88.30.020](#) (Fences, Walls, and Screening).

3.

Interior Remodeling. Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.

4.

Repairs and Maintenance.

a.

Single-Family Dwellings. Ordinary non-structural repairs to, and maintenance of, single-family dwellings.

b.

Multi-Family, and Non-Residential Structures. Ordinary non-structural repairs to, and maintenance of multi-family residential and non-residential structures, if:

(1)

The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and

(2)

Any exterior repairs employ the same materials and design as the original construction.

5.

Small, Portable Residential Accessory Structures. A single portable structure of 120 square feet or less per lot or unit, including pre-manufactured storage sheds and other small structures in residential zoning districts that are exempt from building permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved in compliance with [Section 88.42.020](#) (Accessory Structures), where allowed by the applicable zoning district.

6.

Spas, Hot Tubs, and Fish Ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed two feet in depth.

7.

Utilities. The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits,

cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. See Section 88.30.090 for utility undergrounding requirements. Satellite and wireless communications antennas are not exempt, and are instead subject to [Chapter 88.46](#) (Telecommunications Facilities).

88.10.070. - Rules of Interpretation.

A.

Authority.

The director has the authority to interpret any provision of this Development Code. Whenever the director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the director may issue an official interpretation. The director may also refer any issue of interpretation to the commission for their determination.

B.

Rules of Interpretation.

1.

Language. When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to ..."

2.

Time Limits. Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days. A time limit shall extend to 5:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

3.

Regulating Plan Boundaries. See Section 88.20.020 (Planning Areas Established).

4.

State Law Requirements. Where this Development Code references applicable provisions of state law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

C.

Procedure for Interpretations.

Whenever the director determines that the meaning or applicability of any requirement of this Development Code is subject to interpretation generally, or as applied to a specific case, the director may issue an official interpretation. The director may also forward any interpretation of the meaning or applicability of any provision of this Development Code directly to the commission for a determination at a public meeting.

1.

Findings, Basis for Interpretation. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the general plan, and any applicable specific plan.

2.

Record of Interpretations. Official interpretations shall be:

1.

Written, and shall quote the provisions of this Development Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and

2.

Distributed to the council, commission, director, city manager, city attorney, city clerk, and department staff.

Any provision of this Development Code that is determined by the director to need refinement or revision will be corrected by amending this Development Code as soon as is practical. Until an amendment can occur, the director will maintain a complete record of all official interpretations as an appendix to this Development Code, and indexed by the number of the article or section that is the subject of the interpretation.

3.

Appeals. Any interpretation of this Development Code may be appealed in compliance with Chapter 88.56 (Appeals).

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >>

ARTICLE 2. - URBAN STANDARDS

This article provides standards and guidelines for development that affect the overall character of the city and its pattern of land uses. This article establishes the zoning areas within the city, determines how the zoning areas are applied to property by the Zoning Map, and establishes permit requirements for new land uses and development. The standards and guidelines established by this Development Code for planning of individual development projects are found in [Article 3](#) (Design Standards) and [Article 4](#) (Standards for Specific Land Uses).

[CHAPTER 88.20. - REGULATING PLAN](#)

[CHAPTER 88.22. - NEIGHBORHOODS](#)

[CHAPTER 88.24. - DISTRICTS](#)

[CHAPTER 88.26. - CORRIDORS](#)

[CHAPTER 88.27. - OVERLAY ZONES](#)

[CHAPTER 88.28. - SPECIAL PURPOSE ZONES](#)

[CHAPTER 88.29. - ARCHITECTURAL STANDARDS](#)

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URBAN STANDARDS >> CHAPTER 88.20. - REGULATING PLAN >>

[CHAPTER 88.20. - REGULATING PLAN](#)

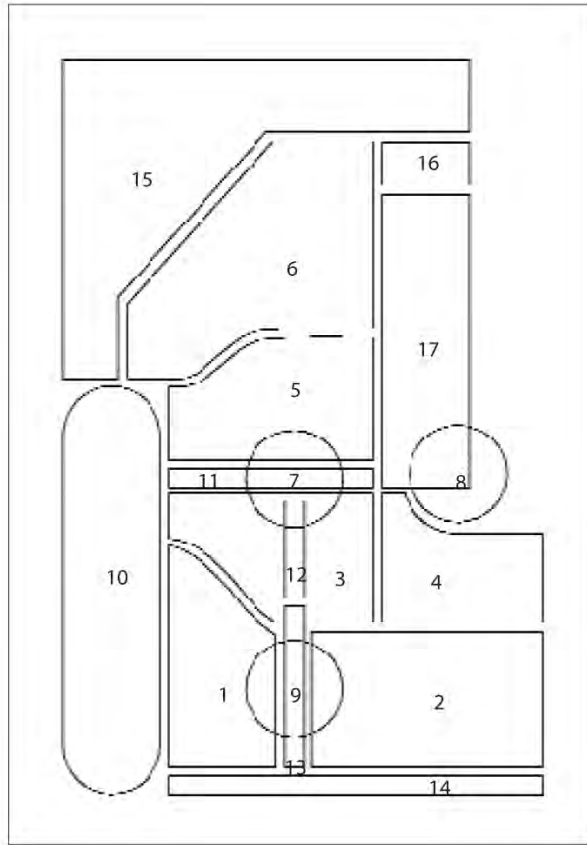


Figure 1: Diagrammatic Key to Planning Areas

- 1: Southwest Neighborhoods
- 2: Southeast Neighborhoods
- 3: Central Neighborhoods
- 4: Central East Neighborhoods
- 5: North Neighborhoods
- 6: Foothill Neighborhoods
- 7: Downtown District
- 8: University District
- 9: Edgewood District
- 10: West End Industrial District
- 11: Foothill Boulevard Corridor
- 12: Azusa - San Gabriel Avenue Corridors
- 13: South Azusa Avenue Corridor
- 14: Arrow Highway Corridor
- 15: Open Space
- 16: Proposed Canyon Resort Area
- 17: Monrovia Nursery Specific Plan

88.20.010. - Purpose of Chapter.

88.20.020. - Planning Areas Established.

88.20.030. - Organization and Intent of Planning Area Chapters.

88.20.040. - Allowable Land Uses and Planning Permit Requirements.

88.20.010. - Purpose of Chapter.

This chapter establishes 17 planning areas within the city, based on the time periods and types of development and land uses that characterize each area. This chapter also establishes site planning and design standards for each area to ensure that proposed projects are designed to enhance and maintain the most desirable development and environmental characteristics of each unique area of the city. The planning areas are described in terms of three sub-types - neighborhoods, districts, and corridors - depending upon their function, their geography and the range of land uses within them.

88.20.020. - Planning Areas Established.

The provisions of this section are applicable to specific sites within the city based on the area where the site is located. A locational diagram of the planning areas is depicted in Figure 1 and the specific boundaries of each area are shown in Figure 2.

88.20.030. - Organization and Intent of Planning Area Chapters.

The community design policies of the Azusa General Plan, and the regulations in the following chapters of this Development Code, express the city's intentions for the physical form and character of the community, including the types of development and land uses that may occur in specific locations throughout the city. These General Plan and Development Code provisions look at the present form and character of each area of the city, and describe whether and how each area will be encouraged to change, both during the ten-year term of the plan, and beyond.

The community's intentions for physical change within the city vary by specific area. This plan anticipates that some areas should change relatively little over time, because of their attractive and distinctive design character and high quality maintenance. At the same time, other areas will be encouraged to change significantly in the type, character, and quality of private buildings and public spaces, and in terms of their current land uses. In all cases, planned change, or the preservation of existing character, are based on the community's overall goals for becoming a city that more effectively provides a wide range of opportunities and choices in housing, jobs, shopping, education, recreation, other cultural pursuits; and that is more pedestrian-oriented, and visually attractive.

The regulations of this Development Code for the planning areas shown in Figure 1 are based upon principles of traditional city form that are reflected in the layout and design of

Azusa's downtown and its pre-World War II neighborhoods. These principles encourage development that is designed to:

- - Contribute to compact urban form;
- - Provide a mixture of land uses that facilitates walking and less dependence on automobiles;
- - Provide a mixture of housing types to accommodate households in all economic groups;
- - Improve accessibility to public facilities and open space; and
- - Work together with development on adjoining properties to create streetscapes of distinctive and appealing character.

The planning areas described in the following chapters identify different geographic areas of Azusa in terms of Neighborhoods, Districts, and Corridors. The areas identified as neighborhoods are now mostly developed with individual homes. However, several of the neighborhoods have the potential to, over time, become places where additional types and sizes of housing are available, and where residents will have the option of a convenient walk to reach stores, other businesses and public facilities that cater to their daily needs, instead of needing a car for all such trips. The grouping of various neighborhoods on the Regulating Plan (for example, the Southwest Neighborhoods, and Foothill Neighborhoods) reflects similarities in their history and current character, and the city's intent that Development Code requirements have similar positive effects within each group of neighborhoods as individual lot development and re-development occur over time.

The districts shown on the Regulating Plan identify areas now occupied primarily by non-residential land uses and activities. Each of the districts is intended to have important, but different long-term roles within the community. In the case of the Downtown District, this Development Code provides for a greater mix of activities than has historically occurred, with retail and other pedestrian-oriented land uses continuing to be the primary occupants of ground floor, street-fronting space within buildings, but with upper floor residential units becoming a significant and widespread feature of the Downtown. The Edgewood District will serve a similar purpose, as a "mini" downtown on South Azusa Avenue. The West End Industrial District will continue to focus on employment-generating industry, and needed auto-oriented land uses that are difficult to operate in proximity to housing. The University District will continue to be oriented primarily toward educational institutions and related facilities, with some opportunities for housing.

The corridors shown on the Regulating Plan identify four major roadway segments that are intended to become both more attractive intra- and inter-city vehicle and pedestrian routes, and areas characterized by a mixture of land uses, including retail, office, and residential. In each case, the specific regulations of this Development Code Article for each neighborhood, district, and corridor, are intended to provide for an appropriate mixture of land uses that function compatibly with one another, and development that is oriented at least as much to the needs of pedestrians as those of the automobile.

This approach differs from conventional zoning codes that typically divide cities into zones that rigidly segregate residential, commercial, industrial, and institutional land uses into separate areas of a city, and thereby require residents to drive or use public transportation for nearly all daily activities. The use of neighborhoods, districts, and corridors as the spatial basis for regulating development instead of land use zones, directly reflects the functions of, and interrelationships between each area of the city. This approach is also more effective than conventional zoning in expressing the city's urban design objectives for each area of the city, and thereby establishing and maintaining attractive distinctions between the different areas of the various parts of the city.

Each of the following chapters includes the following components:

- A. **Location and Existing Conditions.** These sections describe the current physical character of each neighborhood, district, and corridor.
- B. **Desired Future and Proposed Changes.** These non-regulatory sections identify the types of evolutionary changes that the city would like to see in each area as existing developed parcels are re-developed over time, and the city constructs various improvements to the existing street rights-of-way and other public spaces. These sections thereby explain the basis for the development regulations found in the following sections.
- C. **Site Planning and Building Design.** These sections provide Development Code regulations applicable to proposed development and new land uses within each neighborhood, district, and corridor, covering the topics of allowable land uses, standards for building placement and height limits, how new buildings must address the street in terms of their facade design, and how and where off-street parking may be located on a site.

88.20.040. - Allowable Land Uses and Planning Permit Requirements.

This section lists the land uses that may be allowed within the zones established by Chapter 88.20.020 (Regulating Plan), and determines the type of planning permit/approval required for each use.

A.

Allowable Land Uses. The land uses allowed by this Development Code in each zoning district are listed in [Chapter 88.22.065](#), [Chapter 88.24.005](#), and [Chapter 88.26.005](#) together with the type of planning permit required for each use. All uses and storage shall be conducted within a totally enclosed building with the exception those uses that are customarily conducted outdoors, including plant nurseries, automobile display, equestrian facilities, commercial recreational facilities and other similar outdoor uses as determined by the director. Each listed land use is defined in [Article 7](#) (Glossary).

1.

Establishment of an Allowable Use.

a.

Any one or more land uses identified by [Chapter 88.22.065](#), [Chapter 88.24.005](#), and [Chapter 88.26.005](#) as being allowable within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirement listed in the tables, and in compliance with all applicable requirements of this Development Code.

b.

Where a single parcel is proposed for development with two or more of the land uses listed in the tables at the same time, the overall project shall be subject to the highest permit level required by the tables for any individual use. For example, a new multi-use building proposed with a permitted use on the second floor and a use requiring use permit approval on the ground floor would require use permit approval for the entire project.

2.

Use Not Listed.

a.

A land use that is not listed in [Chapter 88.22.065](#), [Chapter 88.24.005](#), and [Chapter 88.26.005](#), and is determined by the director to not be included in [Article 9](#) (Glossary) under the definition of a listed land use, is not allowed within the city, except as otherwise provided in subsection A.3, or [Section 88.10.060](#) (Exemptions from Planning Permit Requirements).

b.

A land use that is not listed in the tables within a particular zoning district is not allowed within that zoning district, except

as otherwise provided subsection A.3, or [Section 88.10.060](#) (Exemptions from Planning Permit Requirements).

3.

Similar and Compatible Use May Be Allowed. The zoning administrator may determine that a proposed use not listed in this chapter is allowable as follows:

a.

Required Findings. The zoning administrator may determine that a proposed use is similar to, and compatible with a listed use and may be allowed, only after first making all of the following findings:

(1)

The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district;

(2)

The use will be consistent with the purposes of the applicable zoning district;

(3)

The use will be consistent with the general plan and any applicable specific plan;

(4)

The use will be compatible with the other uses allowed in the district; and

(5)

The use is not listed as allowable in another zoning district.

(6)

The use is not similar to a use otherwise not allowed in the zoning district.

A determination that a use qualifies as a "similar use" and the findings supporting the determination shall be in writing.

b.

Applicable Standards and Permit Requirements. When the zoning administrator determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required,

and what other standards and requirements of this Development Code apply.

c.

Referral for Determination. The zoning administrator may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the commission for a determination at a public meeting.

d.

Appeal. A determination of similar and compatible use may be appealed in compliance with [Chapter 88.56](#) (Appeals).

B.

Additional City Approval Requirements. Any land use identified as allowable by [Section 88.22.065](#), [Section 88.24.005](#), and [Section 88.26.005](#) may require site plan review and/or a building permit in compliance with the Municipal Code, in addition to the required planning permit.

C.

Standards for Specific Land Uses. Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Development Code may also apply.

-  Neighborhood General : Tract
-  Neighborhood General : Transitional
-  Neighborhood General : Traditional
-  Neighborhood Center
-  Corridors
-  Districts
-  Open Space

KEY

- 1: Southwest Neighborhoods
- 2: Southeast Neighborhoods
- 3: Central Neighborhoods
- 4: Central East Neighborhoods
- 5: North Neighborhoods
- 6: Foothill Neighborhoods
- 7: Downtown District
 - 7a: Main Street / Town Center
 - 7b: Civic Center
 - 7c: Transit Village
- 8: University District
- 9: Edgewood District
- 10: West End Industrial Districts
 - 10a: North Portion
 - 10b: South Portion
- 11: Foothill Boulevard Corridor
- 12: Azusa - San Gabriel Avenue Corridors
 - 12a: Azusa Avenue
 - 12b: San Gabriel Avenue
- 13: South Azusa Avenue Corridor
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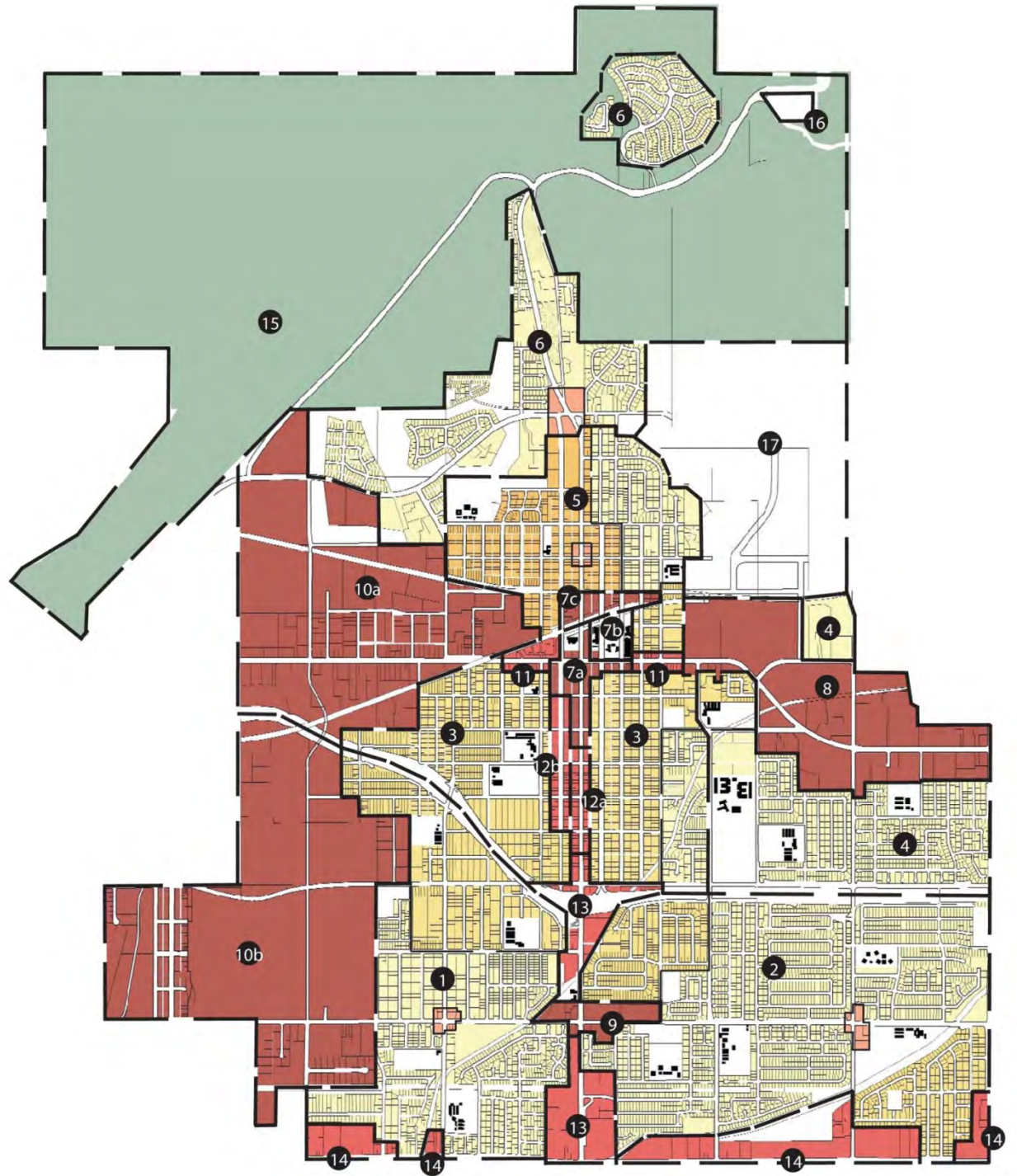


Figure 2: City Regulating Plan

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.22. - NEIGHBORHOODS >>

CHAPTER 88.22. - NEIGHBORHOODS

The purpose of this chapter is to outline the general plan goals and development guidelines within the Neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of each Neighborhood.

The neighborhood is the basic unit of town planning. It is a compact, urbanized area containing a balanced range of human activities within pedestrian range from each family that lives there. A neighborhood standing alone is a hamlet or village. A cluster of neighborhoods becomes a town. A cluster of many neighborhoods becomes a city. In all cases a neighborhood population can vary depending on local conditions yet, depending on its context, it should always contain a balanced mix of dwellings, workplaces, shops, civic places and parks.

[88.22.010. - Southwest Neighborhoods.](#)

[88.22.020. - Southeast Neighborhoods.](#)

[88.22.030. - Central Neighborhoods.](#)

[88.22.040. - Central East Neighborhoods.](#)

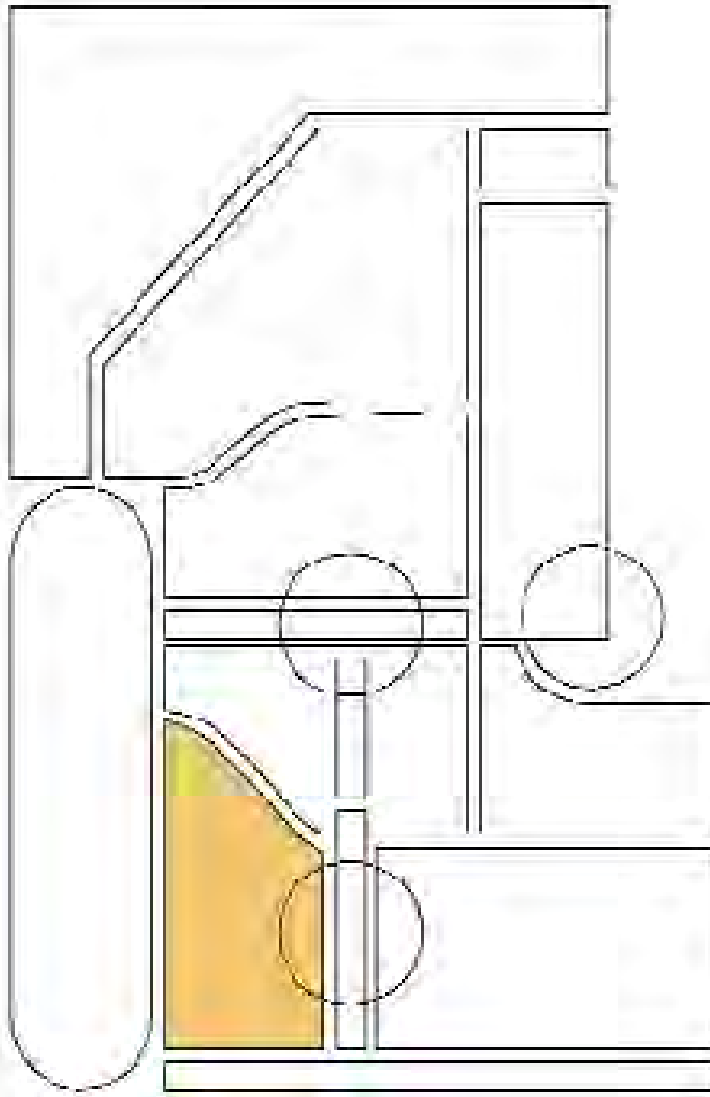
[88.22.050. - North Neighborhoods.](#)

[88.22.060. - Foothill Neighborhoods.](#)

[88.22.065. - Allowable Uses in Neighborhoods.](#)

[88.22.070. - Neighborhood Site Planning and Building Design.](#)

88.22.010. - Southwest Neighborhoods.



The purpose of this chapter is to outline the general plan goals and development guidelines within the Southwest Neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these neighborhoods.

A.

Location and Existing Conditions.

The Southwest Neighborhoods of Azusa are located south of the 210 Freeway, west of Azusa Avenue, and north of Arrow Highway. To the west are the city's industrial districts. The Little Dalton Wash flood control channel runs through the southeast portion of these neighborhoods. The wash area is fenced off on both sides and has no landscaping along its edges. High voltage power lines also bisect the Southwest Neighborhoods. The power line right-of-way is used for plant storage by a local nursery. Much of the area isolated by these two regional features is located in unincorporated Los Angeles County. These neighborhoods are directly adjacent to

the southern industrial districts, and suffers from the dust and noise produced by quarries, landfills and other land-intensive uses.



Existing Neighborhood Street

Streets and Landscape. Streets in the Southwest Neighborhoods generally run north-south, creating rectangular blocks. Throughout the neighborhoods, public landscape is inconsistent - street trees do occur they are often different species, sizes, and shapes. The trees that do exist are typically large and mature. Within the center of the southwest neighborhoods is an interconnected street grid of character and familiarity, which decentralizes traffic. This street grid breaks down to the north and south - only Zachary Padilla Avenue and Vernon Avenue cross the 210 Freeway, and areas in county jurisdiction contain cul-de-sac developments. Although several streets can be entered from Arrow Highway to the south, there is only one street entry from the east and west and no entry from Gladstone Street to the north. This lack of access concentrates traffic in and out of the neighborhoods onto a few streets and intersections.



Typical Neighborhood House

Civic and Commercial Features. Three elementary schools are located in the southwest neighborhoods: Mountain View School, Paramount School, and Valleydale School. These schools and playfields could potentially become the social and civic center, but they have few trees. Zacatecas and Valleydale Parks are also centrally located in these neighborhoods, and are heavily used. Retail in these neighborhoods is predominately strip development on Azusa Avenue, with a church and local retail at the corner of Vernon Avenue and First Street.



Typical Houses at Parkside

Building Fabric. The typical buildings in the southwest neighborhoods are one-story, single-family residential with attached garages. These houses were constructed between 1950s and 1970s, and are of simple wood construction with a stucco finish and wood trim. Some residences have brick masonry details incorporated into the front elevations. The notable exception is the recent Parkside single-family development. There is some multi-family apartment housing located west of Vernon Avenue. Additionally, a large mobile home park is located near Vernon Avenue, between Gladstone Street and Little Dalton Wash.

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.

1.

Specific Recommendations.

a.

Promote a mixed-use, pedestrian-oriented neighborhood center at the intersection of Vernon Avenue and Gladstone Street that enhances existing retail. Improvements should include enhanced crosswalks at the intersection, and a shared parking program for commercial and retail uses.

b.

Remove the 210 Freeway on/offramps at Vernon Avenue.

c.

Construct new freeway on/offramps at Zachary Padilla Avenue.

d.

Connect 1st Street with an extended Vincent/Todd Avenue and Irwindale Avenue.

e.

Implement traffic calming measures such as narrowing of streets; bulb-outs at intersections; raised intersections; medians; and traffic signals. Specific measures should focus on Gladstone Street and Vernon Avenue.

f.

Landscape flood control washes and canals. Work with the appropriate flood control agencies to access canal rights-of-way as recreational corridors, such as bikepaths and trails.

g.

Convert the existing light and water property into a public park.





2.

General Recommendations.

a.

Pursue joint-use agreements with Azusa Unified School District to promote school sites as accessible neighborhood parks.

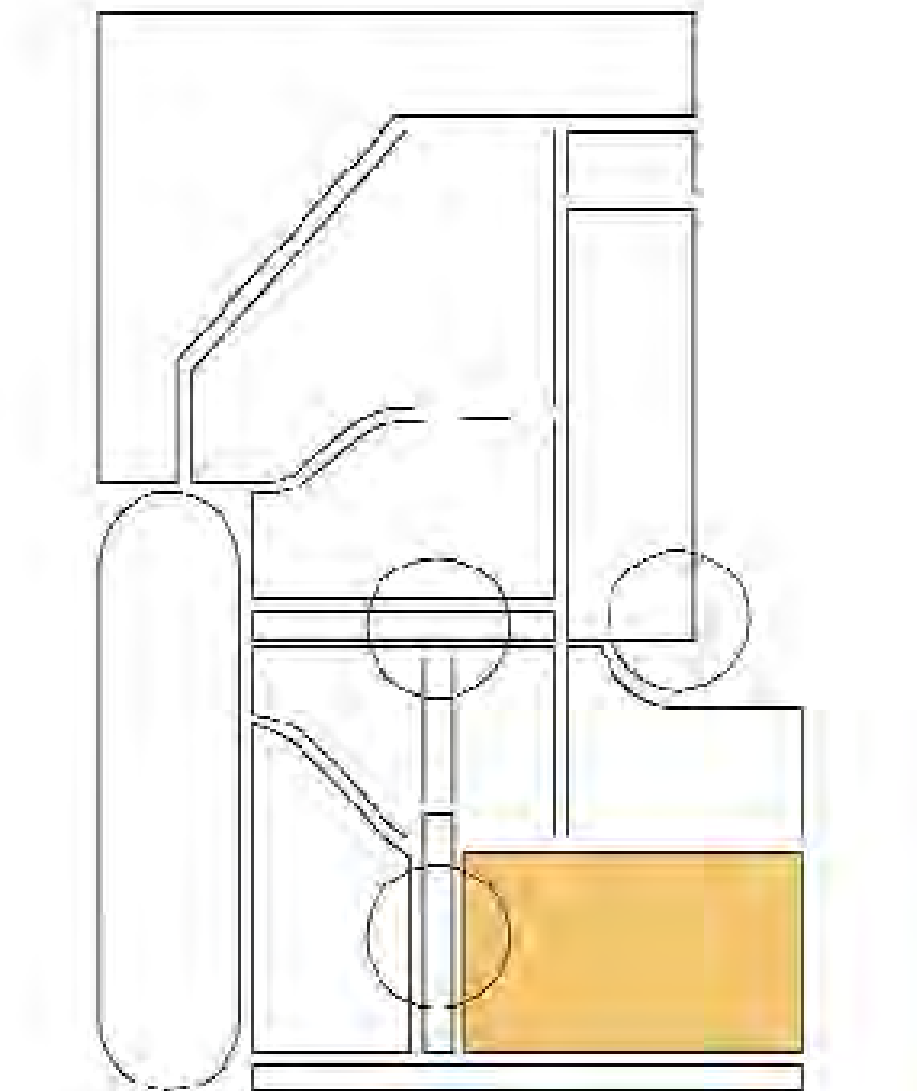
REGULATING PLAN KEY

-  Neighborhood Center
-  Neighborhood General 1 : Traditional
-  Neighborhood General 2 : Transitional
-  Neighborhood General 3 : Tract



Regulating Plan (at time of adoption)

88.22.020. - Southeast Neighborhoods.



The purpose of this chapter is to outline the general plan goals and development guidelines within the Southeast Neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these neighborhoods.

A.

Location and Existing Conditions.

The Southeast Neighborhoods are located north of Arrow Highway, east of Azusa Avenue, south of the 210 Freeway, and west of Barranca Avenue. Pedestrian bridges cross the freeway at Galanto and Rockvale Avenues. The Big Dalton flood control channel runs through the southeastern corner of these neighborhoods. It is wide, fenced off and devoid of any landscape. High voltage electrical lines bisect

these neighborhoods, and the right-of-way is used for plant storage by a local nursery. Much of this area is in unincorporated county land, within of the City of Azusa's sphere of influence.



Typical Neighborhood Street

Streets and Landscape. The southeast neighborhoods consist of long, rectangular blocks, which generally measure over 800 feet and sometimes approach 1,500 feet in length. Additionally, the neighborhoods have few streets that access the arterials. Access to these thru-ways is prevented by block walls, chain link fences, or frontage roads. Streets within the neighborhoods are of a uniform dimension and thus lack hierarchy. Within the neighborhood there is very little public landscape of any quality, and only sporadic street trees. The trees that do exist throughout the neighborhood on private yards are typically large and mature.



Typical Apartment Building

Civic and Commercial Features. Gladstone Park is located in the southeast neighborhoods. Gladstone Park is a well-used and beautiful amenity, but faces private yards and fences on the north and east sides. The west and south sides face public streets, and are lined with large mature street trees that help to define the public space. Schools in the southeast neighborhoods include Gladstone Street Elementary, Clifford D. Murray Elementary, Magnolia Elementary, and Center Middle

School. The Azusa Unified School District offices are also here. Commercial and retail uses in these neighborhoods are distributed along Gladstone Street in strip-type development. Retail and commercial uses are concentrated at the intersections of Azusa, Barranca and Citrus Avenues. The Azusa Avenue/Gladstone Street intersection is the center of the adjacent Edgewood District.



Typical House

Building Fabric. The building fabric of the neighborhood is predominantly one-story, single-family residential with attached garages set at the front or recessed from the front of the houses. Most of the houses were constructed between the 1950s to 1970s and are of simple wood construction with a stucco finish and wood trim. Some of the residences have brick masonry details incorporated into the front elevations.



REGULATING PLAN KEY

- Neighborhood Center
- Neighborhood General 1 : Traditional
- Neighborhood General 2 : Transitional
- Neighborhood General 3 : Tract

88.22.020 Regulating Plan Map

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.



1" = 1,000'

1.

Specific Recommendations.

a.

Promote a pedestrian-oriented neighborhood center at Gladstone Street and Citrus Avenue that enhances existing retail. Improvements should include enhanced crosswalks at the intersection, sidewalks, and a shared parking program for commercial and retail uses.

b.

Install landscaped medians and parkways on Citrus Avenue.

c.

Establish pedestrian and vehicular connections to primary streets from existing cul-de-sac streets.

d.

Landscape street edges facing the 210 Freeway.

e.

Promote a pedestrian connections such as paseos, courtyards and other passageways to the Edgewood District at Gladstone Street and Azusa Avenue (also see Edgewood District).

f.

Landscape flood control washes and canals. Work with the appropriate flood control agencies to access canal rights-of-way as recreational corridors, such as bikepaths.

2.

General Recommendations.

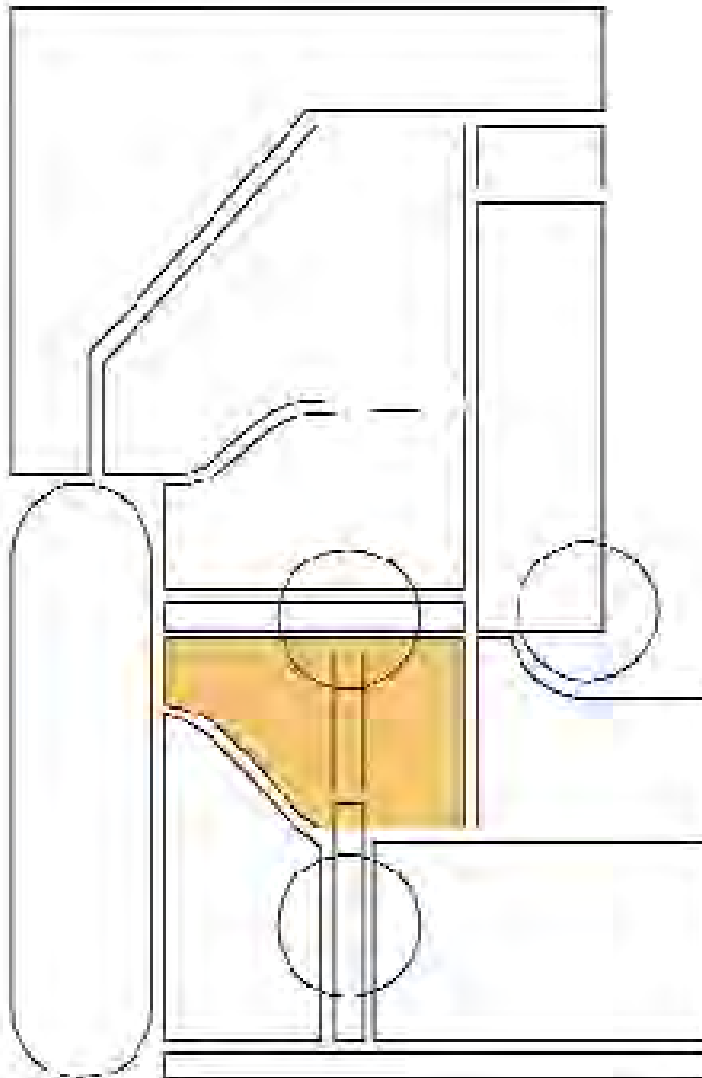
a.

Pursue joint-use agreements with Azusa Unified School District to promote school sites as accessible neighborhood parks; and

b.

Pursue landscaping improvements for the blank walls adjacent to Citrus Avenue.

88.22.030. - Central Neighborhoods.



The purpose of this chapter is to outline the general plan goals and development guidelines within the central neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these neighborhoods.

A.

Location and Existing Conditions.

The central neighborhoods of Azusa are defined by the 210 Freeway to the south and southwest, the rail lines to the northwest, Foothill Boulevard to the north, and Cerritos Avenue to the east. These neighborhoods are bisected by the Downtown District and Azusa/San Gabriel Avenue Corridor (described separately). The Little Dalton Wash flood control channel cuts through the southeast corner of the neighborhoods.



Typical Neighborhood House

Streets and Landscape. The neighborhoods surrounding downtown primarily consist of rectangular blocks oriented north-south, with adjustments surrounding the Little Dalton Wash channel. There is an understandable hierarchy to the street pattern within the neighborhood: the north-south streets are the widest and the east-west streets are narrower. Within these neighborhoods are scattered street trees although many have either died or been removed. These neighborhoods are well integrated into the rest of the city. To the north, west and south the neighborhoods abut the major regional routes of the 210 Freeway and Burlington Northern Santa Fe rail lines. Only Foothill Boulevard and Vernon Avenue cross these barriers.



Typical Neighborhood Street

Civic and Commercial Features. The central neighborhoods are rich with community facilities, including the Azusa Community Center and Memorial Park playfields, which are the city's recreational center. Slauson Middle School is located in these neighborhoods, and Azusa High School and Foothill Middle School are adjacent to the east. The high school fields are used as a regional playfield for high school sports, and little league soccer and football games. The neighborhoods have relatively few retail, commercial and professional office uses - as these are located in adjacent Districts and Corridors along Azusa Avenue and Foothill Boulevard. Several gas stations, motels, and other freeway-oriented uses are located on Baseline Road in the adjacent South Azusa Avenue Corridor.

Building Fabric. The building fabric of the neighborhoods is predominantly one and two-story, single-family houses with detached garages located behind the houses. Many of the houses were built in the 1930s to 1980s. Most are wood construction with stucco, shingle or clapboard wood siding with wood details. Some of the houses have low wrought iron, concrete block or chain link fences facing the street. There are several multi-family housing projects scattered throughout these neighborhoods. Most of this housing is two-story single and double loaded (apartments on each side of a corridor) apartments or multi-plex type housing with entrances centered at the stairways. There is also some row house development within the neighborhood. The largest multi-family apartment project is a full block of senior-housing north of Fourth Street at Soldano Avenue.

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.

1.

Specific Recommendations.

a.

Replace the 210 Freeway on/off ramps at Vernon Avenue with ramps at Zachary Padilla Avenue.

b.

Install a traffic light at the intersection of Sixth Street and Virginia Avenue to improve traffic safety near the blind railroad crossing.

c.

Reduce the apparent street width of Alameda Avenue with landscape bulb-out boxes that alternate with on-street parking.

d.

Promote the use of Slauson School and Memorial Park as a community center.

e.

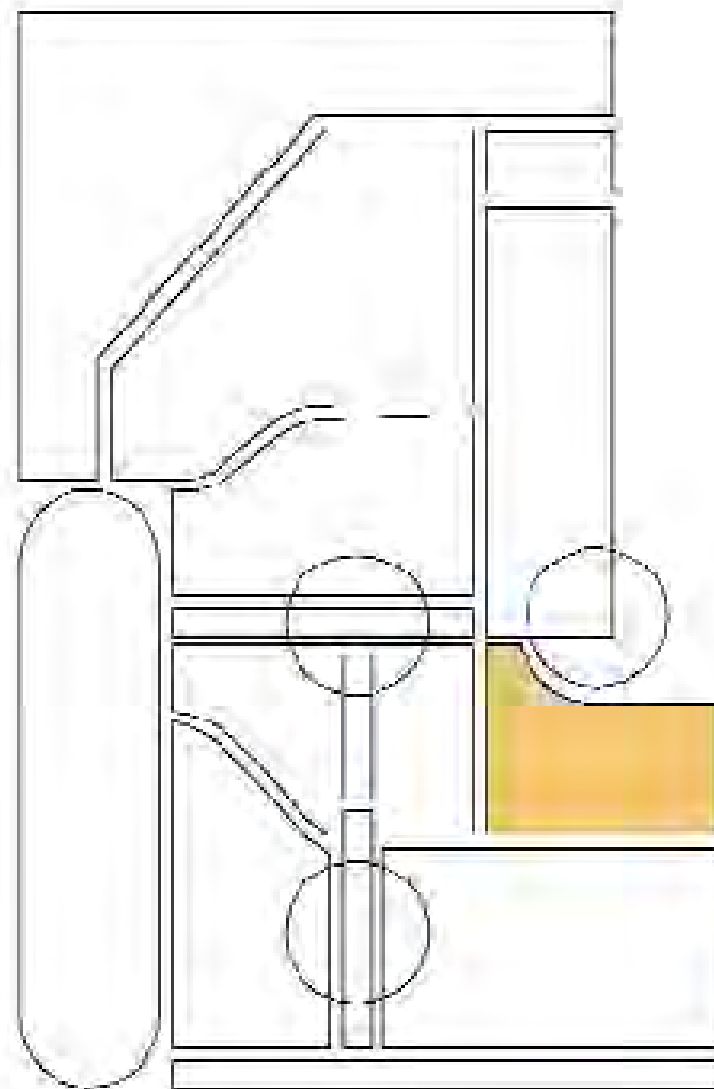
Landscape flood control washes and canals. Work with the appropriate flood control agencies to access canal rights-of-way as recreational corridors, such as bikepaths.



Regulating Plan (at time of adoption)

88.22.040. - Central East Neighborhoods.

The purpose of this chapter is to outline the general plan goals and development guidelines within the central-east neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these neighborhoods.



A.

Location and Existing Conditions.

The central east neighborhoods of Azusa are defined by the 210 Freeway to the south, Alosta Avenue and Azusa Pacific University to the north, Barranca Avenue to the east and Cerritos Avenue to the west. These neighborhoods adjoin the University District (described separately). The Little Dalton Wash flood control channel cuts through the northwest corner of these neighborhoods. An additional portion of the central east neighborhoods is located north of Azusa Pacific University Campus, at Foothill Boulevard and Citrus Avenue.

Streets and Landscape. The primary blocks in these neighborhoods range from 600- to 1,250-foot long. Many of the streets in these eastern most neighborhoods are dead-end streets, and there are few neighborhood streets that connect to the primary roads of Citrus or Barranca Avenues and Baseline Road. Streets are uniform in size and thus lack any hierarchy. There are only sporadic street trees and little public landscape of any quality, particularly at the school. However, adjacent to the high school the streets have wide sidewalks, street trees and

many of the houses have front porches with recessed garages. These streets are pleasant to walk and drive. Civic and Commercial Features. Azusa High School, Foothill Middle School, Lee School, and Powell Elementary School are located in these neighborhoods. The high school fields are used as a regional playfield by high school sports and also little league, soccer, and football games. The primary retail, commercial and professional office uses are located along Foothill Boulevard, Citrus Avenue and Alostia Avenue in the adjacent University District. Building Fabric. The building fabric of the neighborhood is predominantly one-story, single-family residential with attached garages in front of the houses. All of the houses were constructed in the 1960s to 1980s, and are of simple wood construction with a stucco finish and wood trim. Many houses have low wrought iron, concrete block or chain link fences facing the street. There is a large amount of multi-family apartment housing north of the high school. Most of this housing is two-story apartments accessed via one-sided exterior balcony or hallway. There is also rowhouse development along Fifth Street.

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.

1.

Specific Recommendations.

a.

Install landscaped parkways on Citrus Avenue.

b.

Establish pedestrian and vehicular connections to primary streets from existing cul-de-sac streets.

c.

Realign the intersection of Foothill Boulevard, Alostia Avenue, and Rockvale Avenue to promote vehicular and pedestrian safety (also see University District).

d.

Explore connecting Fenmore Avenue with future development at Foothill Center (also see University District).

e.

Landscape flood control washes and canals. Work with the appropriate flood control agencies to access canal rights-of-way as recreational corridors, such as bikepaths.

f.

Explore strategies to rehabilitate or redevelop the Atlantis Gardens apartments.

2.

General Recommendations.

a.

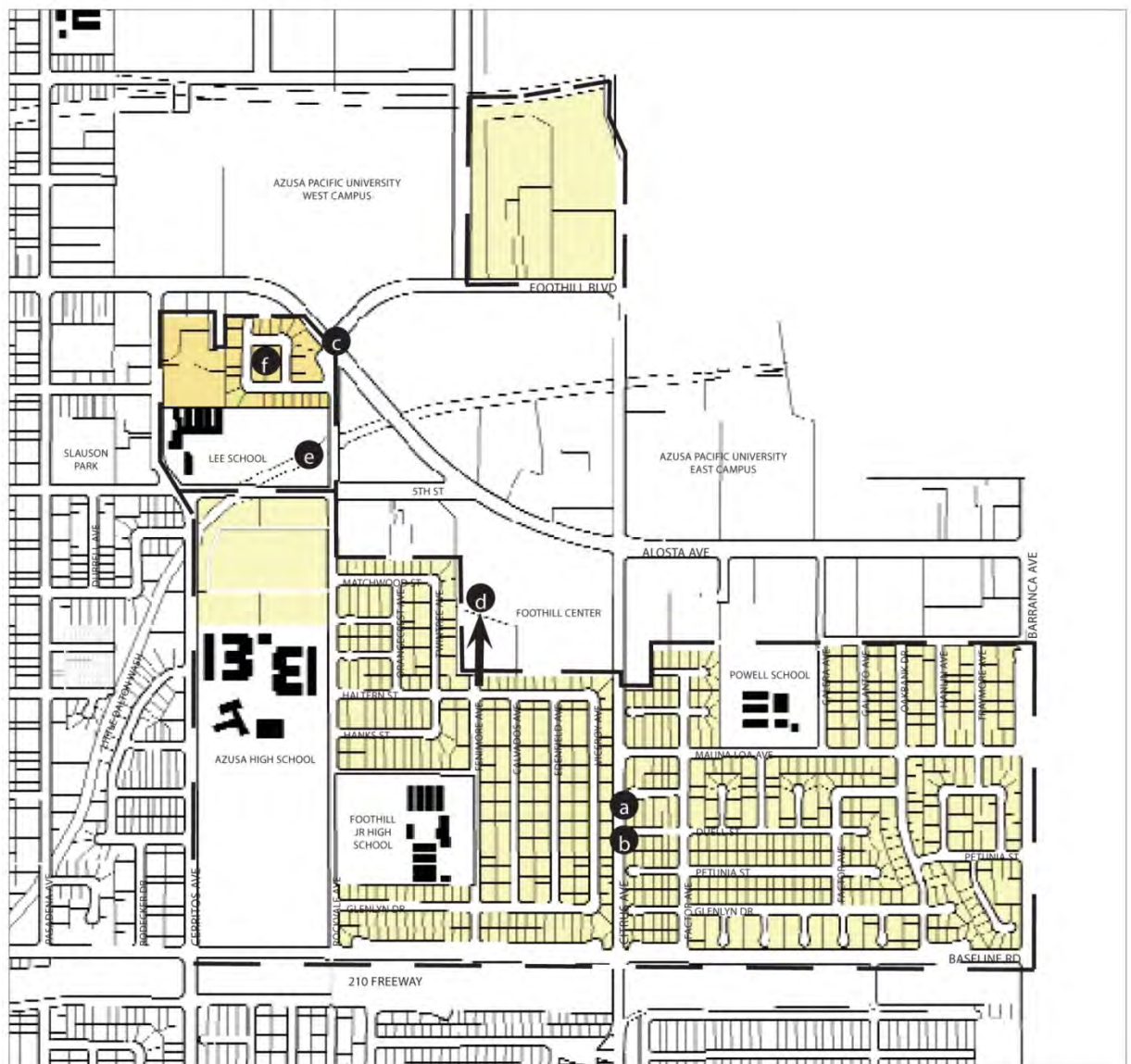
Pursue joint-use agreements with Azusa Unified School District to promote school sites as accessible neighborhood parks; and

b.

Pursue landscaping improvements for the blank walls adjacent to Citrus Avenue.

REGULATING PLAN KEY

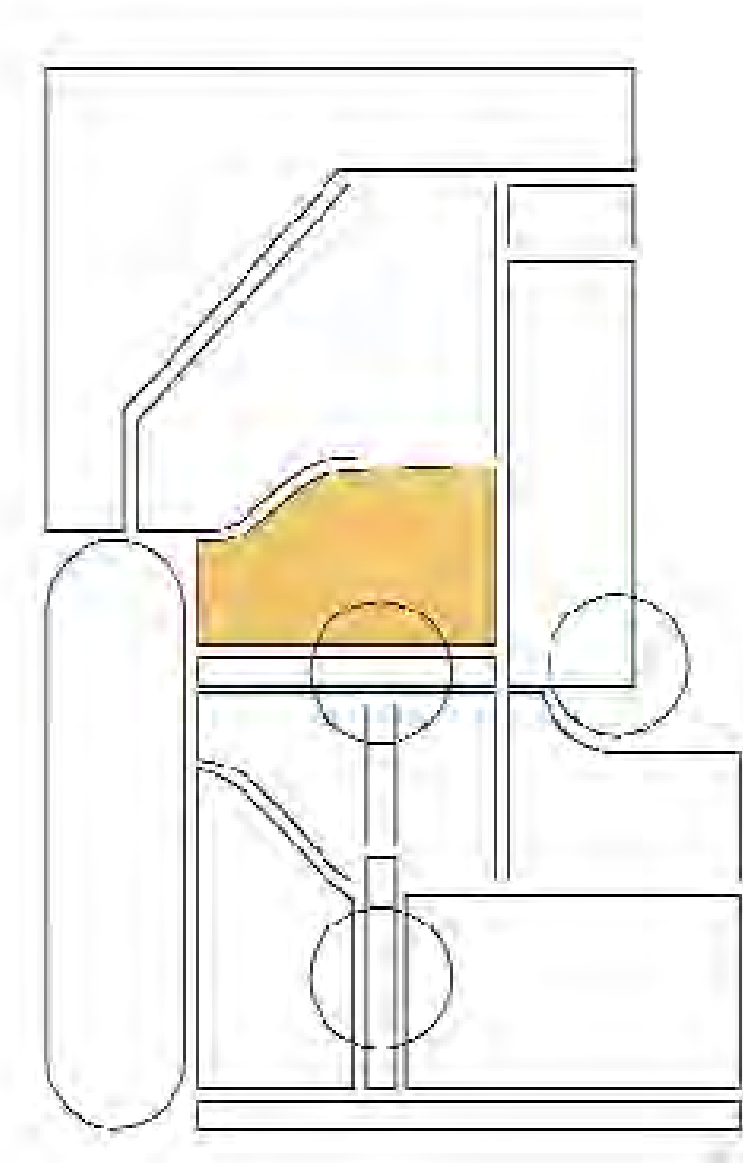
- Neighborhood Center
- Neighborhood General 1 : Traditional
- Neighborhood General 2 : Transitional
- Neighborhood General 3 : Tract



Regulating Plan (at time of adoption)

(Ord. No. 06-06, § 1B, 8-7-06)

88.22.050. - North Neighborhoods.



The purpose of this chapter is to outline the general plan goals and development guidelines within the north neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these Neighborhoods.

A.

Location and Existing Conditions.

The northern neighborhoods of Azusa are bounded by Twelfth Street and Sierra Madre Avenue to the north, Foothill Boulevard on the south, and Vernon Avenue to the west. The Monrovia Nursery site is the eastern boundary of this portion of the city.

**Typical Neighborhood Streetscape**

Streets and Landscape. Most blocks in the northern neighborhoods are small, rectangular and north-south in direction, and most blocks contain alleys. There is an understandable hierarchy to the street pattern within the neighborhood - the north-south streets are the widest and the east-west streets are narrower. The neighborhood is well integrated into the fabric of the city to the north, south and west. Within the Vista Bonita area north of Eleventh Street and east of Northside Park, the streets are more curved and free form and all are 30 feet wide. Almost all streets have street trees, although on several of the streets many trees have either died or been removed over the years. Azusa and Sierra Madre Avenues are the primary streets that connect this neighborhood with its surroundings.



Typical Neighborhood Houses

Civic and Commercial Features. Victor Hodge Elementary School and Northside Park are at the northwestern corner of these neighborhoods. The park has ball fields, playground equipment and bathroom facilities, and are well used. Longfellow School is also located nearby. Henry Dalton Elementary School and Pioneer Park are located on the neighborhoods' eastern edge. A neighborhood center of commercial and retail uses is located at the intersection of Azusa Avenue and Tenth Street. A similar neighborhood center is located at Sierra Madre Avenue and San Gabriel Canyon Road, which is shared by the both North and Foothill Neighborhoods. There are also some warehouse uses located along Ninth Street adjacent to the train tracks. Some of these warehouses are old citrus packing houses that are potential candidates for historic designation.



Typical Neighborhood House

Building Fabric. The building fabric of the neighborhood is predominantly one and two-story, single-family residences with detached garages located behind the houses. Many of the residences in this neighborhood are of a traditional form built in the early part of the twentieth century, are historically significant and have been well maintained. Most of these houses are wood or masonry construction with masonry, stucco or clapboard wood siding. The Vista Bonita area within this neighborhood is the best example of the type of housing and streets desired for the city. There are several multi-family housing projects scattered throughout the northern neighborhoods, primarily along Azusa Avenue and the eastern terminus of Tenth Street. Some of this housing is quadplexes, but most is two-story single loaded corridor apartments, multiplex type housing with entrances centered at the stairways, or row house development with parking lanes behind.

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.

1.

Specific Recommendations.

- a.
Promote a pedestrian-oriented neighborhood center at Azusa and Sierra Madre Avenues that enhances existing retail. Improvements should include enhanced crosswalks at the intersection, and a shared parking program for commercial and retail uses. (also see Foothill Neighborhoods)
- b.
Promote the existing neighborhood center at Azusa Avenue and Tenth Street that enhances existing retail. Improvements should include enhanced crosswalks at the intersection, and a shared parking program for commercial and retail uses.
- c.
Establish street connections with the Monrovia Nursery development
- d.
Study the conversion of Azusa Avenue to two-way traffic
- e.
Study the conversion of San Gabriel Avenue to two-way traffic, incorporating a landscaped median, widened sidewalks, with one lane of traffic in each direction and parallel parking on both sides, and the use of the street for Golden Days parades.
- f.
Reclaim the railroad right-of-way adjacent to 9th Street for parkland and/or residential use.
- g.
Reduce the apparent street width of Alameda Avenue with landscape bulb-out boxes that alternate with on-street parking or a center median.

2.

General Recommendations.

- a.
Pursue joint-use agreements with Azusa Unified School District to promote school sites as accessible neighborhood parks.

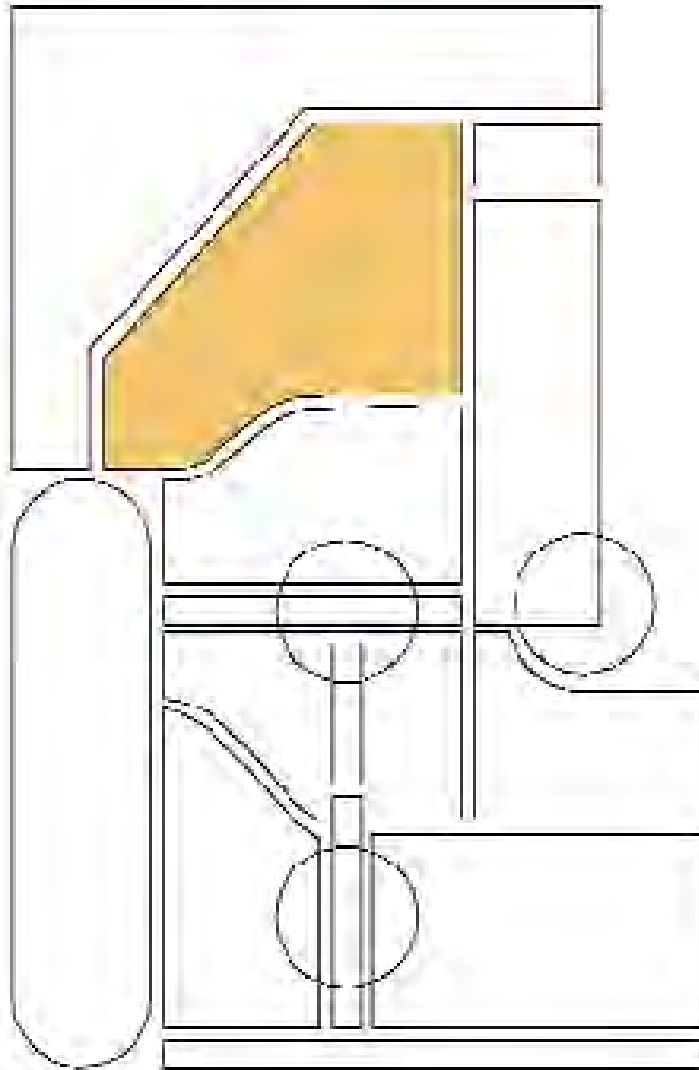


REGULATING PLAN KEY

- Neighborhood Center
- Neighborhood General 1 : Traditional
- Neighborhood General 2 : Transitional
- Neighborhood General 3 : Tract

Regulating Plan (at time of adoption)

88.22.060. - Foothill Neighborhoods.



The purpose of this chapter is to outline the general plan goals and development guidelines within the foothill neighborhoods of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of these neighborhoods.

A.

Location and Existing Conditions.

The Foothill Neighborhoods are primarily a series of subdivisions north of Sierra Madre Avenue, built since the 1960s. A few subdivisions are located on a hill overlooking the city and the valley to the south. Others are framed and woven into the layout of the golf course. The northern edge of these neighborhoods overlook the

San Gabriel River and two reservoirs. To the south is the golf course and Northside Park, and to the west are the Colorama nursery, quarrying and other industrial uses. Streets and Landscape. Most of the streets within the foothill neighborhoods are circuitous roads, that wrap around the golf course or end in culs-de-sac.



Typical Neighborhood Streetscape

Civic and Commercial Features. There are no civic features in the foothill neighborhoods other than the golf course and a small public park at the intersection of San Gabriel Avenue and Sierra Madre Avenue. There is also limited retail at this intersection, which could form the basis for a neighborhood center.



Existing Foothill Neighborhood Center

Building Fabric. Houses are typical of suburban residential development of the 1960's and 70's. The northern subdivisions built since 1980 consist of primarily rowhouse and townhouse types, duplexes and small-lot single-family residences. The buildings are all one and two stories in height and are built in wood construction with either stucco or an imitation clapboard wood siding. Mountain Cove, a recent subdivision from the 2000s, is located at the mouth of the San Gabriel Canyon, and is not continuous with the rest of the foothill neighborhoods.



Typical Neighborhood Streetscape

B.

Desired Future and Proposed Changes.

The general objectives for this area is to preserve and enhance the existing quality and fabric of the residential neighborhoods.

1.

Specific Recommendations.

a.

Promote a pedestrian-oriented Neighborhood Center at San Gabriel Canyon Road and Sierra Madre Avenue that enhances existing retail. Improvements should include enhanced crosswalks at the intersection, and a shared parking program for commercial and retail uses.

b.

Reconfigure the intersection of Sierra Madre Avenue and San Gabriel Canyon Road to accommodate two-way traffic on San Gabriel and Azusa Avenues. Consider installing a roundabout at this intersection.

c.

Establish pedestrian and vehicular connections to primary streets from existing cul-de-sac streets.

d.

Study the construction of a River Parkway between Sierra Madre Avenue and San Gabriel Canyon Road.

e.

Install landscaped median and parkways on Sierra Madre Avenue.

f.

Reclaim vacant lot as a neighborhood park.

REGULATING PLAN KEY



Neighborhood Center



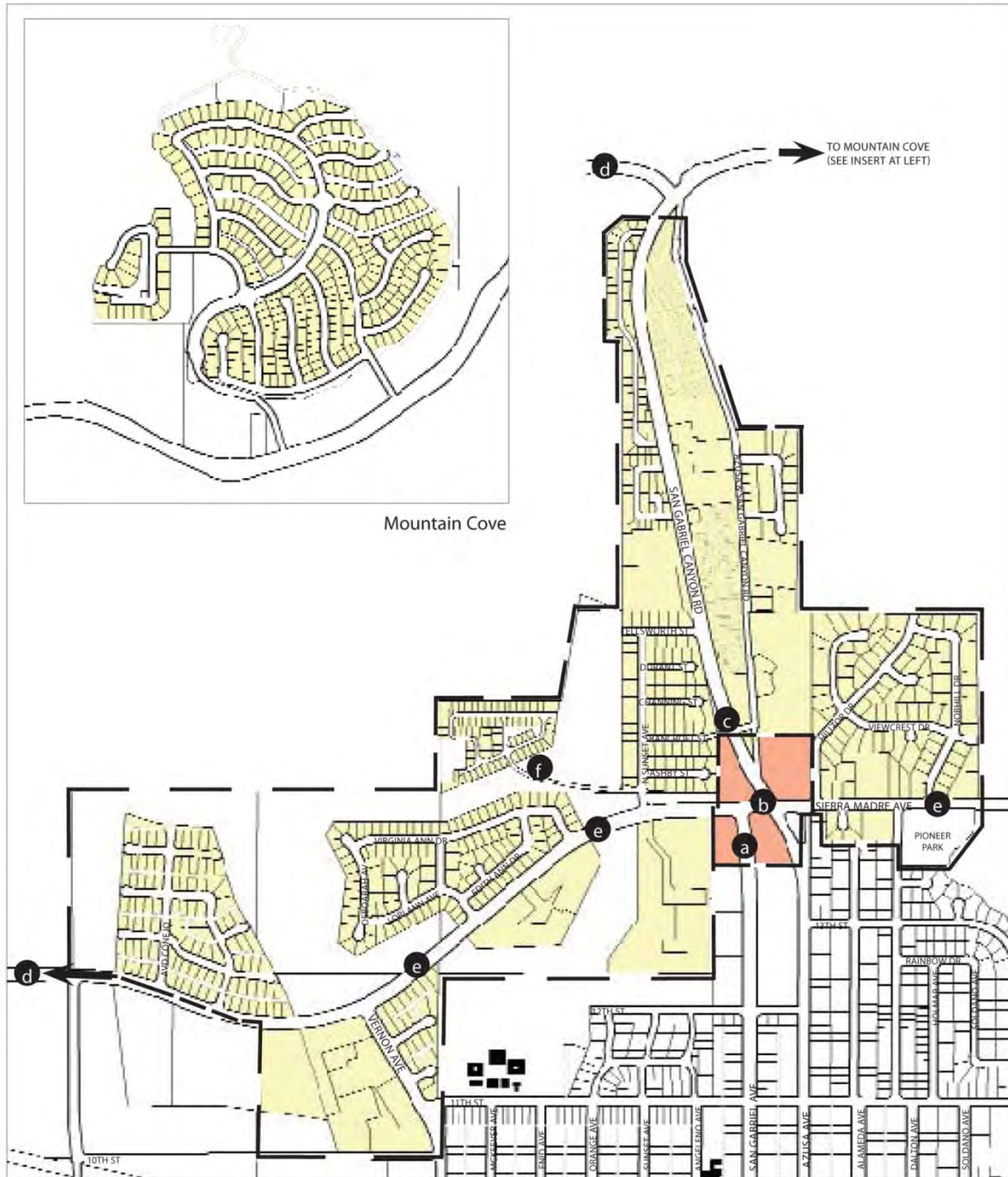
Neighborhood General 1 : Traditional



Neighborhood General 2 : Transitional



Neighborhood General 3 : Tract



Regulating Plan (at time of adoption)

88.22.065. - Allowable Uses in Neighborhoods.

A.

Permit requirements.

1.

2.

3.

4.

5.

TABLE 2-1
Allowed Land Uses and Permit
Requirements
for Neighborhood Zones

P
MUP
UP
S
—

Permitted Use, Zoning Clearance required
Minor Use Permit required
Use Permit required
Permit requirement set by Specific Use Regulations
Use not allowed

LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE									Specific Use Regulations	
	NC	NG1			NG2			NG3			
		L	MED	MOD	L	MED	MOD	L	MED		MOD

AGRICULTURAL AND RESOURCE-BASED USES

facility											
School - Elementary, middle, secondary (2)	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	88.42.112
Studio - Art, dance, martial arts, music, etc.	P	—	—	—	—	—	—	—	—	—	
RESIDENTIAL USES											
Animal keeping	—	S	S	S	S	S	S	S	S	S	88.42.040
Court	—	—	MUP	MUP	—	MUP	MUP	—	MUP	MUP	88.42.140
Duplex	—	—	P	P	—	P	P	—	P	P	88.42.140
Home occupation	P	P	P	P	P	P	P	P	P	P	88.42.100
Live/work unit	MUP	—	—	—	—	—	—	—	—	—	88.42.110

Mixed use project residential component	P	—	—	—	—	—	—	—	—	—	<u>88.42.120</u>
Mobile home park	—	UP	UP	UP	UP	UP	UP	UP	UP	UP	<u>88.42.130</u>
Mobile/manufactured home	—	P	P	P	P	P	P	P	P	P	<u>88.42.128</u>
Organizational house (sorority, monastery, etc.) (2)	—	—	MUP	MUP	—	MUP	MUP	—	—	—	
Residential accessory use or structure	—	P	P	P	P	P	P	P	P	P	<u>88.42.020</u>
Residential care, 6 or fewer clients	—	P	P	P	P	P	P	P	P	P	
Residential care, 7 or more clients (2)	—	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Rooming or boarding house	—	MUP	MUP	MUP	MUP	MUP	MUP	—	—	—	

Second unit or carriage house	—	P	P	P	P	P	P	P	P	P	<u>88.42.190</u>
Senior citizen apartment (2)	—		MUP	MUP	—	MUP	MUP	—	—	MUP	<u>88.42.200</u>
Single-family dwelling	—	P	P	P	P	P	P	P	P	P	
Stacked flats	—	—	—	—	—	—	—	—	—	—	
Townhouses or rowhouses	—	—	MUP	MUP	—	MUP	MUP	—	MUP	MUP	<u>88.42.140</u>
Triplex or fourplex	—	—	MUP	MUP	—	MUP	MUP	—	MUP	MUP	<u>88.42.140</u>

Key to Zone Symbols

NC	Neighborhood Center	L	Low Density
NG1	Neighborhood General 1	MED	Medium Density

NG2	Neighborhood General 2	MOD	Moderate Density
NG3	Neighborhood General 3		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(3)

Allowed only within the boundaries of an electric utility easement for high voltage transmission lines.

TABLE <u>2-1</u> Allowed Land Uses and Permit Requirements for Neighborhood Zones				P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed						
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE									Specific Use Regulations	
	NC	NG1			NG2			NG3			
		L	MED	MOD	L	MED	MOD	L	MED		MOD

[illegible]

P

UP

88.42.030

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE											
Parking facility, public or commercial	MUP	—	—	—	—	—	—	—	—	—	
Telecommunications facility	S	S	S	S	S	S	S	S	S	S	88.46

Key to Zone Symbols

NC	Neighborhood Center	L	Low Density
NG1	Neighborhood General 1	MED	Medium Density
NG2	Neighborhood General 2	MOD	Moderate Density
NG3	Neighborhood General 3		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

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This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(3)

Allowed only within the boundaries of an electric utility easement for high voltage transmission lines.

(Ord. No. 06-06, § 1B, 8-7-06)

88.22.070. - Neighborhood Site Planning and Building Design.

The purpose of this section is to outline the site planning and building design standards for the neighborhoods of Azusa.

Parcels within neighborhoods fall within one of four categories:

- Neighborhood Centers
- Neighborhood General 1: Traditional Neighborhoods
- Neighborhood General 2: Transitional Neighborhoods
- Neighborhood General 3: Tract Neighborhoods

A.

Neighborhood Centers.



Possible Neighborhood Center

1.

Purpose.

The Neighborhood Center (NC) zone is applied to areas of the city that are intended to serve as mixed use focal points for surrounding residential areas. The NC zone provides opportunities for convenience shopping, personal services, and neighborhood cafes within walking distance of most homes in the adjacent neighborhoods. The NC zone is also intended to provide housing opportunities as part of mixed use developments.

2.

Desired Future and Proposed Changes.

The neighborhood centers in Azusa are typically minor commercial centers, comprised of small-scale strip malls, liquor stores, and gas stations. They are

usually located at the intersection of major arterials, within an average five-minute walk of most houses within the adjoining neighborhoods. The Plan and Development Code is designed to encourage the transformation of neighborhood centers from auto-oriented mini-malls into pedestrian-friendly storefronts facing well landscaped streets and sidewalks. The Plan and Code also allows for the mixed-use development to occur within the neighborhood centers - two story buildings with ground floor retail and upper level offices or apartments are desirable.



Possible Neighborhood Center

a.

General Recommendations - Public Realm.

(1)

Improve existing street standards, and implement selected improvements. Improvements to be considered include:

i.

Plant street trees consistent with the street hierarchy suggested by the mobility element of the general plan, such that primary and secondary neighborhood streets are distinguished by a unique pattern and type(s) of tree. A palette of street trees should be

developed in coordination with environmental goals of the general plan and city maintenance. Historic patterns of street trees that distinguish particular streets should be maintained. Consider implementing an unique landscape program for each neighborhood center, so that each has a unique character. For example, plant a secondary pattern of conifer trees at Neighborhood Center 1; a pattern of jacarandas at Neighborhood Center 2; and palms at Neighborhood Center 3.



Possible Neighborhood Center

ii.

Install and/or repair sidewalks. New sidewalks should be separated from the street by a planting strip.

iii.

Install street lighting where necessary. The design of the light fixtures should be distinctive to Azusa. In the neighborhood centers, particular attention should also be paid to sidewalk lighting.

iv.

Create pedestrian-friendly crosswalks at the principle intersections of neighborhood centers.

(2)

Implement traffic calming measures and encourage pedestrian safety at intersections. Measures to be considered include:

i.

narrowing of streets;

ii.

bulb-outs at intersections;

iii.

raised intersections;

iv.

medians;

v.

traffic signals;

vi.

textured pedestrian crosswalks; and

vii.

safety lighting at crosswalks.



Possible Neighborhood Center

(3)

Establish a unique signage/banner/graphic program for each neighborhood center, similar to - but more modest than - the existing program downtown.

b.

General Recommendations - Private Property.

Most existing buildings in the neighborhood centers are one-story mini-malls or drive-through facilities. While the businesses that inhabit these buildings - small markets, film developers, cafes - are appropriate to neighborhood centers, the structures do not establish a sense of "center" or place.

(1)

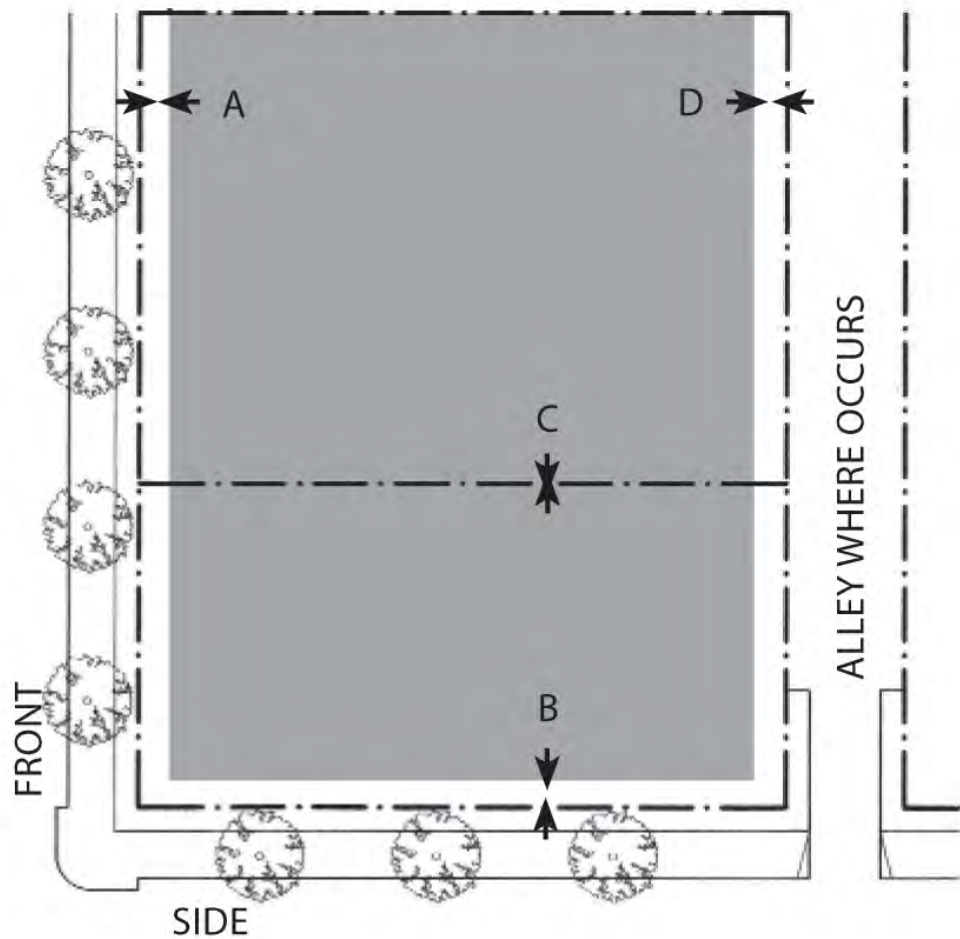
Encourage mixed-use buildings in neighborhood centers.

3.

Site Planning and Building Design Standards - Neighborhood Centers.

a.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown.

(1)

Front setback: Zero feet; five feet maximum for 80 percent minimum of lot frontage.

(2)

Side street setback: Zero feet; five feet maximum for 80 percent minimum of lot frontage.

(3)

Sidyard setback: Zero feet; ten feet next to residential.

(4)

Rear setback: 20 feet minimum.

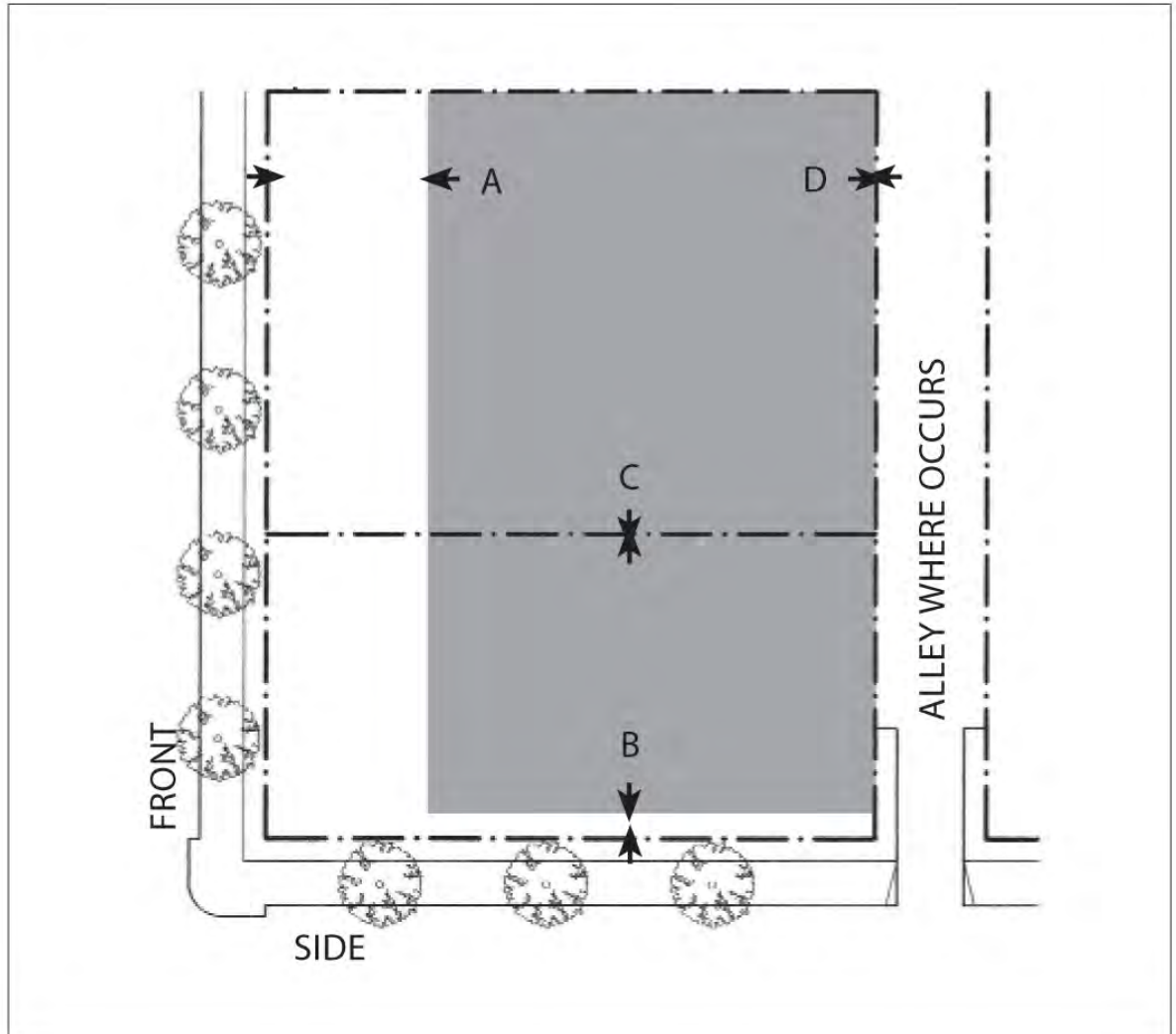
See Chapter 88.31.060 for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

b.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown

(1)

Front setback: 40 percent lot depth minimum.

(2)

Side street setback: 10 feet minimum.

(3)

Side setback: Not required

(4)

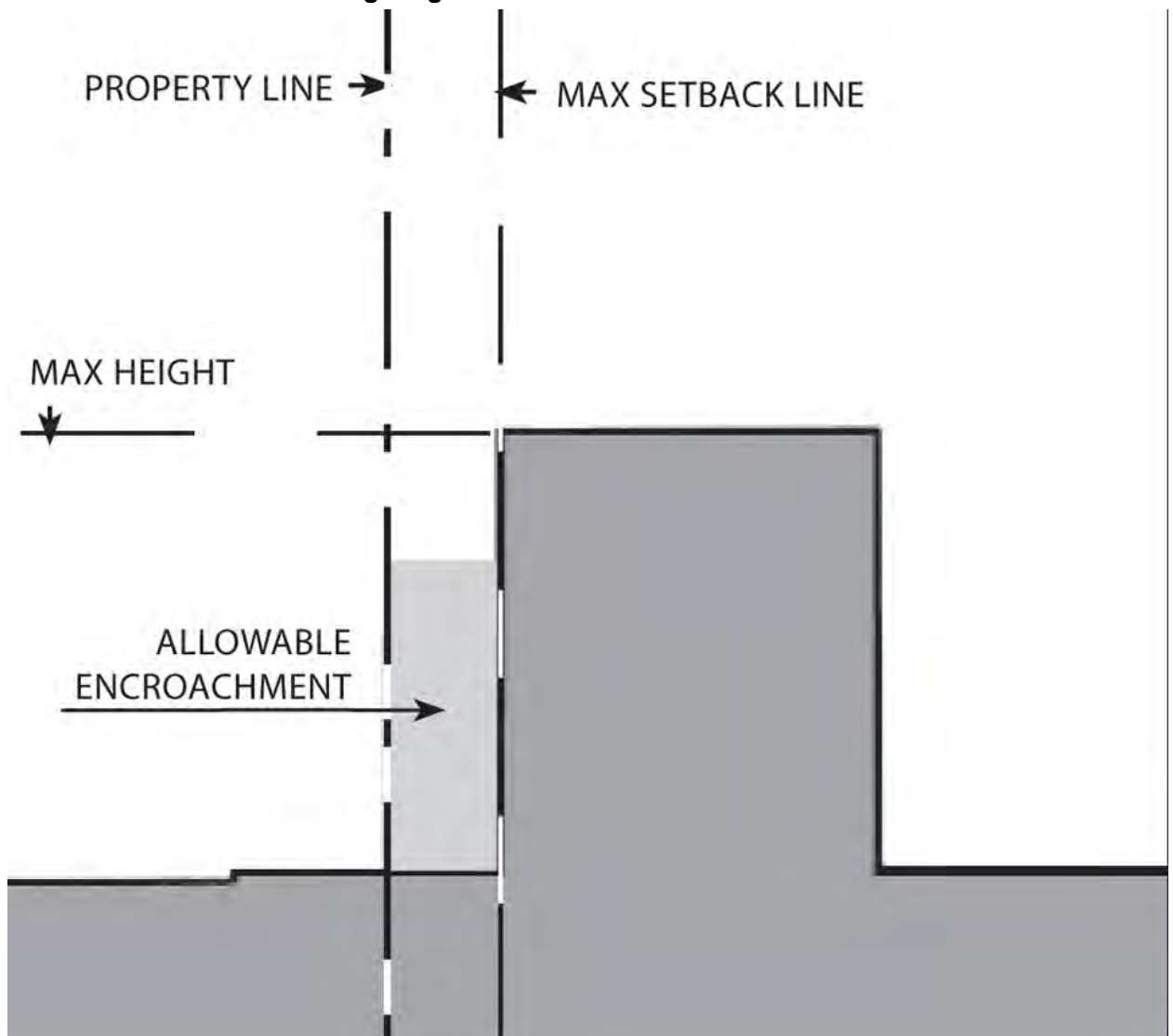
Rear setback: Not required

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

c.

Building Height and Profile.



Section Diagram

(1)

Height

i.

Maximum: Three stories or 35 feet for single use buildings, which ever is less, three stories or 40 feet, whichever is less for mixed use buildings.

ii.

An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet.

See [Chapter 88.30.040](#) for definitions and exceptions

(2)

Encroachments

Galleries, arcades, and awnings may encroach into the setback as shown in the above diagrams, but shall be limited to:

i.

Front encroachment: Five feet maximum.

ii.

Side Street encroachment: Five feet maximum.

iii.

Side encroachment: Five feet maximum.

iv.

Maximum encroachment height is two stories or 30 feet.

v.

Porches may encroach to within five feet of the front or side street property line.

(3)

Allowable frontage types.

Arcade, shopfront, stoop, forecourt

See [Chapter 88.29](#) for definitions and design standards

d.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
(all)	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

B.

Neighborhood General 1: Traditional.



Typical bungalow with front porch

1.

Purpose.

The Neighborhood General 1 (NG1) zone is applied to areas of the city that are characterized by older neighborhoods of detached single-family homes along traditional streetscapes. The standards of the NG1 zone are intended to maintain and enhance existing neighborhood character. Three subcategories of the NG1 zone are provided by this Development Code (NG1-L, NG1-MED, and NG1-MOD) based on the low, medium, and moderate residential densities allowed in different areas by the general plan, and therefore allows multi-family housing, although the emphasis is on single-family dwellings.



Typical bungalow with front porch

2.

Desired Future and Proposed Changes.

"Traditional" neighborhoods are the pre-World War II subdivisions of the city. Because of the historic development of the city, this neighborhood type is located near downtown, principally to the north. Some of these neighborhoods have historic value, whereas others - owing to the smaller size of homes - are no longer economically viable. The general objectives for these areas to preserve and enhance the existing quality and character of the neighborhoods. Upgrades and renovations within "Traditional" neighborhoods should respect and reflect the historic character and styles of the neighborhood pattern.

A.

General Recommendations - Public Realm.



Typical Spanish-style house

(1)

Maintain existing street standards, and implement selected improvements. Improvements to be considered include:

i.

Plant street trees consistent with the street hierarchy suggested by the mobility element of the general plan, such that primary and secondary neighborhood streets are distinguished by a unique pattern and type(s) of tree. A palette of street trees should be developed in coordination with environmental goals of the general plan and city maintenance. Historic patterns of street trees that distinguish particular streets should be maintained.

ii.

Install and/or repair sidewalks. New sidewalks should be separated from the street by a planting strip.



Shaded and landscaped sidewalks

iii.

Install street lighting where necessary. The design of the light fixtures should be appropriate to the historic neighborhoods, and distinctive to Azusa.

(2)

Implement traffic calming measures. Measures to be considered include:

i.

narrowing of streets;

ii.

bulb-outs at intersections;

iii.

raised intersections;

iv.

medians; and

v.

traffic signals.

B.

General Recommendations - Private Property.

Buildings within "traditional" neighborhoods are generally distinguished by their historic architectural character. Maintenance and renovation of these houses should respect this unique quality and seek to enhance it.

(1)

Improve the public-private threshold at the sidewalk edge:

i.

Encourage the installation of higher quality fences. Replace chain-link fence with wrought-iron, wood or masonry fences or screen chain-link fencing with hedges and landscape.

ii.

Hedges, flowers and bushes planted in rows along the property edge in lieu of or to screen fences establishes the private domain of the front yard and creates a more pleasant street environment than fencing.

(2)

Ensure that maintenance of buildings respects their historic character:

i.

Encourage the use of period colors as buildings are repainted.

ii.

Encourage the use of historic building materials - such as wood siding, wood details/moldings, clay tile roofs, and real arroyo stone - in renovations and general maintenance.

iii.

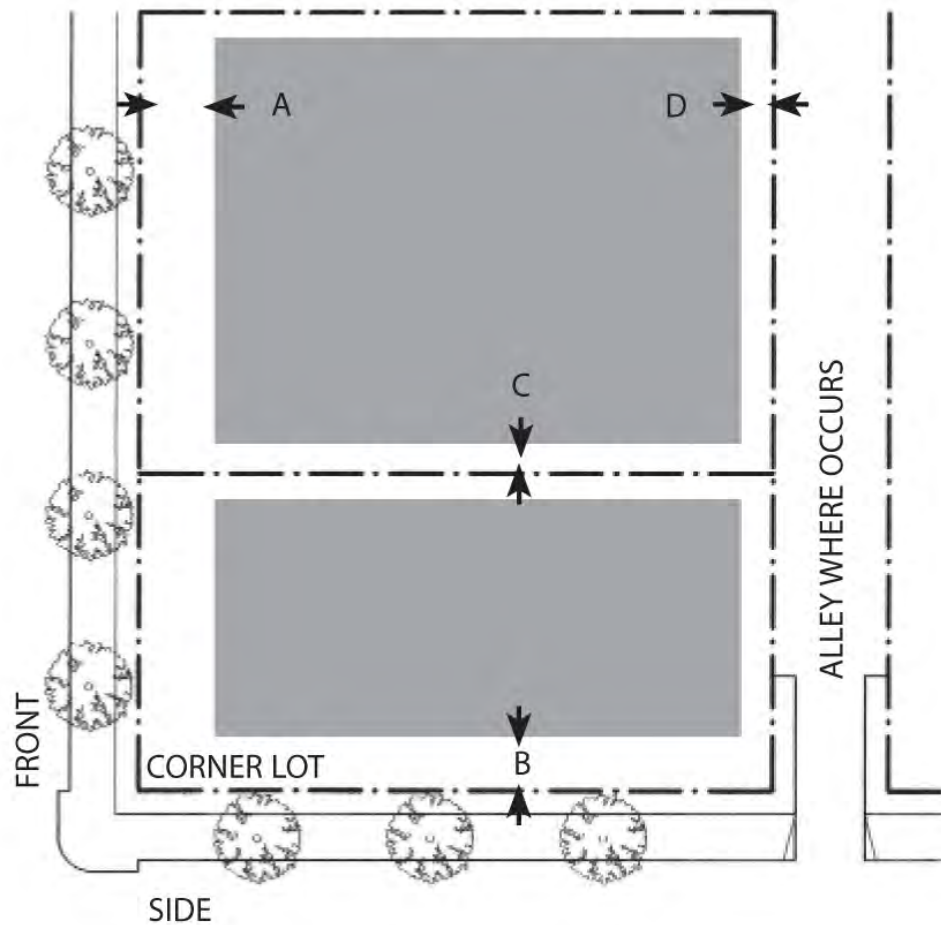
Encourage the use of wood windows and doors as these are replaced.

3.

Design Standards - Neighborhood General 1 - Traditional.

a.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown.

(1)

Front Setback: 20 feet minimum.

(2)

Side Street Setback: Ten feet minimum.

(3)

Sidyard Setback: Five feet minimum.

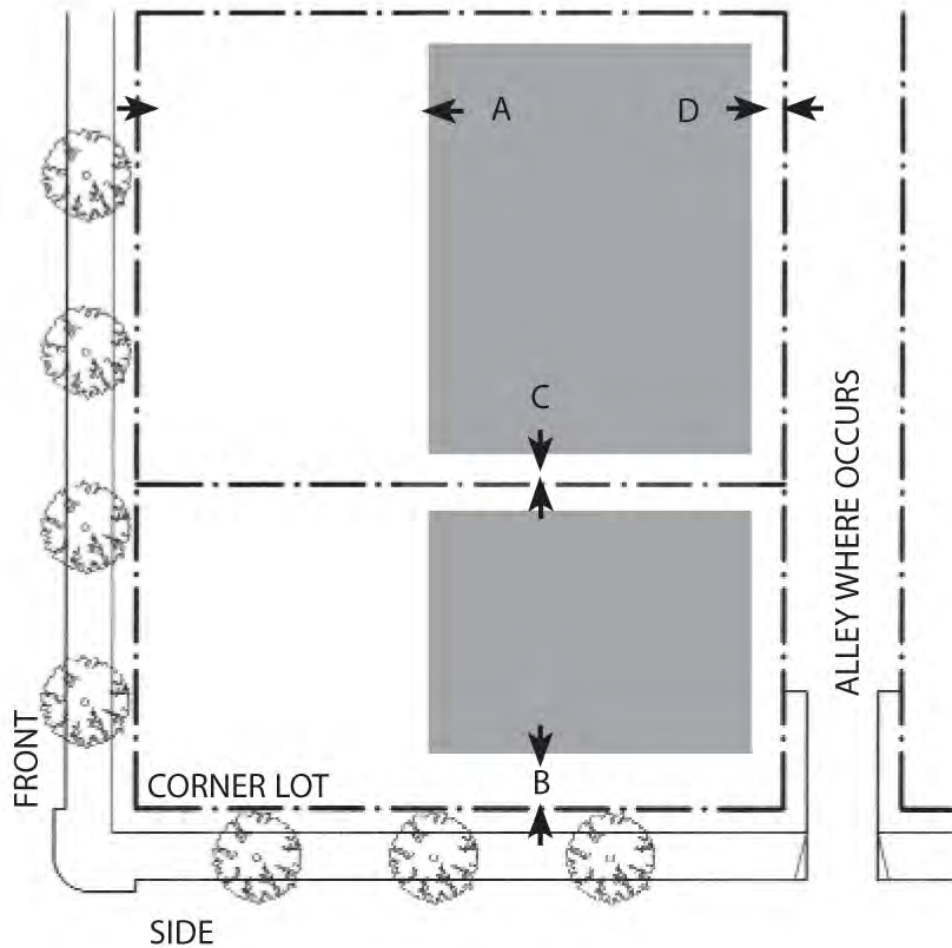
(4)

Rear Setback: 20 feet minimum.

See Chapter 88.31.060 for definitions and design standards.

b.

Parking Placement.



Plan Diagram

Garages and parking accommodations other than driveways are allowed only in the shaded area as shown.

(1)

Front setback: 15 feet minimum behind front facade of primary structure.

(2)

Side street setback: Five [feet] minimum (unless driveway exits to street, then 18 [feet] minimum with sectional garage door, or 20 feet with non-sectional garage door).

(3)

Side setback: Five feet minimum for the first 75 feet of lot depth; three feet minimum for detached garages when setback more than 75 feet from the front property line.

(4)

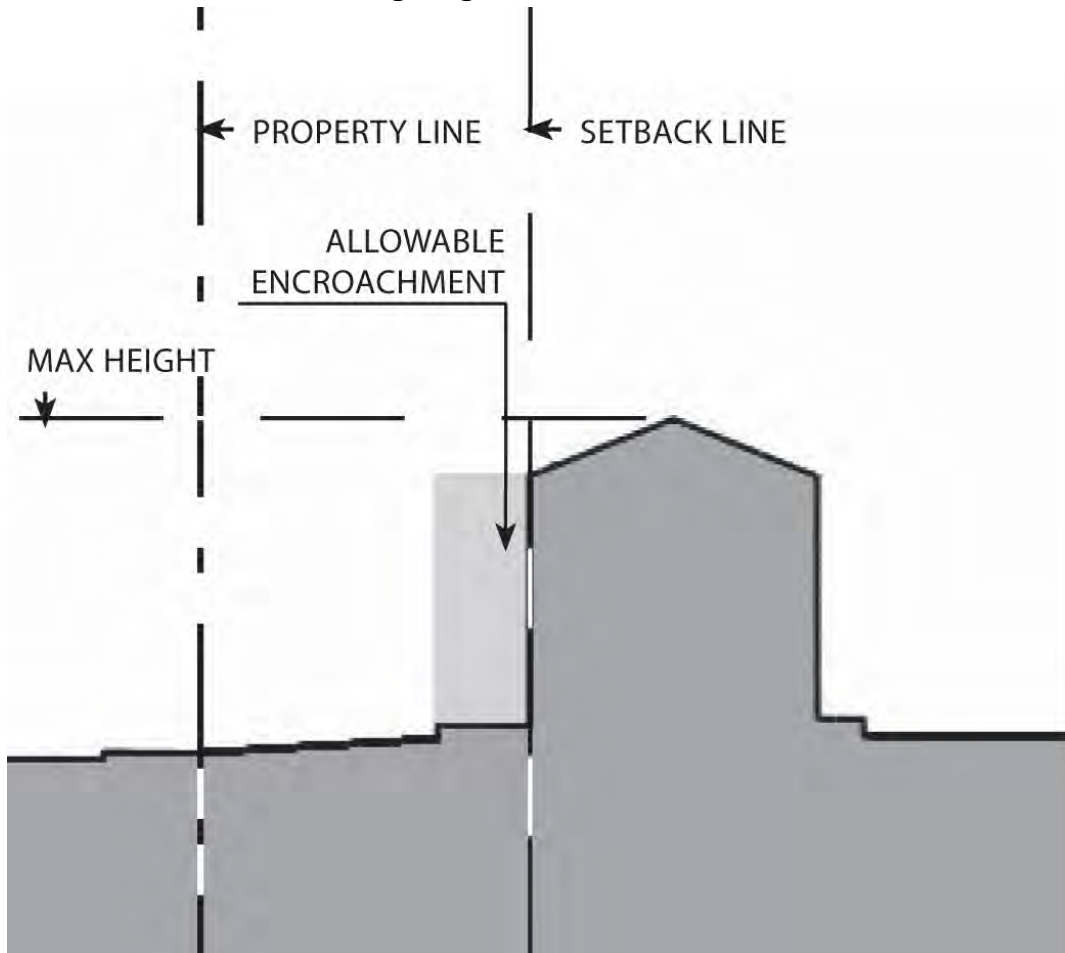
Rear setback: Five feet min with alley; three feet min no alley.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

c.

Building Height and Profile.



Section Diagram

(1)

Height: Maximum: Two and one-half stories or 35 feet, whichever is less.

(2)

Encroachments.

Porches, patios, cantilevered bay windows, and balconies may encroach into the setback, but shall be limited to:

i.

Front encroachment: Eight feet maximum.

ii.

Side Street encroachment: Five feet maximum.

iii.

Side encroachment: Two feet maximum.

iv.

Maximum encroachment height: Two stories or 24 feet.

See [Chapter 88.30.040](#) for definitions and exceptions

(3)

Allowable frontage types.

Stoop, porch, common yard.

See [Chapter 88.29](#) for definitions and design standards

d.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
(Low)	7,500 sf	50 ft	80 ft	<u>8</u>
(Med)	4,000 sf	45 ft	80 ft	15
(Mod)	6,000 sf	50 ft	80 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(3)

Subdivisions shall be designed so that all lots or parcels shall have adequate street frontage, as determined by the review authority, for direct access to a public or private street improved to city standards.

C.

Neighborhood General 2 - Transitional.



Typical bungalow

1.

Purpose.

The Neighborhood General 2 (NG2) zone is applied to areas of the city that are characterized by housing developed after 1945, where the general plan anticipates neighborhood character evolving over time to provide a more diverse mixture of housing types. Three subcategories of the NG2 zone are provided by this Development Code (NG2-L, NG2-MED, and NG2-MOD) based on the low, medium, and moderate residential densities allowed in different areas by the general plan, and therefore allows multi-family housing, although the emphasis is on single-family dwellings.

2.

Desired Future and Proposed Changes.



Typical bungalow

Special attention is given to the "transitional" neighborhoods to restore stability and reinforce neighborhood character and pride. "Transitional" neighborhoods are generally those built shortly after World War Two, but before extensive subdivision and tract housing production typical since the 1960s. Houses in these neighborhoods are typically one story, and smaller than average and of more modest construction than other homes in Azusa. Consequently, some of these neighborhoods have been affected by dissimilar development, poor maintenance and rapid turn-over. However, the structure of the "transitional" neighborhoods and houses allows them to easily adapt the physical characteristics of "traditional" neighborhoods - garages located to the back of lots, front porches facing the sidewalk, street-friendly front facades. The Development Code is designed to encourage the reinvestment of these neighborhoods through traditional elements like porches, sidewalks, parkways, street trees and neighborhood centers.



Typical bungalow

a.

General Recommendations - Public Realm.

(1)

Improve street standards, and implement selected improvements. Improvements to be considered include:

i.

Plant street trees consistent with the street hierarchy suggested by the mobility element of the general plan, such that primary and secondary neighborhood streets are distinguished by a unique pattern and type(s) of tree. A palette of street trees should be developed in coordination with environmental goals of the general plan and city maintenance. Historic tree patterns that distinguish particular streets should be maintained.

ii.

Install and/or repair sidewalks. New sidewalks should be separated from the street by a planting strip.

iii.

Install street lighting where necessary. The design of the light fixtures should be distinctive to Azusa.

(2)

Implement traffic calming measures. Measures to be considered include:

- i.
narrowing of streets;
- ii.
bulb-outs at intersections;
- iii.
raised intersections;
- iv.
medians; and
- v.
traffic signals.

b.

General Recommendations - Private Property.

Buildings within "transitional" neighborhoods are typically modest houses of modest construction. However, in terms of the location of garages, front doors, and public rooms, these houses are similar to "traditional" neighborhoods. As such, improvements to these houses should appropriate elements of "traditional" homes as much as possible.

(1)

Improve the public-private threshold at the sidewalk edge:

- i.
Encourage the installation of higher quality fences.
Replace chain-link fence with wrought-iron, wood or masonry fences or screen chain-link fencing with hedges and landscape.
- ii.
Hedges, flowers and bushes planted in rows along the property edge in lieu of or to screen fences establishes the private domain of the front yard and creates a more pleasant street environment than fencing.
- iii.
Do not encourage the use of front yard fences where they do not currently exist.

(2)

Ensure that maintenance of buildings enhances the neighborhood character:

- i. Encourage the use of period colors as buildings are repainted.
- ii. Encourage the use of historic building materials - such as wood siding, wood details/moldings, clay tile roofs, and real arroyo stone - in renovations and general maintenance.
- iii. Encourage the use of wood windows and doors as these are replaced.

(3)

Add "Traditional" elements to renovated/enlarged houses:

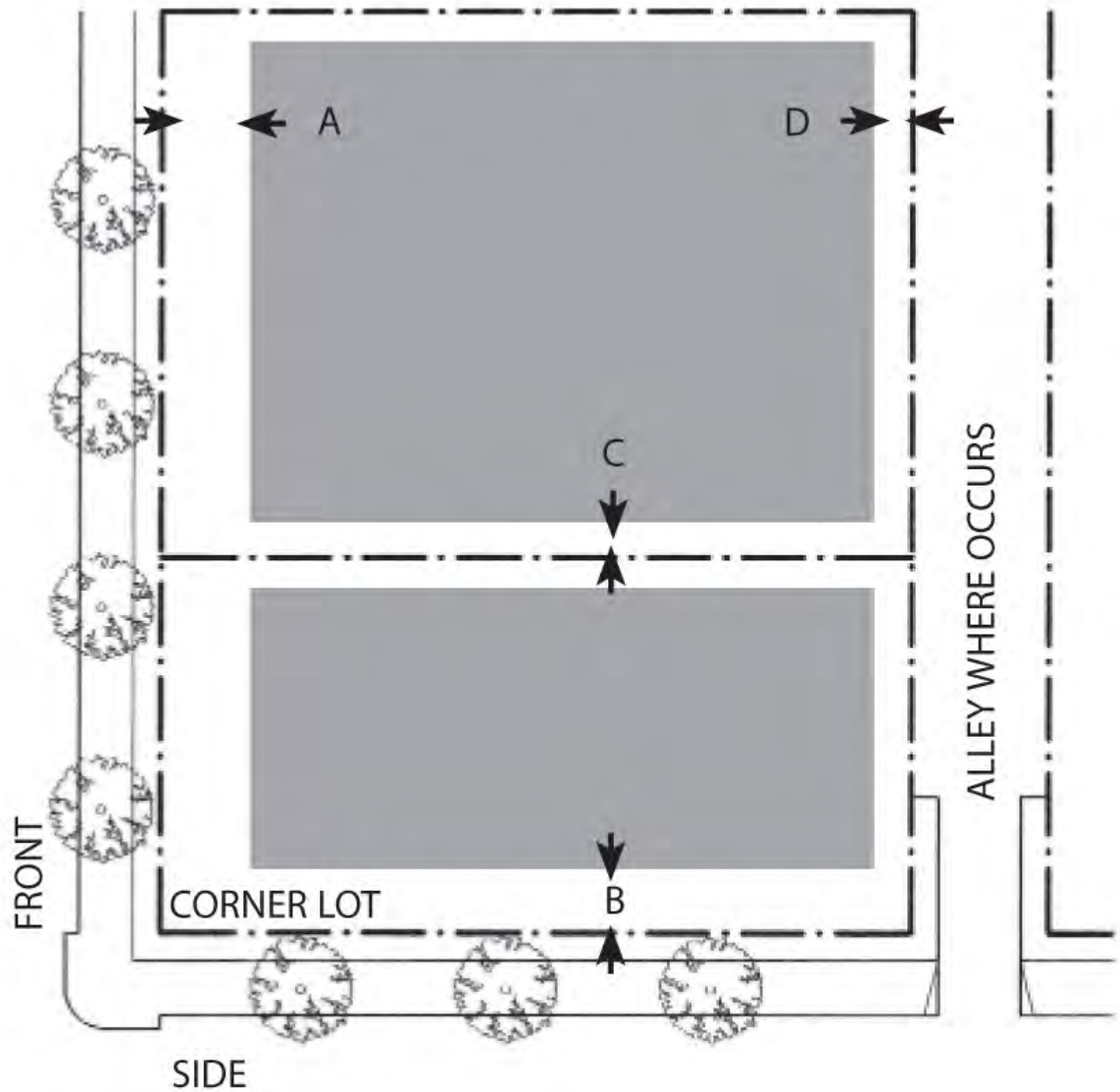
- i. Locate garages towards the back of the lot.
- ii. Add front porches.
- iii. Encourage the use of wood windows and doors.

3.

Design Standards - Neighborhood General 2 - Transitional.

a.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown.

(1)

Front Setback: 25 feet minimum.

(2)

Side Street Setback: Ten feet minimum.

(3)

Sidyard Setback: Five feet minimum.

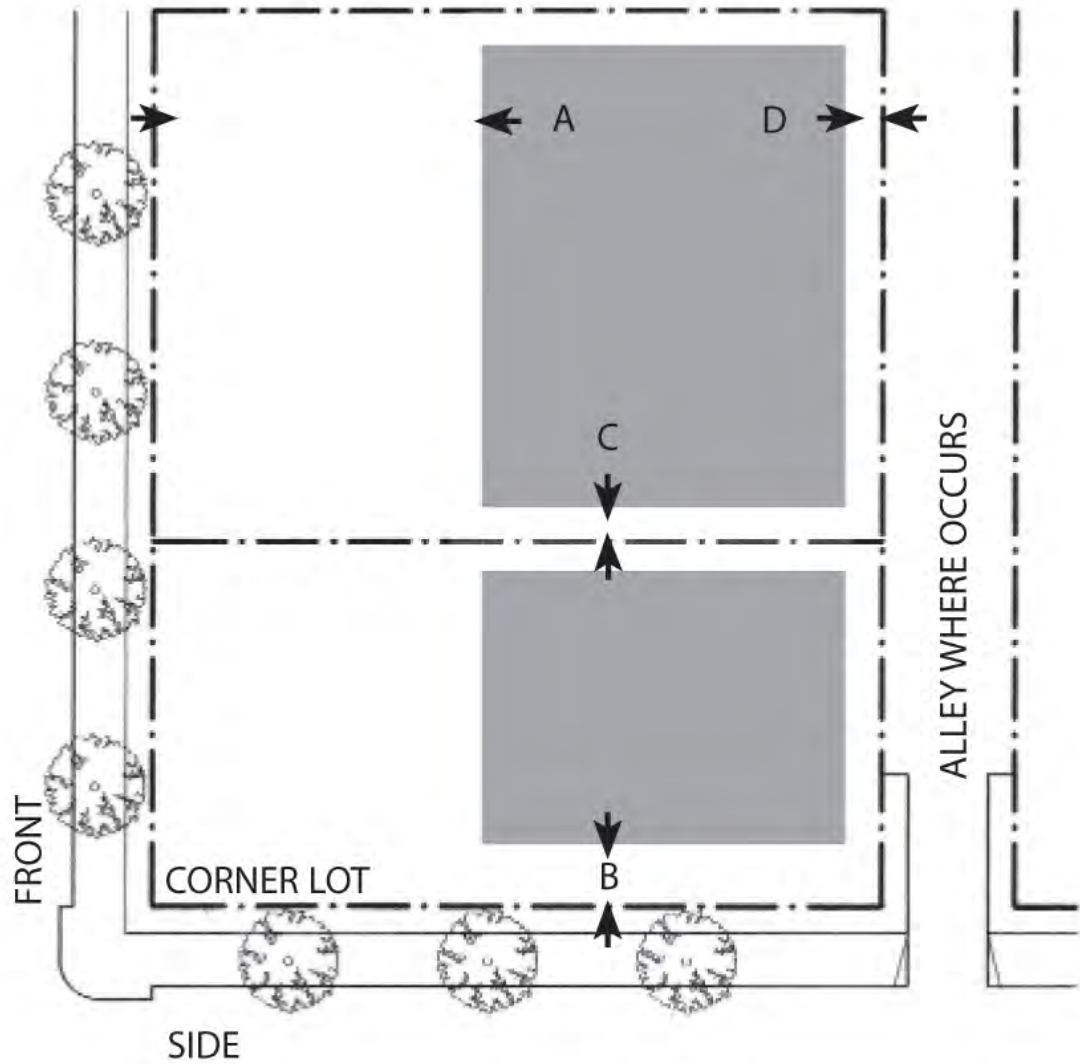
(4)

Rear Setback: 25 feet minimum.

See [Chapter 88.30.060](#) for definitions and design standards.

b.

Parking Placement.



Plan Diagram

Garages and parking accommodations other than driveways are allowed only in the shaded area as shown.

(1)

Front setback: Ten feet minimum behind front facade of primary structure.

(2)

Side street setback: Five [feet] minimum (unless driveway exits to street, then 18 [feet] minimum with sectional garage door, or 20 feet with non-sectional garage door).

(3)

Side setback: Five feet minimum for the first 75 feet of lot depth; three feet minimum for detached garages when setback more than 75 feet from the front property line.

(4)

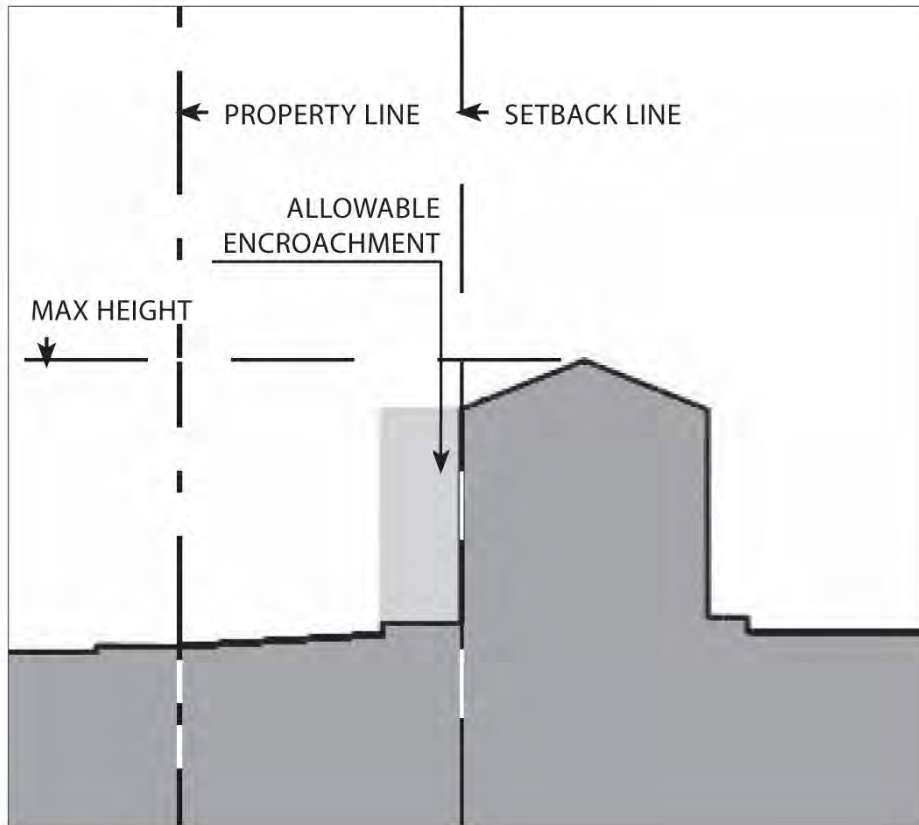
Rear setback: Five feet minimum with alley; three feet minimum no alley.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

c.

Building Height and Profile.



Section Diagram

(1)

Height: Maximum: Two and one-half stories or 35 feet, which ever is less.

(2)

Encroachments.

Porches, patios, cantilevered bay windows, and balconies may encroach into the setback, but shall be limited to:

i.

Front encroachment: Eight feet maximum.

ii.

Side Street encroachment: Five feet maximum.

iii.

Side encroachment: Two feet maximum.

iv.

Maximum encroachment height: Two stories or 24 feet.

See [Chapter 88.30.040](#) for definitions and exceptions

(3)

Allowable frontage types.

Stoop, porch, common yard.

See [Chapter 88.29](#) for definitions and design standards

d.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
(Low)	6,000 sf	50 ft	80 ft	<u>8</u>
(Med)	4,000 sf	45 ft	80 ft	15

(Mod)	6,000 sf	50 ft	80 ft	27
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Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(3)

Subdivisions shall be designed so that all lots or parcels shall have adequate street frontage, as determined by the review authority, for direct access to a public or private street improved to city standards.

D.

Neighborhood General 3 - Tract.



Typical ranch house with forward garage

1.

Purpose.

The Neighborhood General 3 (NG3) zone is applied to areas of the city that are characterized by neighborhoods of detached single-family homes primarily developed after 1960, and where the general plan anticipates maintaining and enhancing the existing character without significant changes to existing form. Three subcategories of the NG3 zone are provided by this Development Code (NG3-L, NG3-MED, and NG3-MOD) based on the low, medium, and moderate residential densities allowed in different areas by the general plan, and therefore allows multi-family housing, although the emphasis is on single-family dwellings.



Typical ranch house with forward garage

2.

Desired Future and Proposed Changes.

The "tract" neighborhoods are mainly those residential areas built from the 1960s onward. The front facade and street appearance of houses in these neighborhoods is generally dominated by garage doors. The plan seeks to enhance these neighborhoods by adding traditional elements like porches, sidewalks, parkways, street trees and neighborhood centers.

a.

General Recommendations - Public Realm.

(1)

Improve street standards, and implement selected improvements. Improvements to be considered include:

i.

Plant street trees consistent with the street hierarchy suggested by the mobility element of the general plan, such that primary and secondary neighborhood streets are distinguished by a unique pattern and type(s) of tree. A palette of street trees should be developed in coordination with environmental goals of the general plan and city maintenance. Historic tree patterns that distinguish particular streets should be maintained.



Typical two-story house

ii.

Install and/or repair sidewalks. New sidewalks should be separated from the street by a planting strip.

iii.

Install street lighting where necessary. The design of the light fixtures should be distinctive to Azusa.

(2)

Implement traffic calming measures. Measures to be considered include:

i.

narrowing of streets;



New tract houses (Azusa Ridge)

- ii. bulb-outs at intersections;
 - iii. raised intersections;
 - iv. medians; and
 - v. traffic signals.
- b.

General Recommendations - Private Property.

Buildings within "tract" neighborhoods are typically houses or condominiums from the post-war period of suburban expansion of Southern California. Older homes tend to be one-story ranch houses on wide lots; newer homes tend to be two-story structures on narrower lots. The exterior finish of most homes tend to be predominately stucco, with some details in stone, brick and/or wood. Many of the residences built in the last 20 years are located within planned-unit developments, and have architectural or planning features that are unique and specific to that development.



Quality front yard fencing and landscape

(1)

Improve the public-private threshold at the sidewalk edge:

i.

Encourage the installation of higher quality fences. Replace chain-link fence with wrought-iron, wood or masonry fences or screen chain-link fencing with hedges and landscape.

ii.

Hedges, flowers and bushes planted in rows along the property edge in lieu of or to screen fences establishes the private domain of the front yard and creates a more pleasant street environment than fencing.

(2)

Improve the private landscape:

i.

Lawn sculpture such as fountains, garden art, or decorative and enhanced mailboxes establish a unique character to each house and signifies the resident's pride and care.



Quality front yard fencing and landscape

ii.

Topiary and other unique landscape patterns in the front yard indicate resident's pride and care in their property and establish a unique character to each house.

(3)

Where possible, add "traditional" elements to renovated/enlarged houses:

i.

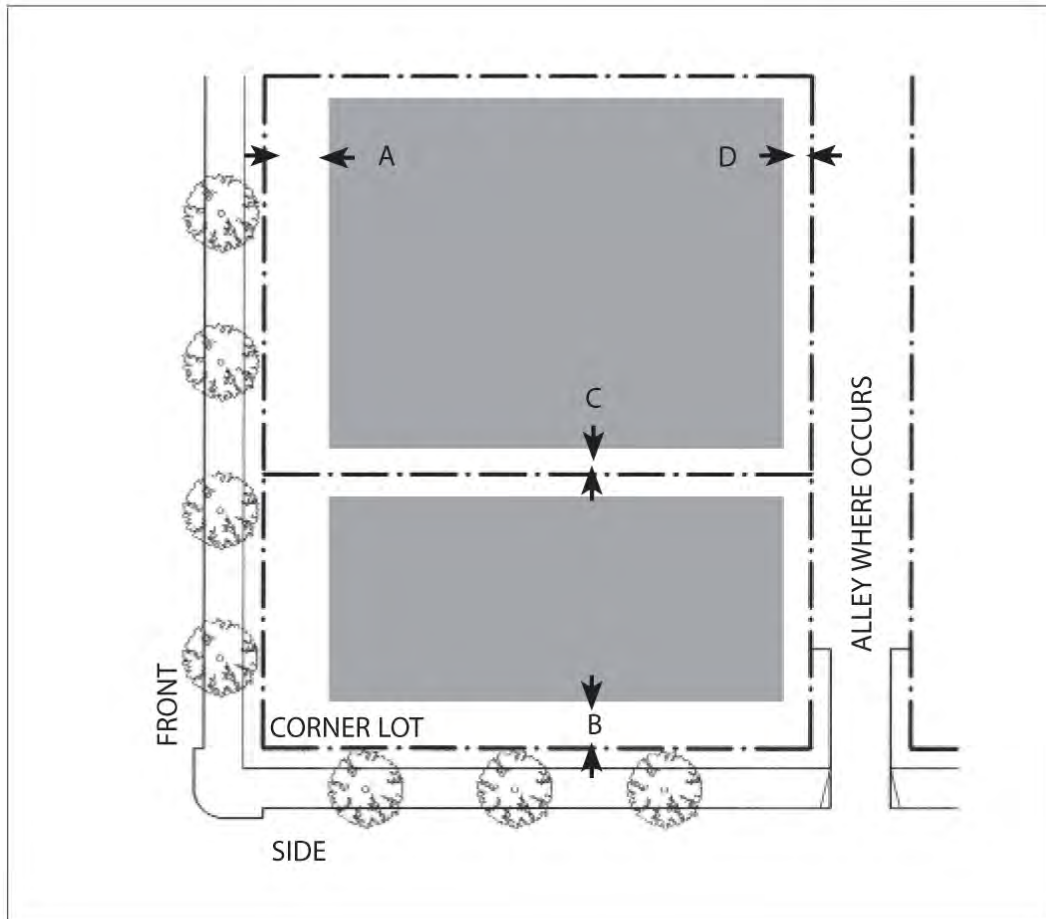
Locate garages towards the back of the lot.

ii.

Add front porches.

iii.

Encourage the use of wood windows and doors.



Plan Diagram

3.

Design Standards - Neighborhood General 3 - Tract.

a.

Building Placement.

Buildings shall be placed within the shaded area as shown.

(1)

Front Setback: 25 feet minimum.

(2)

Side Street Setback: Ten feet minimum.

(3)

Sideyard Setback: Five feet minimum.

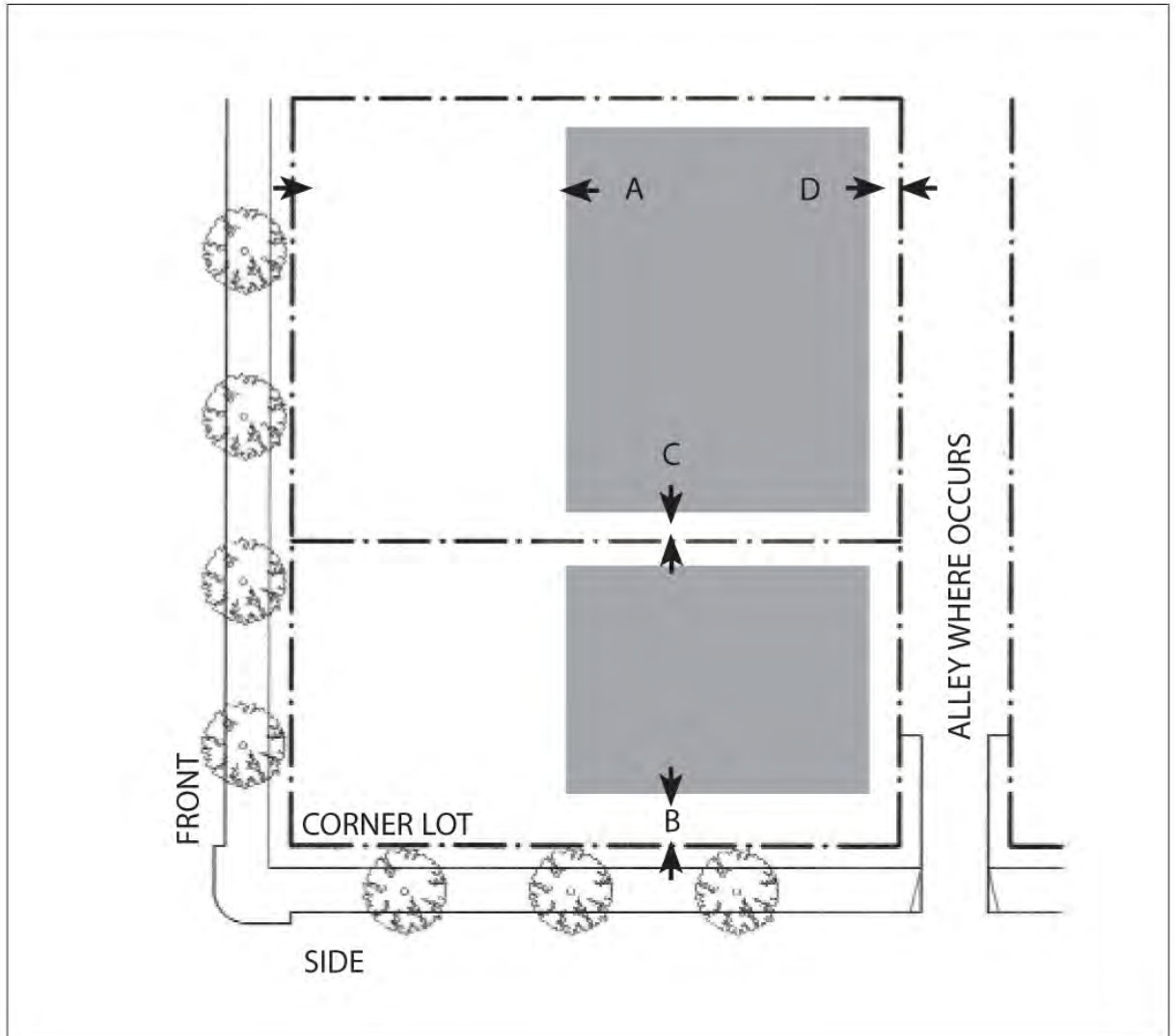
(4)

Rear Setback: 25 feet minimum.

See Chapter 88.31.060 for definitions and design standards.

b.

Parking Placement.



Plan Diagram

Garages and parking accommodations other than driveways are allowed only in the shaded area as shown.

(1)

Front setback: 25 feet minimum.

(2)

Side street setback: five [feet] minimum (unless driveway exits to street, then 18 [feet] minimum with sectional garage door, or 20 feet with non-sectional garage door).

(3)

Side setback: Five feet minimum for the first 75 feet of lot depth; three feet minimum for detached garages when setback more than 75 feet from the front property line.

(4)

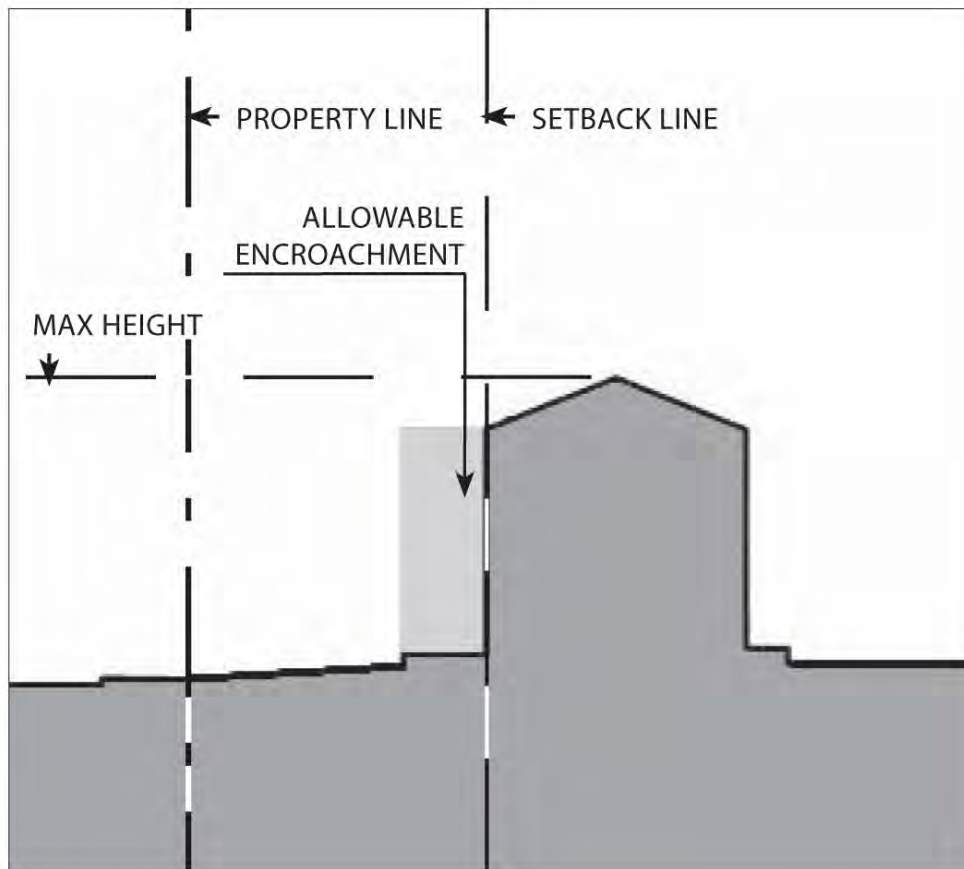
Rear setback: Five feet minimum with alley; three feet minimum no alley.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

c.

Building Height and Profile.



Section Diagram

(1)

Height: Maximum: Two and one-half stories or 35 feet, which ever is less.

(2)

Encroachments.

Porches, patios, cantilevered bay windows, and balconies may encroach into the setback, but shall be limited to:

i.

Front encroachment: Eight feet maximum.

ii.

Side street encroachment: Five feet maximum.

iii.

Side encroachment: Two feet maximum.

iv.

Maximum encroachment height: Two stories or 24 feet.

See [Chapter 88.30.040](#) for definitions and exceptions

(3)

Allowable frontage types.

Stoop, porch, common yard.

See [Chapter 88.29](#) for definitions and design standards

d.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
(Low)	7,500 sf	50 ft	80 ft	<u>8</u>

(Med)	4,000 sf	45 ft	80 ft	15
(Mod)	6,000 sf	50 ft	80 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(3)

Subdivisions shall be designed so that all lots or parcels shall have adequate street frontage, as determined by the review authority, for direct access to a public or private street improved to city standards.

(Ord. No. 06-06, § 1B, 8-7-06)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.24. - DISTRICTS >>

CHAPTER 88.24. - DISTRICTS

The purpose of this chapter is to outline the general plan goals and development guidelines within the districts of Azusa. It is a guideline to assist present and future residents, developers and city staff in evaluating the evolving character and potential of each district.

Districts are urbanized areas of two kinds: specialized around a predominant activity or composed of many activities that are either mixed vertically or adjacent horizontally. The structure of a district should parallel that of the neighborhood: it should have an identifiable focus that encourages orientation and identity and it should have clear boundaries that facilitate the formation of special management organizations such as business groups and associations. Districts should encourage the intelligent sharing of uses and parking resources. Links or pedestrian and vehicular paths with adjacent neighborhoods encourages pedestrian access. Districts benefit from access to transit systems, and should be located within a regional transportation framework.

[88.24.005. - Allowable Uses in Districts.](#)

[88.24.010. - Downtown.](#)

[88.24.020. - University District.](#)

[88.24.030. - Edgewood District.](#)

[88.24.040. - West End Industrial Districts.](#)

88.24.005. - Allowable Uses in Districts.

A.

Permit Requirements.

Tables 2-2, 2-3, and 2-4 provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a zoning clearance (Section 5.22.020). These are shown as "P" uses in the tables;
2. Allowed subject to the approval of a minor use permit (Section 5.12.050), and shown as "MUP" uses in the tables;
3. Allowed subject to the approval of a use permit (Section 5.12.050), and shown as "UP" uses in the tables;
4. Allowed subject to the type of city approval required by a specific provision of Chapter 4.12 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
5. Not allowed in particular zones, and shown as a "—" in the tables.

TABLE <u>2-2</u>	P	Permitted Use, Zoning Clearance required
----------------------------------	---	--

Allowed Land Uses and Permit Requirements for Districts	MUP UP S —	Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed					
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	DTC	DCC	DTV	DE	DW	DWL	

AGRICULTURAL AND RESOURCE-BASED USES

Plant nursery	MUP(6)	MUP(6)	MUP(6)	MUP(6)	MUP(6)	MUP(6)	
Surface mining operations	—	—	—	—	UP	UP	<u>88.44</u>

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Laboratory—Medical, analytical	—	—	—	—	P	P	-
Construction contractor	—	—	—	—	MUP	MUP	

Manufacturing/processing—Heavy (3)	—	—	—	—	MUP	MUP	
Within 1,000 feet of residential use	—	—	—	—	UP	—	
Existing forging and stamping use	—	—	—	—	UP	UP	
Manufacturing/processing—Light	—	—	—	—	P	P	
Manufacturing/processing—Medium intensity (3)	—	—	—	—	P	P	
Within 500 feet of residential use	—	—	—	—	MUP	MUP	
Media production	P	P	—	—	P	P	
Recycling—Large collection facility	—	—	—	—	MUP	MUP	<u>88.42.170</u>
Recycling—Processing facility (3)	—	—	—	—	UP	—	<u>88.42.170</u>

Recycling—Reverse vending machine	—	—	—	P	P	P	<u>88.42.170</u>
Recycling—Small collection facility	—	—	—	MUP	MUP	MUP	<u>88.42.170</u>
Research and development (3)	—	—	—	—	P	P	
Scrap and dismantling yard	—	—	—	—	—	—	
Storage—Outdoor	—	—	—	—	MUP	MUP	
Storage—Personal storage facility (mini-storage)	—	—	—	—	MUP	MUP	
Operating between 9:00 p.m. and 7:00 a.m.	—	—	—	—	UP	UP	

Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
-----	------------------------	----	-------------------

DCC	Downtown - Civic Center	DW	West End Industrial District
DTV	Downtown - Transit Village	DWL	West End Light Industrial District

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

(6)

Allowed only within the boundaries of an electric utility easement for high voltage transmission lines.

TABLE 2-2 Allowed Land Uses and Permit Requirements for Districts	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE	Specific Use

	DTC	DCC	DTV	DE	DW	DWL	Regulations
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Adult oriented business	—	—	—	—	UP	UP	<u>88.40</u>
Commercial recreation facility—Indoor (3)	MUP	—	—	MUP	—	MUP	
Commercial recreation facility—Outdoor (3)	—	—	—	—	UP	UP	
Conference/convention facility	UP	—	—	—	—	—	
Golf course	—	—	—	—	—	UP(4)	
Health/fitness facility	P	—	—	MUP	MUP	—	
Library, museum	P	P	P	—	—	—	

Live Entertainment	MUP	UP	UP	UP	UP	UP	
Meeting facility, public or private (3)	MUP(2)	MUP(2)	—	UP	—	—	<u>88.42.112</u>
Park, playground	P	P	P	P	—	P	
Private residential recreation facility	—	—	MUP	—	—	—	
School—College, university (3)	—	—	—	—	—	—	<u>88.42.112</u>
School—Elementary, middle, secondary (3)	—	—	—	—	—	—	<u>88.42.112</u>
School—Specialized education/training (3)	UP	—	UP	—	UP	UP	<u>88.42.112</u>
Sports and entertainment assembly (3)	—	—	—	—	UP	UP	
Studio—Art, dance, martial arts, music, etc.	P	—	P	P	P	—	

Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
DCC	Downtown - Civic Center	DW	West End Industrial District
DTV	Downtown - Transit Village	DWL	West End Light Industrial District

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

TABLE 2-2 Allowed Land Uses and Permit Requirements for Districts	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
---	--------------------------	--

LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	DTC	DCC	DTV	DE	DW	DWL	
RESIDENTIAL USES							
Caretaker/manager unit	P	—	P	P	P	P	
Courtyard housing	—	—	P	—	—	—	88.42.142
Duplex, triplex fourplex	—	—	P	—	—	—	88.42.140
Emergency shelter (3)	—	—	—	—	P	UP	88.42.082
Home occupation	P	P	P	P	P	P	88.42.100
Live/work unit	MUP	MUP	MUP	—	MUP	MUP	88.42.110

Mixed use residential component (not stacked flats)	P	P	P	P	—	—	<u>88.42.120</u>
Mixed use residential component (not stacked flats)—Phased	S	—	S	S	—	—	<u>88.42.120</u>
Organizational house (sorority, monastery, etc.) (3)	—	—	—	—	—	—	
Residential accessory use or structure	—	—	P	—	—	—	
Residential care, 6 or fewer clients	—	—	—	—	—	—	
Residential care, 7 or more clients (3)	—	—	MUP	—	—	—	
Rooming or boarding house	—	—	—	—	—	—	
Senior citizen apartment (3)	MUP	MUP	MUP	MUP	—	—	<u>88.42.200</u>
Stacked flats as part of a vertical mixed use project	MUP	MUP	MUP	—	—	—	<u>88.42.120</u>

Townhouse, rowhouse	—	—	P	—	—	—	<u>88.42.140</u>
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Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
DCC	Downtown - Civic Center	DW	West End Industrial District
DTV	Downtown - Transit Village	DWL	West End Light Industrial District

Notes:

(1)

A definition of each listed use type is in Article 6 (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of Section 88.30.030

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

TABLE <u>2-2</u> Allowed Land Uses and Permit Requirements	P MUP UP	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required
---	----------------	--

for Districts	S —	Permit requirement set by Specific Use Regulations Use not allowed					
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	DTC	DCC	DTV	DE	DW	DWL	
RETAIL SALES							
Auto and vehicle sales and rental	—	—	—	—	MUP	MUP	
Bar/tavern	UP	UP	UP	—	UP	UP	<u>88.42.030</u>
Building and landscape materials sales—Indoor	—	—	—	MUP	MUP	MUP	
Building and landscape materials sales—Outdoor	—	—	—	—	MUP	MUP	
Construction and heavy equipment sales and rental	—	—	—	—	MUP	MUP	

Farmer's Markets	UP	UP	UP	—	—	—	
Furniture, furnishings and appliance store	P	P	—	P	—	P	
General retail, except with any of the following features	P	P	P	P	—	P	
Alcoholic beverage sales	UP	UP	UP	UP	—	UP	<u>88.42.030</u>
Drive-through facilities	(7)	—	—	MUP	—	MUP	
Floor area over 50,000 sf	UP	UP	—	UP	—	P	
Funeral merchandise	UP	UP	—	UP	—	UP	<u>88.42.090</u>
On-site production of items sold	MUP	MUP	—	MUP	—	P	
Operating between 9:00 p.m. and 7:00 a.m.	MUP	MUP	MUP	MUP	—	MUP	

Swap meet, flea market	—	—	—	—	—	—	<u>88.42.180</u>
Used merchandise	UP	UP	—	UP	—	—	<u>88.42.180</u>
Groceries, specialty foods	P	P	P	P	—	P	<u>88.42.030</u>
Floor area over 50,000 sf	MUP	MUP	UP	MUP	—	UP	<u>88.42.030</u>
Mobile home, boat, or RV sales	—	—	—	—	MUP	MUP	
Mixed use project	P	P	P	P	—	—	<u>88.42.120</u>
Mixed use project—Phased	S	—	S	S	—	—	<u>88.42.120</u>
Neighborhood market/convenience store	P	P	P	P	—	—	
Night club (3)	MUP	MUP	UP	—	UP	UP	

Outdoor displays and sales	MUP	MUP	—	MUP	MUP	MUP	88.42.150
Restaurant, cafe, coffee shop	P	P	P	P	P	P	88.42.030
Service station	—	—	—	MUP	MUP	MUP	
Warehouse retail	—	—	—	P	P	P	

Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
DCC	Downtown - Civic Center	DW	West End Industrial District
DTV	Downtown - Transit Village	DWL	West End Light Industrial District

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

(6)

Allowed on a second or upper floor only, except for uses existing on March 25, 2005, which shall be considered conforming uses.

(7)

No new uses allowed, use existing on March 25, 2005 shall be considered conforming uses.

TABLE <u>2-2</u> Allowed Land Uses and Permit Requirements for Districts	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed					
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	DTC	DCC	DTV	DE	DW	DWL	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL							
ATM	P	P	P	P	P	P	

Bank, financial services	P	P	P	P	—	—	
Business support service	P	P	P	P	P	P	
Medical services—Clinic, urgent care	—	—	—	P	—	—	
Medical services—Doctor office	P(6)	P	P	P	—	—	
Medical services—Extended care (3)	—	—	—	—	—	—	
Mixed use project	P	P	P	P	—	—	<u>88.42.120</u>
Office—Accessory	P	P	P	P	P	P	
Office—Business/service	P	P	P	P	—	—	
Office—Government	P	P	P	P	—	P	

Office—Processing	P(2)	P(2)	P(2)	P	—	P	
Office—Professional	P(2*)	P(2*)	P(2*)	P	—	—	

Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
DCC	Downtown - Civic Center	DW	West End Industrial District
DTV	Downtown - Transit Village	DWL	West End Light Industrial District

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Office—Processing permitted on a second or upper floor only

(2*)

Office—Professional permitted; except for on Azusa Avenue and San Gabriel Avenue where it is allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

(6)

Allowed on second or upper floor only, except for uses existing on March 25, 2005, which shall be considered conforming uses.

TABLE <u>2-2</u> Allowed Land Uses and Permit Requirements for Districts	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed					
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	DTC	DCC	DTV	DE	DW	DWL	
SERVICES - GENERAL							
Catering service	—	—	—	—	P	P	
Child day care—Large or small family day care home (3)	—	—	—	—	—	—	<u>88.42.060</u>
Day care center—Child or adult (3)	MUP	MUP	MUP	MUP	—	MUP	<u>88.42.060</u>

Drive-through service	—	—	—	MUP	—	—	
Equipment rental	—	—	—	—	P	P	
Lodging—Bed & breakfast inn (B&B)	P	P	P	—	—	—	
Lodging—Hotel or motel	P	P	P	—	—	—	
Maintenance service—Client site services	—	—	—	—	P	P	
Mixed use project	P	P	P	P	—	—	<u>88.42.120</u>
Mortuary, funeral home	—	—	—	UP	—	UP	
Personal services	P	P	P	P	P	P	
Personal services—Restricted	—	—	—	—	P	P	

Public safety facility (3)	P	P	P	P	P	P	
Repair service—Equipment, large appliance, etc.	—	—	—	—	P	P	
Tattoo/body piercing	—	—	—	—	UP	UP	88.42.220
Vehicle service—Major repair/body work	—	—	—	—	P	P(8)	
Vehicle service—Minor maintenance/repair	—	—	—	—	P	P(8)	
Veterinary clinic, animal hospital, boarding kennel	—	—	—	—	up	up	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	—	—	—	—	MUP	MUP	
Broadcasting studio	P	P	—	—	P	P	

Parking facility, public or commercial	MUP	MUP	MUP	MUP	MUP	MUP	
Telecommunications facility	S	S	S	S	S	S	<u>88.46</u>
Transit station or terminal	—	—	UP	—	—	—	
Truck or freight terminal	—	—	—	—	MUP	MUP	
Trucking facilities	—	—	—	—	MUP	MUP	
Utility facility (3)	P	P	P	P	P	P	
Vehicle storage	—	—	—	—	MUP	MUP	<u>88.42.150</u>

Key to Zone Symbols

DTC	Downtown - Town Center	DE	Edgewood District
DCC	Downtown - Civic Center	DW	West End Industrial District

DTV	Downtown - Transit Village	DWL	West End Light Industrial District
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Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(4)

Allowed only in the area designated "recreation/landfill mixed use" by the general plan.

(5)

Allowed only in the area designated "hotel/conference center" by the general plan.

(6)

Allowed on a second or upper floor only, except for uses existing on March 25, 2005, which shall be considered conforming uses.

(7)

No new uses allowed, use existing on March 25, 2005 shall be considered conforming uses.

(8)

Facilities shall be designated so that no service bays are visible from Foothill Boulevard.

TABLE 2-2 Allowed Land Uses and Permit Requirements for University District (DU)	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
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LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	DU-MU	DU-RM	DU-RMO	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Laboratory—Medical, analytical	P	—	—	
Media Production	P	—	—	
Recycling—Reverse vending machine	P	—	—	
Recycling—Small collection facility	MUP	—	—	88.42.170
Research and development (3)	P	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				

Commercial recreation facility - Indoor (3)	MUP	—	—	
Conference/convention facility	UP	—	—	
Health/fitness facility	P	—	—	
Live entertainment	UP	—	—	
Meeting facility, public or private (3)	P	UP	UP	<u>88.42.112</u>
Park, playground	P	P	P	
Private residential recreation facility	MUP	MUP	MUP	
School—College, university (3)	UP	UP	UP	<u>88.42.112</u>
School—Elementary, middle, secondary (3)	UP	UP	UP	<u>88.42.112</u>

School—Specialized education/training (3)	UP	—	—	88.42.112
Sports and entertainment assembly (3)	UP	—	—	
Studio—Art, dance, marital arts, music, etc.	P	—	—	
Theater (3)	MUP	—	—	

Key to Zone Symbols

DU-MH	University District - Mixed Use	CU-RMO	University District - Residential Moderate
DU-RM	University District - Residential Medium		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

TABLE <u>2-2</u> Allowed Land Uses and Permit Requirements for University District (DU)	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed		
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	DU- MU	DU-RM	DU-RMO	
RESIDENTIAL USES				
Animal keeping	S	S	S	<u>88.42.040</u>
Caretaker/manager unit	P	—	—	
Court	P	MUP	MUP	<u>88.42.142</u>
Duplex	—	P	P	<u>88.42.140</u>

Emergency/transitional shelter (3)	UP	—	—	
Home occupation	P	P	P	<u>88.42.100</u>
Live/work unit	P	—	—	<u>88.42.110</u>
Mixed use project residential component (not stacked flats)	P	—	—	<u>88.42.120</u>
Mixed use project residential component (not stacked flats)—Phased	S	—	—	<u>88.42.120</u>
Organizational house (sorority, monastery, etc.) (3)	MUP	MUP	MUP	
Residential accessory use or structure	P	P	P	<u>88.42.020</u>
Residential care, 6 or fewer clients	P	P	P	
Residential care, 7 or more clients (3)	MUP	MUP	MUP	

Rooming or boarding house	P	P	P	
Senior citizen apartments (3)	MUP	MUP	MUP	88.42.200
Single-family dwelling	MUP	MUP	MUP	
Single room occupancy facility	MUP	MUP	MUP	
Stacked flats as part of vertical mixed use project	MUP	—	—	88.42.120
Townhouse, rowhouse	P	—	MUP	88.42.140
Triplex or fourplex	—	P	P	88.42.140

Key to Zone Symbols

DU-MH	University District - Mixed Use	CU-RMO	University District - Residential Moderate
DU-RM	University District - Residential Medium		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

TABLE <u>2-2</u> Allowed Land Uses and Permit Requirements for University District (DU)	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed		
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	DU- MU	DU-RM	DU-RMO	
RETAIL SALES				
Bar/tavern	UP	—	—	<u>88.42.030</u>
General retail, except with any of the following features	P	—	—	

Alcoholic beverage sales	MUP	—	—	<u>88.42.030</u>
Drive-through facilities	MUP	—	—	
Floor area over 50,000 sf	—	—	—	
Funeral merchandise	UP	—	—	<u>88.42.090</u>
On-site production of items sold	—	—	—	
Operating between 9:00 p.m. and 7:00 a.m.	MUP	—	—	
Swap meet, flea market	—	—	—	<u>88.42.180</u>
Used merchandise	—	—	—	<u>88.42.180</u>
Groceries, specialty foods	P	—	—	<u>88.42.030</u>

Floor area over 50,000 sf	MUP	—	—	<u>88.42.030</u>
Mixed use project	S	—	—	88.24.120
Mixed use project—Phased	S	—	—	<u>88.42.120</u>
Night club (3)	MUP	—	—	
Outdoor displays and sales	MUP	—	—	<u>88.42.150</u>
Restaurant, care, coffee shop	P	—	—	<u>88.42.030</u>
Service station	MUP	—	—	
Warehouse retail	P	—	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL				

ATM	P	—	—	
Bank, financial services	P	—	—	
Medical services—Clinic, urgent care	P	—	—	
Medical services—Doctor office	P	—	—	
Medical services—Extended care (3)	MUP	MUP	MUP	
Mixed use project	P	—	—	<u>88.42.120</u>
Office—Accessory	P	—	—	
Office—Business/service	P	—	—	
Office—Government	P	—	—	

Office—Processing	P	—	—	
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Key to Zone Symbols

DU-MH	University District - Mixed Use	CU-RMO	University District - Residential Moderate
DU-RM	University District - Residential Medium		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

Allowed on a second or upper floor only.

(3)

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TABLE 2-2 Allowed Land Uses and Permit Requirements for University District (DU)	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE	Specific Use

	DU-MU	DU-RM	DU-RMO	Regulations
SERVICES - GENERAL				
Adult day care (3)	P	MUP	MUP	<u>88.42.060</u>
Child day care center	P	MUP	MUP	
Child day care—Large family day care home (3)	P	MUP	MUP	<u>88.42.060</u>
Child day care—Small family day care home (3)	P	P	P	
Lodging—Bed & breakfast (B&B)	P	—	—	
Lodging—Hotel or motel	P	—	—	
Mixed use project	P	—	—	<u>88.42.120</u>

Personal services	P	—	—	
Public safety facility (3)	P	—	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting studio	P	—	—	
Parking facility, public or commercial	MUP	—	—	
Telecommunications facility	S	S	S	4.16
Transit station or terminal	UP	—	—	
Utility facility (3)	P	—	—	

Key to Zone Symbols

DU-MH	University District - Mixed Use	CU-RMO	University District - Residential Moderate
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DU-RM	University District - Residential Medium	
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Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

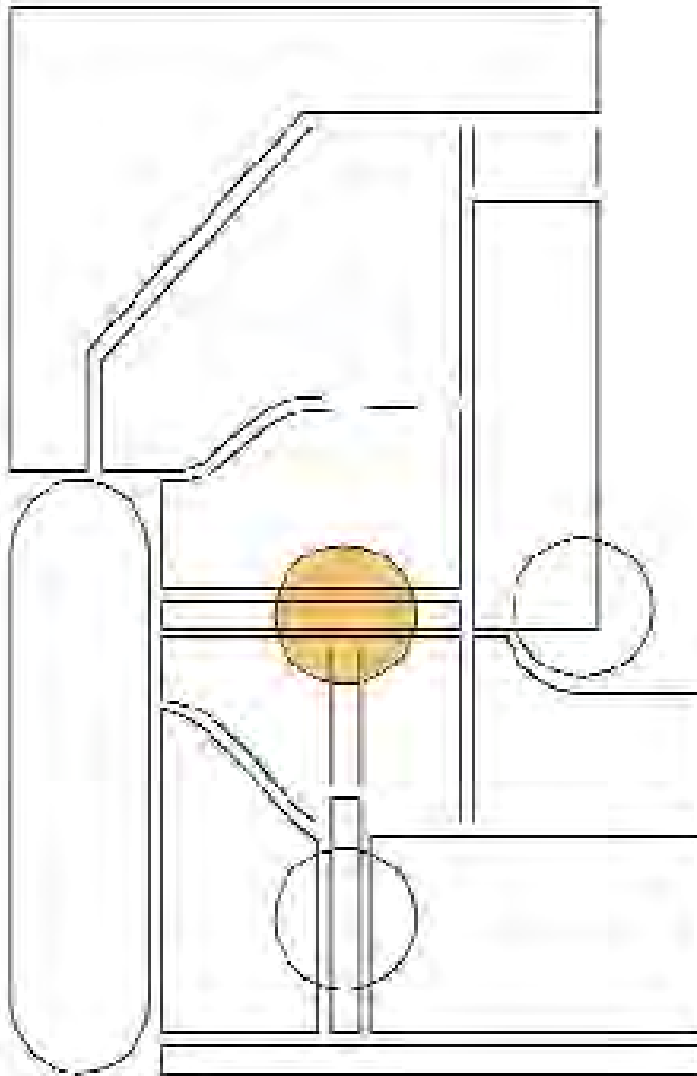
Allowed on a second or upper floor only.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 07-06, § 1, 6-18-07; Ord. No. 10-01, §§ 2, 3, 3-1-10; Ord. No. 11-03, § 2, 4-18-11; Ord. No. 11-04, § 2, 4-18-11; Ord. No. 11-013, § 4(Exh. A), 7-18-11; Ord. No. 11-016, § 2, 10-24-11)

88.24.010. - Downtown.



The purpose of this chapter is to outline the general plan goals and development guidelines within the downtown district of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the downtown.

A.

Purpose.

1.

DTC Zone. The Downtown - Town Center (DTC) zone is applied to the city's downtown core, and provides regulations for development and new land uses along Azusa Avenue, in the city's civic center, and on other properties included within this zone on the regulating plan. The DTC zone is intended to provide for a variety of building types, accommodating a wide range of land uses (retail, restaurant, entertainment, office, business and professional

services, etc.) in the context of pedestrian oriented streetscapes. Residential uses are allowed as part of mixed use projects.



Existing Azusa Avenue storefronts

2.

DCC Zone. The Downtown - Civic Center (DCC) zone is applied to area surrounding City Hall, including adjacent public buildings, such as the police station, senior center and Library. The zone is similar to the DTC zone, but emphasizes governmental uses. DTV zone.

3.

DTV Zone. The Downtown - Transit Village (DTV) zone is applied to an area intended for transit oriented development (TOD) adjacent to the planned Gold Line light-rail station. The zone is intended to emphasize housing to a greater extent than the DTC zone, to take advantage of the eventual proximity of the light-rail system, but is also intended to accommodate retail, office, and entertainment uses.

B.

Location and Existing Conditions.



Existing Civic Auditorium

Downtown Azusa is at the intersection of two of the city's most significant corridors, Azusa Avenue and the Foothill Boulevard. The district is roughly bounded by Ninth Street to the north; San Gabriel Avenue to the west, Fifth Street on the south, and Alameda Avenue on the east. The district also includes the Civic Center, located on Foothill Boulevard just east of Alameda Avenue.

Streets and Landscape. There is a simple hierarchy to the street pattern within the downtown. The north-south streets of Azusa, San Gabriel, and Alameda Avenues are the widest, and east-west streets are narrower. Foothill Boulevard is also a wide street. Alleys are located within most blocks. The streetscape on Azusa Avenue has been upgraded to include wide sidewalks, narrower traffic lanes, angled and parallel parking, pedestrian-scaled street lighting with banner stanchions, street trees and curb bulb-outs, and is well landscaped with colorful flowers, trees and shrubs.



Existing rail lines and depot

Civic and Commercial Features. Downtown is the focus of city government and other major civic facilities. City Hall, the library, police station, the light and water building, and the senior center are located here. The civic auditorium next to City Hall is the oldest of these buildings, constructed in 1928. Downtown is also the retail and business center of the city.

Building Fabric. The buildings in this district are predominantly one and two story, commercial buildings. Most of the commercial buildings are brick masonry or stucco structures ranging with parking located behind or on the street and service access from alleys. There are also some single-story strip retail buildings set behind surface parking lots that face onto the street. Outside the immediate downtown are single-family residences located in the central.



A: Azusa Avenue

C.

Desired Future and Proposed Changes.

Downtown Azusa is comprised of three distinct, but interrelated, precincts: a commercial Main Street, a civic center, and a proposed transit-oriented village with connections to the surrounding metropolis. These three precincts are typical of vibrant and vital downtowns and common in many American towns. The location of these three precincts in Downtown Azusa is described by the Development Strategy Diagram on the facing page. This diagram establishes the general development direction and urban characteristics desired by the city.

Town Center.



B: Civic Center

The primary commercial center in many American towns is a pedestrian-oriented retail Main Street district. Most successful Main Street districts are surprisingly short - approximately 1,000 feet in length. They are also intimate in design - a pleasant pedestrian environment is created by storefront windows, ample sidewalks with well designed street furniture, slow vehicular traffic, and on-street parking. Additional parking of significant number is also necessary and usually located a short walk away. The commercial Main Street of Azusa is clearly Azusa Avenue and the intersection with Foothill Boulevard is the 100 percent retail corner of Downtown. The Development Code recognizes this and reinforces previous development efforts to enhance Azusa Avenue. It proposes two-way traffic on Azusa Avenue and two "park-once" garages at mid-block locations. As described in more detail in the "park-once" section, these garages consolidate the parking necessary for a successful downtown district, relieving individual property owners from providing their own parking, and ensuring a street frontage of continuous commercial storefronts, un-interrupted by large parking lots. Developing a continuous pedestrian oriented retail streetscape is the primary goal in this district.

Civic Center.



C: Transit Village

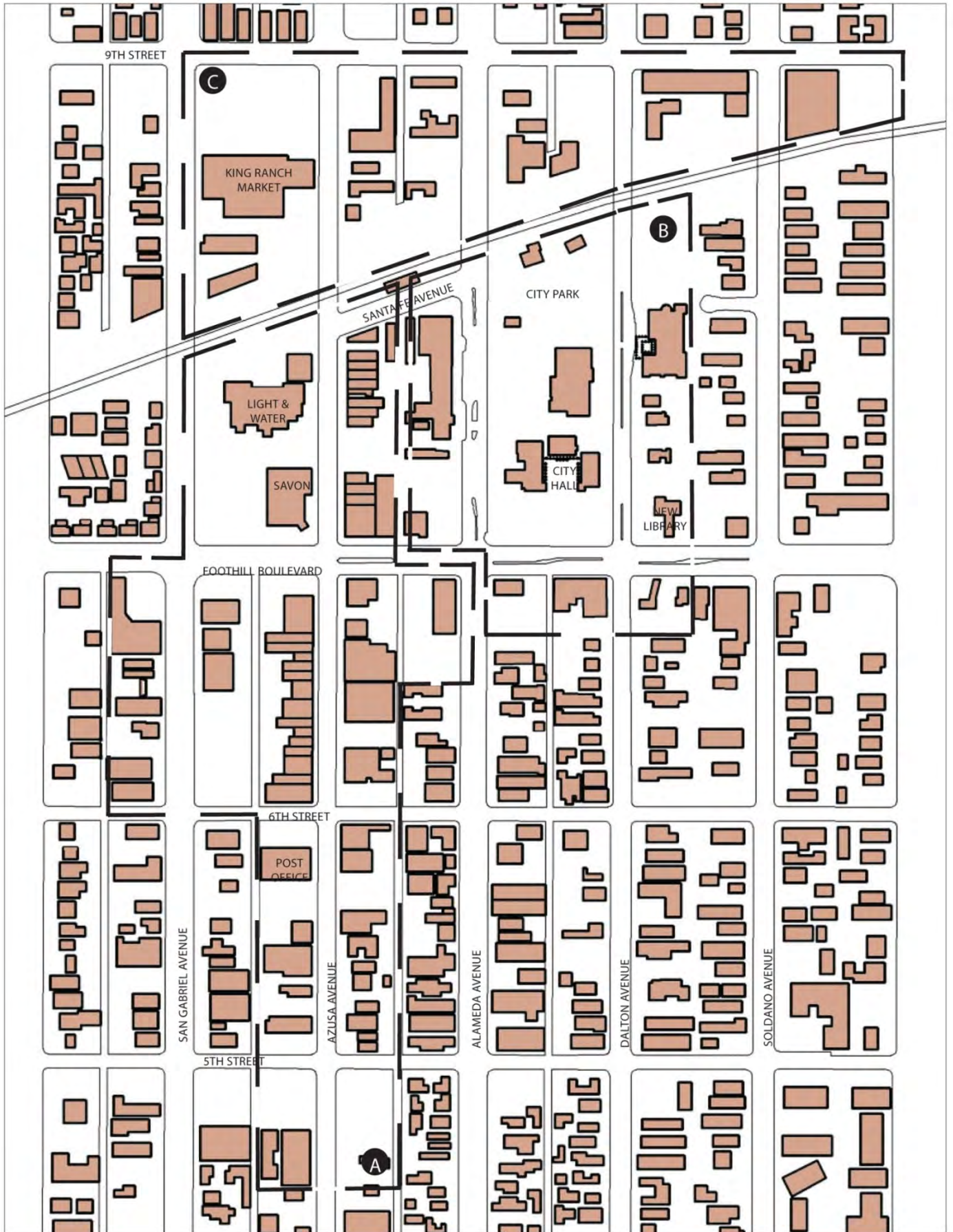
The City Hall provides the focus for the cluster of public buildings that define the civic center. Significant landscape design features also establish the identity of the civic center. The ornamental front lawn between City Hall and Foothill Boulevard will be redesigned as formal garden with specific locations for existing and future monuments and memorials. New public and commercial buildings, including the new Library, will surround the garden and provide it with the sense of enclosure necessary for an outdoor "room." The main entrances of civic buildings facing Dalton and Alameda Avenues will be linked by east-west pedestrian paseos modeled after the current landscaped passage between City Hall and the existing Library. The existing parking lot located behind City Hall and the current library should be paved in stone and decorative patterns, similar to "zocalos" found in Latin American cities, and the existing Veteran's Park shall retain its character as the informal lawn for public use. Additionally, a "park-once" garage or lot will also be located in the civic center.

Transit Village.

The third precinct in Downtown Azusa is transit-oriented development (TOD) centered on the planned Gold Line light-rail station. A range of uses, commercial and housing, will makeup the character of this precinct. As with the Main Street and Civic

Center precincts, "park-once" garages will also be located here, with an emphasis on commuter parking.

Streets throughout downtown will be designed to balance vehicular use and encourage pedestrian activity. As the primary public space in downtown, the streets serve to unify the three precincts and ensure that they function together as a single mixed-use town center. Identifying and describing these three precincts guides the recommended public improvements and regulatory framework that follow.



Development Strategy Plan

1-a.

Specific Recommendations: Town Center.

Azusa Avenue between Ninth and Fifth Streets is the primary home of commercial business in the city, and includes the important intersection with Foothill Boulevard or old Route 66. This intersection is the principal retail corner in downtown. Azusa Avenue is lined with various retail uses and should be serviced by two "Park Once" locations and on-street parking. As a central retail precinct and by providing a major north-south orientation, Azusa Avenue gives a clear image, a structure, multiple day-long uses, and compactness to Downtown, creating a "there" there. It serves not only the immediate neighborhoods in the Downtown, but also the entire community of Azusa.

There are a number of catalytic projects along Azusa Avenue that will facilitate future growth. As of 2004, a number of exciting projects are being initiated between the city and private developers.

a.

The first of these projects is the rehabilitation and occupation of the Andrews building at the southwest corner of Azusa Avenue and 5th Street by the La Tolteca restaurant and tortilla bakery. This will provide a strong anchor to the south end of Downtown.

b.

The second project is a mixed-use development on Block 36, which is defined by Azusa Ave, Foothill Boulevard, Alameda Avenue, and 6th Street. The proposed plan replaces virtually all of the derelict storefronts facing Azusa Avenue and Foothill Boulevard with new retail space. A pedestrian court is located in the center of the block, linked to the streets by paseos and surrounded by professional offices and a small market. The second and third floors of the development are dedicated to housing, with on-site parking for the units accessed from the alley.

c.

The third current project is on the west side of Azusa Avenue and is a renovation of the historic brick storefront facade at 619—621 Azusa Ave into a mixed-use structure with housing on the upper floors. To the south, the adjacent buildings will be demolished to create a new building matching the renovation in use and scale. The two structures

will be separated by a breezeway that provides access from Azusa Avenue to the center block parking lot.

d.

This parking lot, at the corner of 6th Street and San Gabriel Avenue is an ideal location for a park once garage structure serving the southern end of Azusa Avenue. The street facades of this structure should be "wrapped" with storefronts or townhomes to ensure compatibility with neighboring buildings and uses, and to maintain pedestrian-friendly sidewalks. If the structure can not be "wrapped", the facades should be designed in residential-scaled detail, setback from the street and well-landscaped.

Apart from these initial projects, the plan opposite also suggests various other possibilities for development. These possible projects should not be viewed as rigid master plan to be implemented sequentially, but as the kind of projects the city desires to see in the downtown.

e.

On the 500 block of Azusa Avenue, mixed-use development should be located on both sides of the street. Projects on the south edge of downtown should provide professional office space on the ground floor, with housing above.

f.

North of Foothill Boulevard, a current parking lot is a prime site for infill development. It could also provide a site for a moderately sized park once garage, with ground-level storefronts. However, the parking needs for the northern half of Azusa Avenue may be better served by sharing a garage located just north of the railroad tracks with the future Gold Line transit station.

g.

On this same block, facing the Santa Fe depot across Santa Fe Avenue, the historic fire station, a two story brick structure, has recently been restored for use as a catering service. This small scale, sensitive rehabilitation should serve as a model for future renovations of similar buildings in the downtown and throughout Azusa.

The historic Santa Fe depot should be restored as the focus for the Downtown Gold Line light rail station. This site is conveniently located to all three downtown precincts, but is described with the Transit Village precinct.

- INFILL / REDEVELOPMENT SITE
- RENOVATION OPPORTUNITY
- EXISTING BUILDINGS



Town Center Plan

1-b.

Specific Recommendations: the Civic Center.

Civic buildings are those buildings that have a special functional and symbolic significance for the community. Consequently, they require important sites to reinforce their identity. Civic buildings often heighten the value, use and importance of civic open spaces and likewise these spaces bring importance and honor to those buildings facing onto or within them. They deserve distinctive form because their role is unique and different from all other buildings within the city. Civic buildings are the living evidence of a lively democratic culture driven by common interest and evolving, humanistic values. The primary deficiency of the current civic center is the random, disorganized placement of buildings, parking, and landscape. A series of recommendations and potential projects to correct this were developed in late 2001 during a focused study of the civic center. They are:

Streets and Parks:

Maintain the existing ample standards of sidewalks and promenades within the precinct; landscape and finish these sidewalks to make them appropriate for use during all seasons and throughout the day and the night.

a.

Alameda and Dalton Avenues should be reconstructed with a common street section of one lane of traffic in each direction, diagonal parking on both sides and central landscaped median. A consistent pattern of street trees should be planted on both sides of each street: shade trees should be located on either street edge; palms should be planted in the center median. Street trees matching Alameda and Dalton Avenues should be planted on the south edge of Foothill Boulevard, between these two streets.

b.

Establish three east-west paseos, each with a unique landscape character and terminated on either end by entrances to civic buildings.

c.

The lawn south of City Hall should be rehabilitated as a formal and usable civic space. The design of the Lawn should respect the history of this site, providing locations for memorials. The north edge of the lawn should be defined by a landscaped eastwest alamedas, aligned

with the primary entries of the buildings on Alameda and Dalton Avenues.

d.

Design a hard-scaped plaza north of City Hall that can function as a parking lot and "zocalo." Establish east-west paseos on both the south and north edge of this plaza, terminated on either end by the entrances of civic buildings. This lot should be landscaped and detailed as a public plaza, appropriate for civic events such as festivals and markets.

e.

Enhance the existing city park south of the railroad tracks.

f.

A small surface parking lot should be located north of the senior center. This lot should be landscaped as a public plaza, establishing a pedestrian connection to the cul-de-sac street in the adjoining neighborhood.

Buildings:

g.

City Hall: The civic auditorium should be restored for use as an auditorium, with an addition to the north to accommodate back-of-stage functions. The central wing of City Hall should be renovated to accommodate City Council Chambers. The City Hall's west wing should be renovated and expanded; it can accommodate a second floor, provided the building is not higher than the civic auditorium. The northern and southern facades are to be considered the "front" of the building. The east and west facades should be considered "sides." Future renovations of City Hall should establish this identity.

h.

New Library: The new library will be located at the northeast corner of Foothill Boulevard and Dalton Avenue. The primary entrance should be in the middle portion of the building, facing the City Hall Lawn. A significant public room should be located at the corner of Foothill Boulevard and Dalton Avenue, visible from the sidewalk. In general, the street facade on Foothill Boulevard and Dalton Avenue should be two stories.

i.

Senior Center North: A new community facility, such as a teen/youth center, should be constructed in the parking lot north of the senior center with two story portions of this building located on the street

facade. This facility may alternately be located in the existing library structure, with a parking garage sited north of the senior center.

j.

Civic Annex: A two-story civic annex building should be located at the northwest corner of Alameda Avenue and Foothill Boulevard.

Storefront space should be provided on Foothill Boulevard, and civic or public offices should be located on the second floor. The primary entry to this building should be on Alameda Avenue, aligned with the entry to the library.

k.

South of City Hall: A new post office or private, mixed-use development should be encouraged south of the City Hall on Foothill Boulevard. Buildings at this location should be at least two-stories in height, but if taller, should step back after the second floor. The alley between Alameda and Dalton Avenues should be "T'ed" to exit on these streets, not Foothill Boulevard.

- INFILL / REDEVELOPMENT SITE
- RENOVATION OPPORTUNITY
- EXISTING BUILDINGS



Civic Center Plan

1-c.

Specific Recommendations - Transit Village.

For fixed-rail transit to become an important and convenient feature of the city, a mix of uses such as retail, day care, office and housing need to be easily reached from the station by a pedestrian. Clustering these uses enhances the desirability of walking or cycling in conjunction with a transit trip to the surrounding city and metropolis. Creating this mixture is the simple concept behind Transit Oriented Development (TOD). As the Metro Gold Line is extended east from Pasadena, the opportunity exists to anchor the north end of downtown with a TOD, appropriate to the scale and character of Azusa. In fact, transit oriented development may even occur in advance of the rails, as the goals of a pedestrian-friendly environment are compatible, but not dependent upon, fixed transit lines.

The following design recommendations were developed through a series of public workshops organized by the Azusa non-profit "Gold Line Tomorrow" in early 2004.

a.

The historic Santa Fe Railroad depot will be the centerpiece for the Gold Line station in downtown Azusa. The platform will be located adjacent to the depot - to accommodate it, it will be necessary to close Alameda Avenue. Directly north of the Gold Line stop, a small triangular plaza is proposed. As the northern end of the Azusa Avenue commercial street and the entry to downtown via rail, this plaza is an appropriate location for a reconstruction of the Azusa/Foothill monument and/or fountains. Space should be provided here for buses.

b.

A pedestrian path is proposed along the north side of the tracks, to connect the transit plaza with the historic packing house.

c.

The Gold Line station will require parking for 400 cars. A 4-level parking garage is proposed directly north of the station. To minimize the mass and appearance of this garage, one level should be below grade, and the structure should be "wrapped" with lofts, storefront retail and otherwise designed to appear as a building.

d.

The existing grocery store should be rebuilt to face Azusa Avenue. In order to accommodate other uses on the site, parking for the store should be located on the roof.

e.

Various sites within the precinct are allocated for two and three story mixed-use buildings, typical of Azusa Avenue further south. In some

cases, these buildings should be used to "wrap" the grocery store and parking garage.

f.

Residential lofts and townhouses are proposed as "wrappers" for the grocery store and parking garage, where they face existing houses.

g.

Attached townhouses are suggested as for-purchase housing within the precinct.

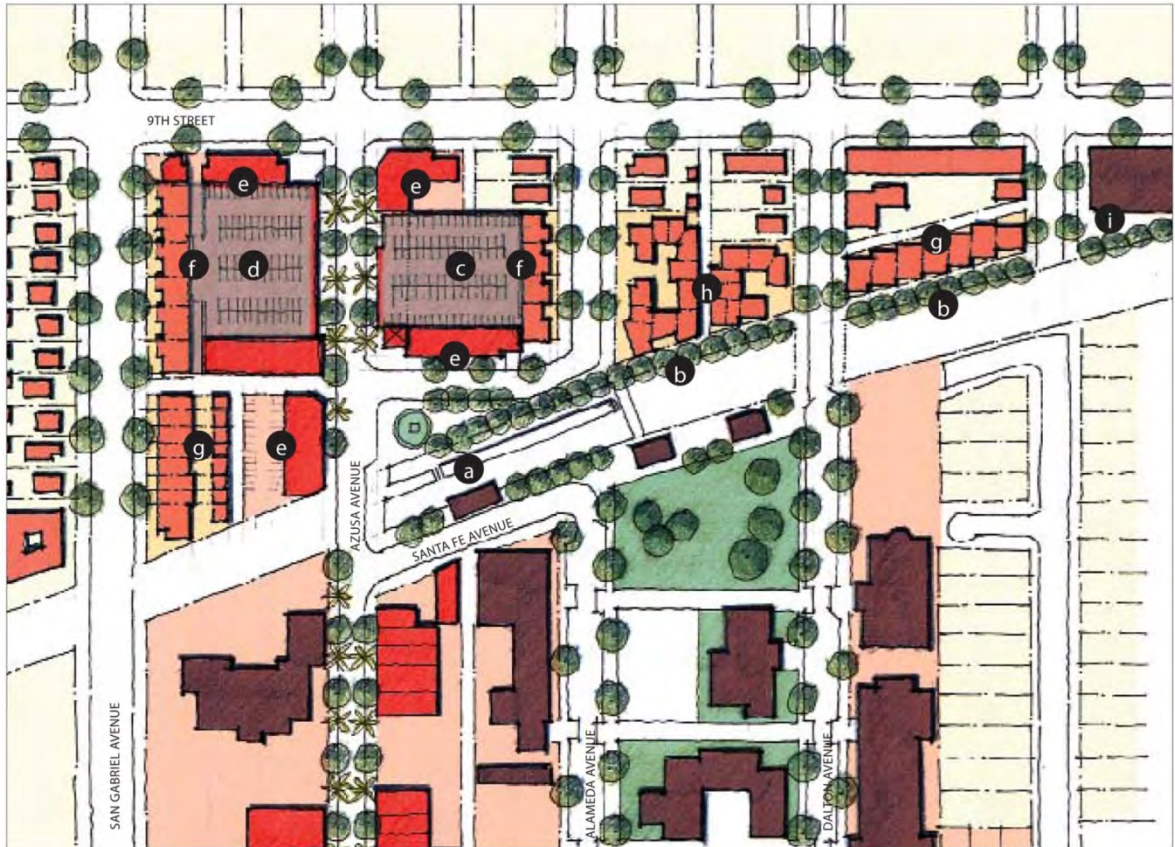
h.

Courtyard housing should be developed on the larger parcels between Alameda and Dalton Avenues.

i.

The historic citrus packing house should be renovated/adapted for residential use.

Throughout the precinct, streetscape improvements should be made on Ninth Street and San Gabriel, Azusa, Alameda and Dalton Avenues, with a focus on street-narrowing and enhancing pedestrian safety and convenience. In particular, a mid-block crossing should be established on Azusa Avenue to connect the front entry of the grocery store with the development and transit station on the east side of the street.



Transit Village Plan



Possible Townhouses



Potential Transit Plaza

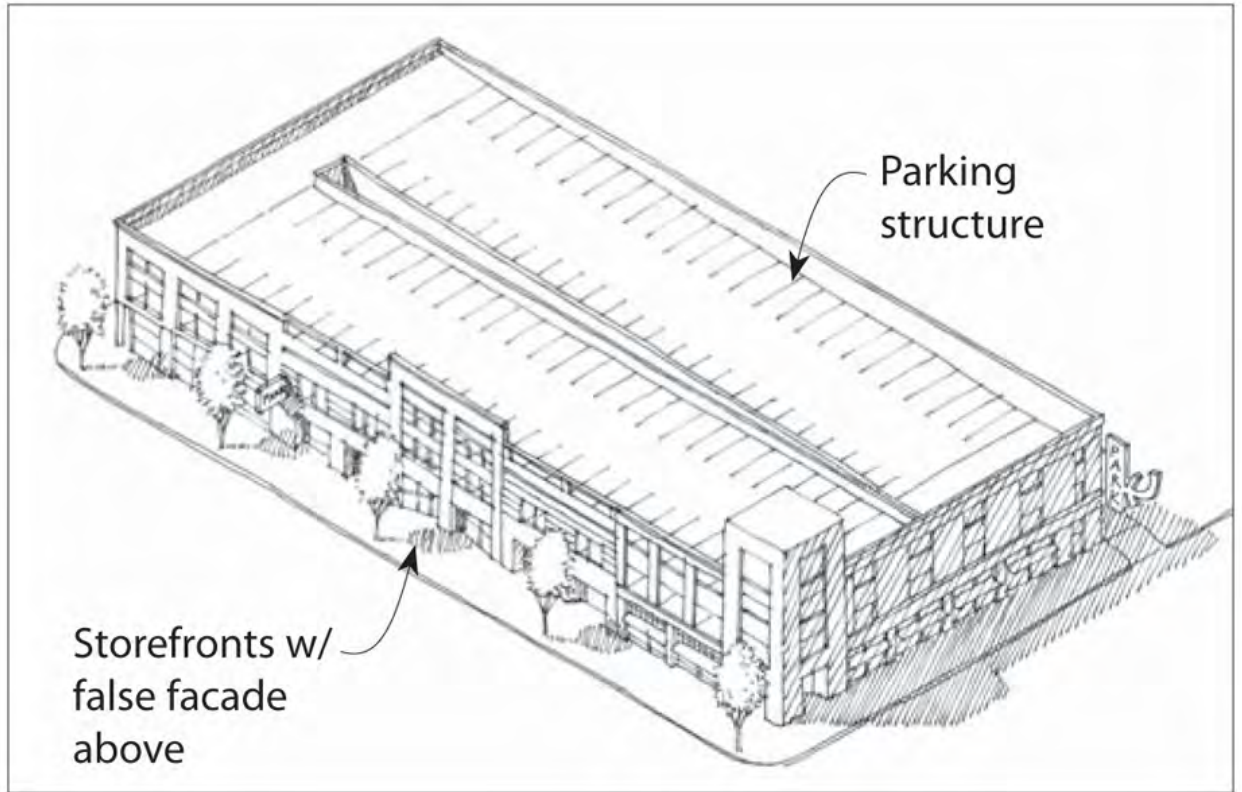


Diagram 1: Park Once Garage with Liner Buildings

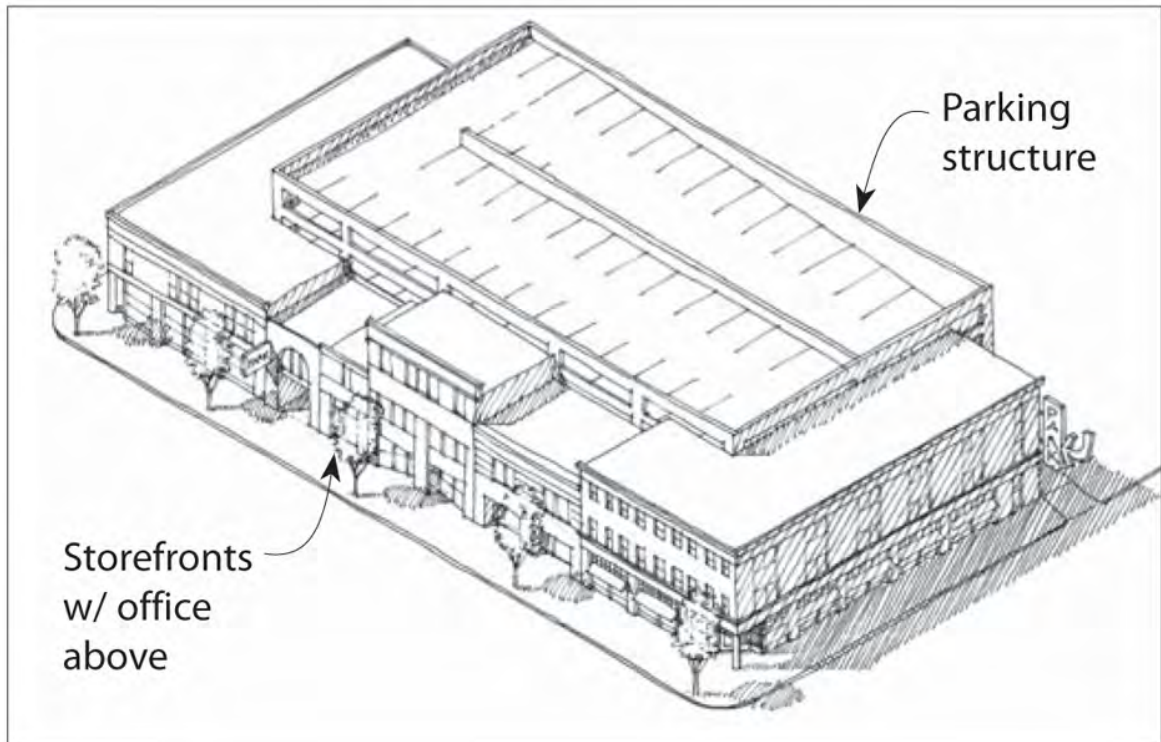


Diagram 2: Park Once Garge with Edge Treatment

2-a.

General Recommendations: Park Once.

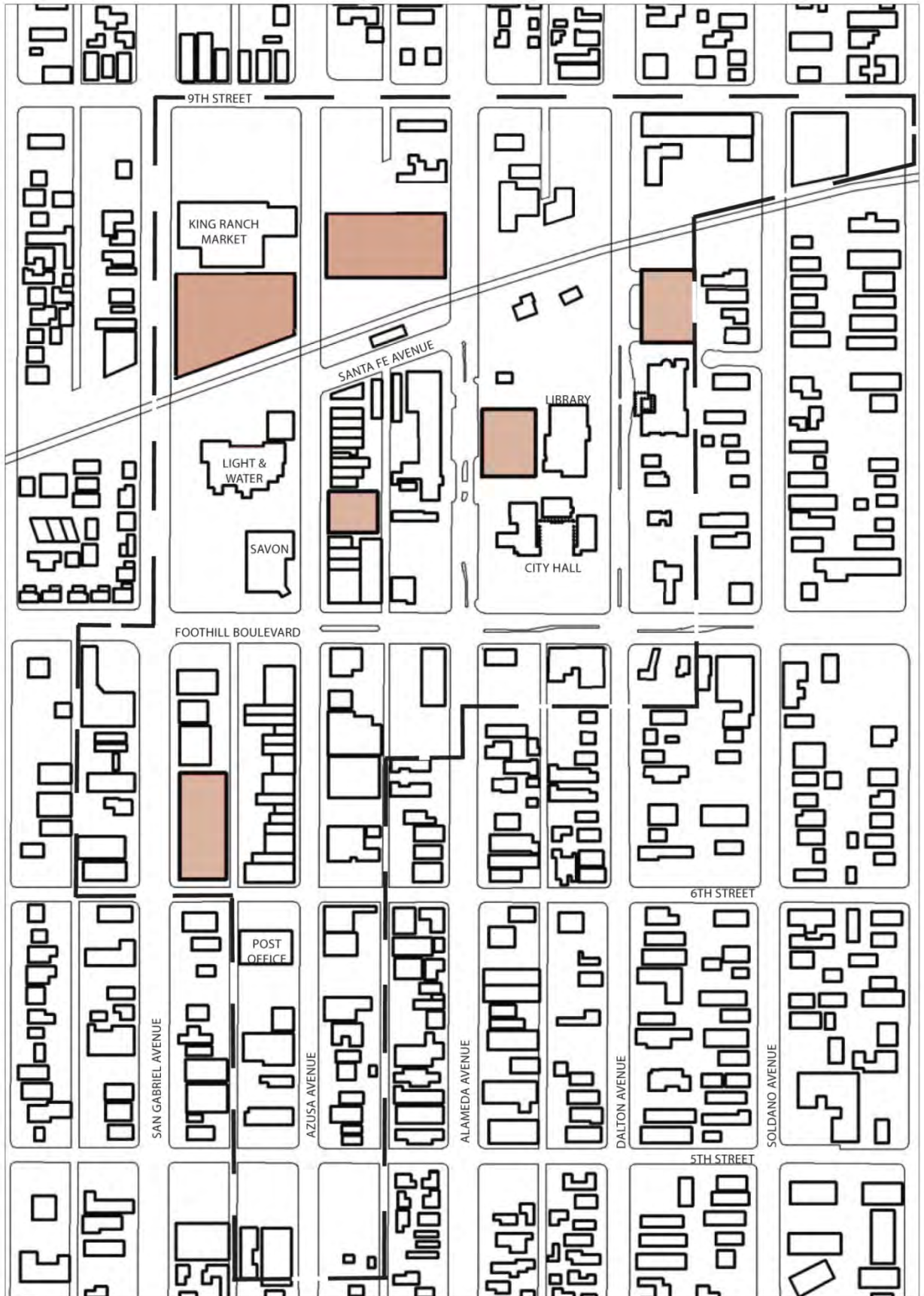
Fundamental to the successful revitalization of downtown Azusa is the concept of park once. The typical suburban, sequential pattern of "shop and park" requires two vehicular movements and a parking space to be dedicated for each visit to a shop, office, or civic institution, requiring six movements and three parking spaces for three tasks. By contrast, the compactness and mixed-use nature of Downtown lends itself to moving twice, parking just once, and completing multiple daily tasks on foot. The savings in daily trips and required parking spaces in such a park once setting are significant. Providing maximum parking generates retail boxes surrounded by cars and sets up the "shop and park" pattern typical of suburban sprawl. Less than maximum shared parking in central locations generates more pedestrian traffic accompanied by less vehicular congestion. Studies indicate that the requirement for parking in such a mature mixed-use district at two and one-half cars per 1,000 square feet of average use is almost half that of suburban multi-park development. It is critical that parking spaces serve multiple users. Spaces should not be dedicated to a single building or use but rather shared

between nearby uses (such as office, restaurant, retail, and entertainment). As a result, daily trips can be reduced by as much as a third. But most importantly, the transformation of drivers into walkers is the immediate generator of pedestrian life: crowds of people animate public life on the streets and generate the patrons of street friendly retail businesses. It is this "scene" created by pedestrians in appropriate numbers that provides the energy and attraction to sustain a thriving Main Street environment.

On-street parking is of primary importance for ground level retail to succeed. Short-term parking that is strictly regulated creates rapid turnover and gives the motorist a reason to stop on a whim, adding to the retailers' profits. This "teaser" parking is located on both sides of nearly every street in the Downtown District.

Short-term parking of one to four hours can be encouraged in the park once locations through signage and a validation program by retail establishments. A critical element of the park once environment is the concealment of parking from view from the street with a "wrapper" of shops and offices. This is achieved by locating parking in the interior of blocks, or by fronting parking decks with a veneer of retail floor space and by designing the exterior of the parking structures to disguise their interior use (as shown in the diagrams 1 and 2). Additionally, it is important that the pedestrian landing is into a public space such as the sidewalk, an arcade, or public building lobby. Six sites within the downtown are identified as possible locations for such joint-use garages, although it is probable only three garages will prove necessary.

In the twentieth century, no dictum has been more descriptive of the fate of our cities than "form follows parking." The proposed resolution of the parking load for the downtown is based on the proposition that parking is not an end in itself. Its purpose is to generate a pedestrian environment where people and cars mix under controlled circumstances that favor the person on foot. The consequence of this change in policy and design will be the kind of downtown vitality and prosperity that have been absent from Azusa in the last 30 years.



Possible Sites for Park Once Garage/Lots

2-b.

General Recommendations - Pedestrian First Streets.

In the downtown, many modes of transportation must be accommodated and brought into balance within existing and proposed street rights-of-way.

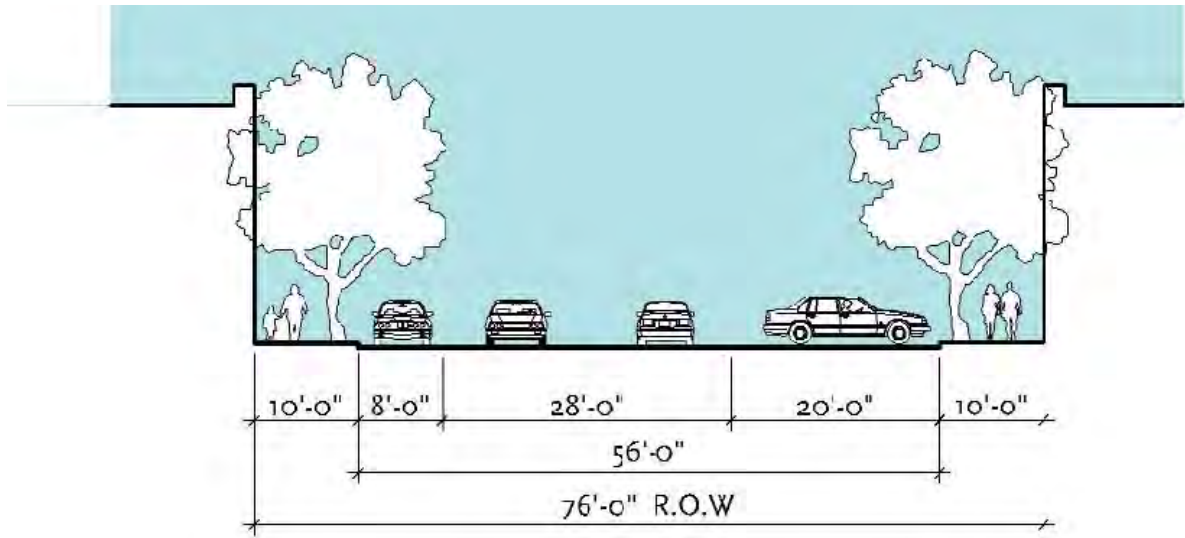
Buses, trucks, emergency vehicles, bikes, and cars all must share this public realm with pedestrians.

However, the overriding concept of "pedestrian first" suggests that the unimpeded, safe movement of pedestrians is favored over all other modes of transportation. Visitors, workers, and residents may arrive downtown in wheeled vehicles, but at some point they become pedestrians, moving at no more than four miles per hour. Therefore, limited lane widths, two-way traffic, on-street parking, narrow crossings, ample sidewalks and generous streetscape are all key elements of a pedestrian-first strategy. They are necessary to slow traffic down while still allowing convenient, safe and interesting access to shops, residences, and parking.

In commercial areas, sidewalks need to be as wide as possible, with ample room for lighting, cafe tables and chairs, bike racks and other street furnishings. They can replace a discreet planting strip as necessary. In residential areas, planting strips should remain continuous and intact. Sidewalks should be a minimum of five feet wide, and setbacks should be consistently defined and planted to reinforce the sense of the street as a continuous urban park - the typical existing condition in Azusa neighborhoods.

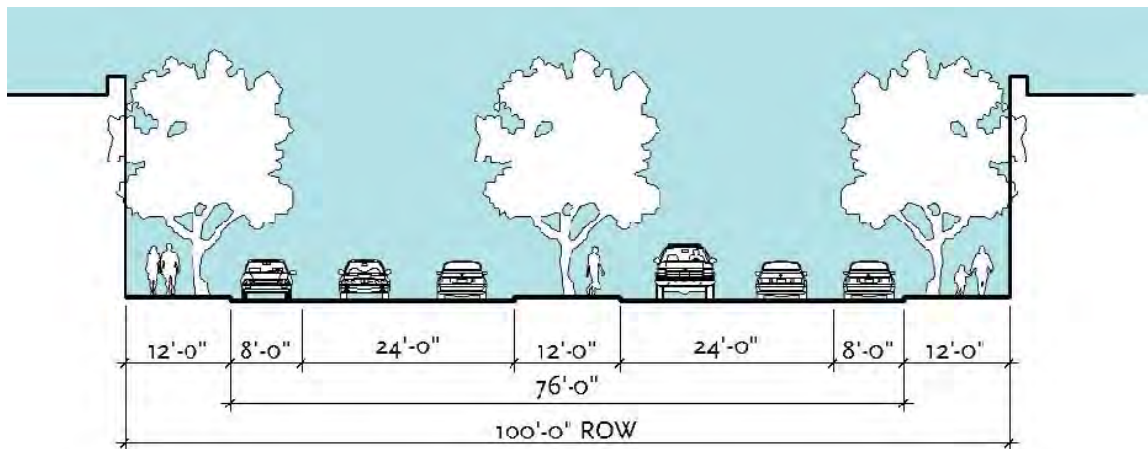
The street sections illustrated opposite are typical conditions that will be adjusted at intersections and other unique locations.

AZUSA AVENUE



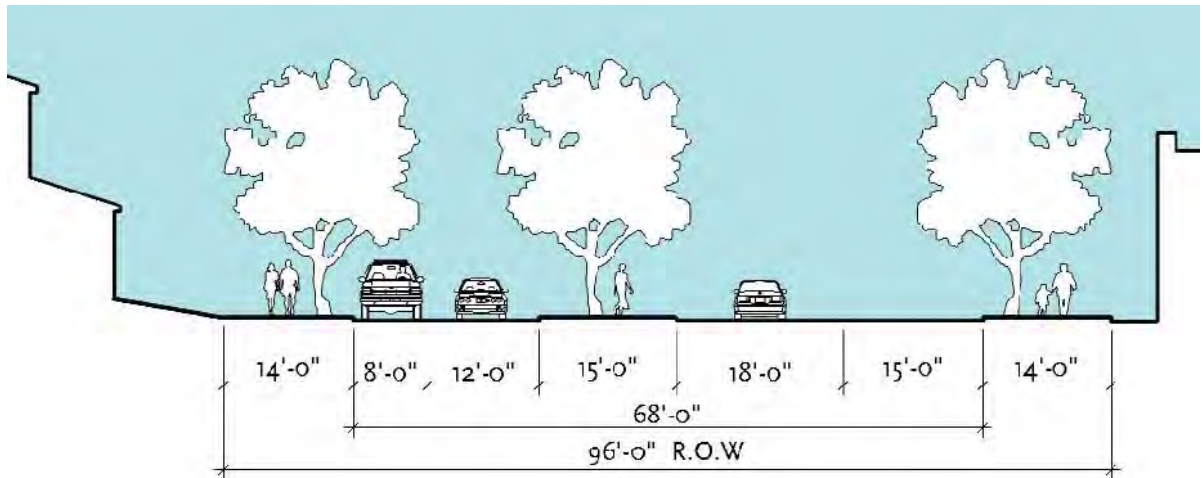
Azusa Avenue, with an 80-foot right-of-way, will maintain one lane of moving traffic each direction. The diagonal parking on the north-bound side of the street at 20 feet wide and parallel parking on the south-bound side at eight feet wide are maintained. This allows for 16-foot lanes each way. A 15-foot sidewalk and buffer zone. Trees will be planted in the buffer zone at 30 feet on center. Buildings are required to front the right-of-way without setbacks.

SAN GABRIEL AVENUE



A 100-foot right-of-way exists along San Gabriel Avenue. Proposals to convert this street (with Azusa Avenue) into two-way traffic should study the implementation of a central landscape median. Introducing a 12 feet to 20 feet wide median will substantially reduce the apparent width of the street and further enhance its desired character as a residential street, rather than a commercial arterial. Such studies also need to consider the street's use as a parade route.

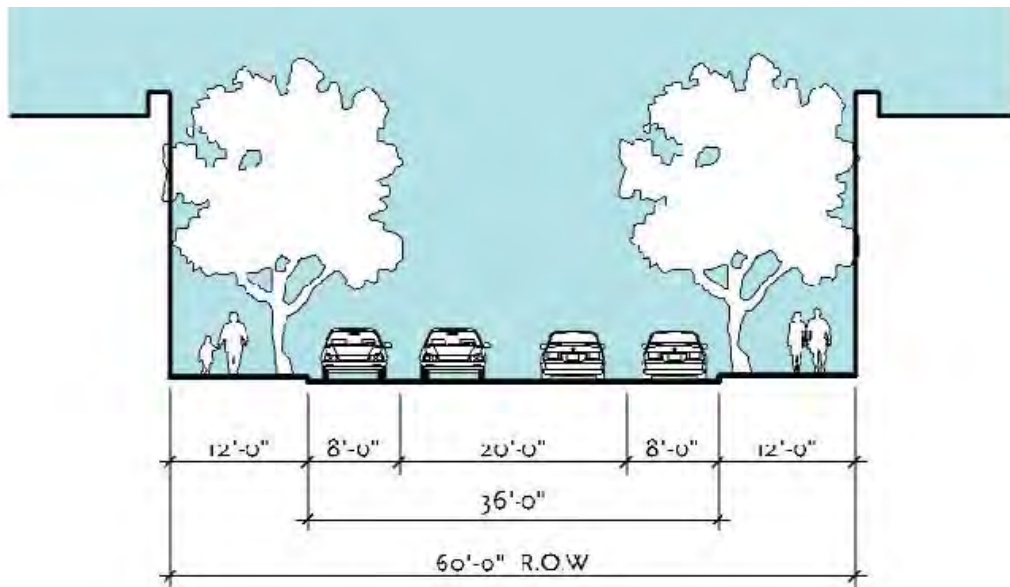
FOOTHILL BOULEVARD



With a right-of-way at 100 feet Foothill Boulevard is the most heavily traveled thoroughfare in the district. Each side will have two lanes of traffic at 24 feet total and a third eight-foot parking lane. There will also be a 12-foot median with trees planted at 40 feet on center. A 12-foot sidewalk and buffer zone will have trees planted at 30 feet on center. Buildings are required to front the right-of-way without setbacks.

5TH AND 6TH STREETS

Between San Gabriel and Alameda Avenues



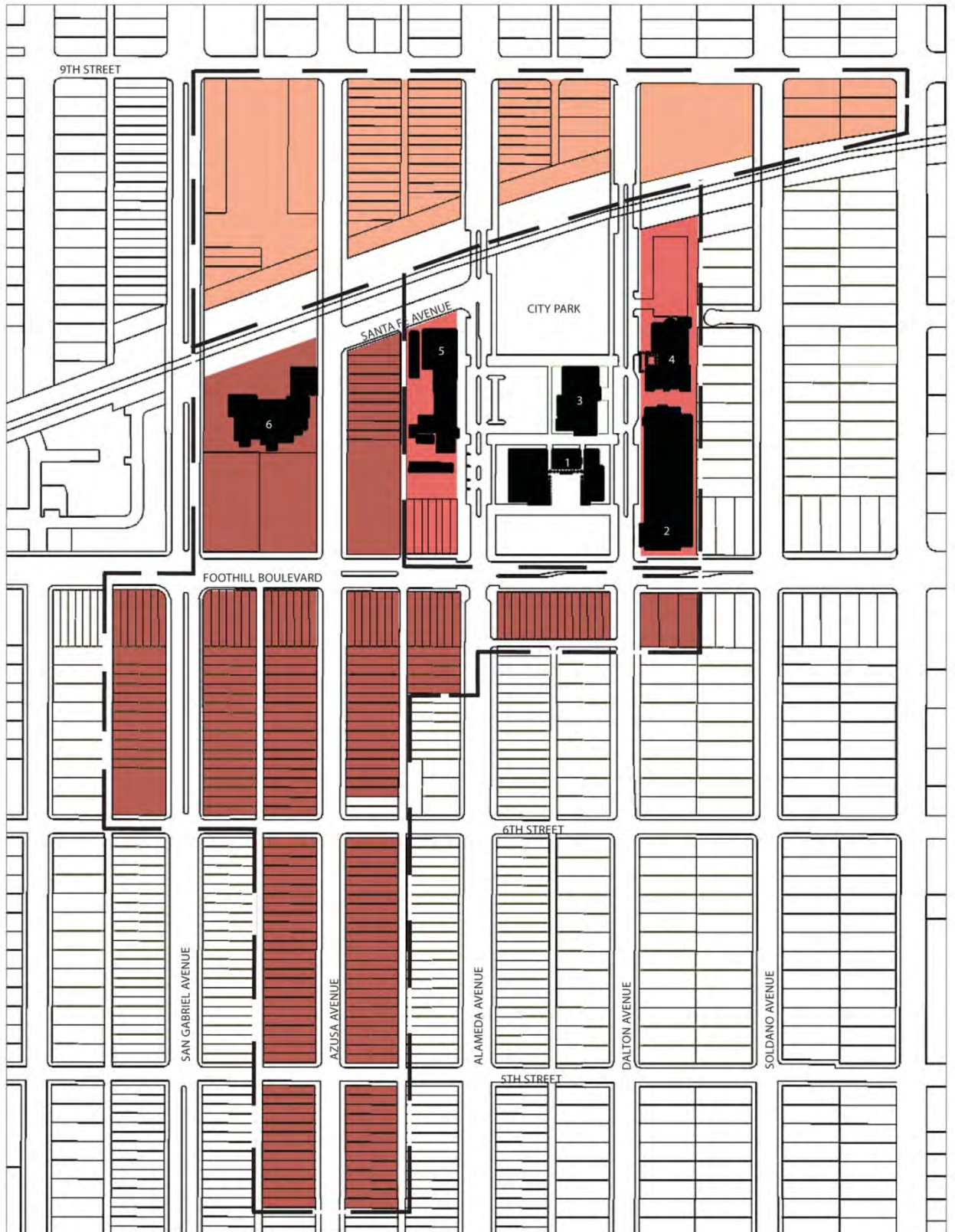
The east-west 5th and 6th Streets have a right-of-way of 60 feet with one lane of travel in each direction. Parallel parking will be provided on both sides. There is a 12-foot sidewalk and buffer on both sides, with trees planted at 30 feet on center.

REGULATING PLAN KEY

-  Downtown - Main Street
-  Downtown - Civic Center
-  Downtown - Transit Village

CIVIC BUILDINGS KEY

- 1 : City Hall
- 2: Proposed Library
- 3: Existing Library
- 4: Senior Center
- 5: Police Station
- 6: Light & Water



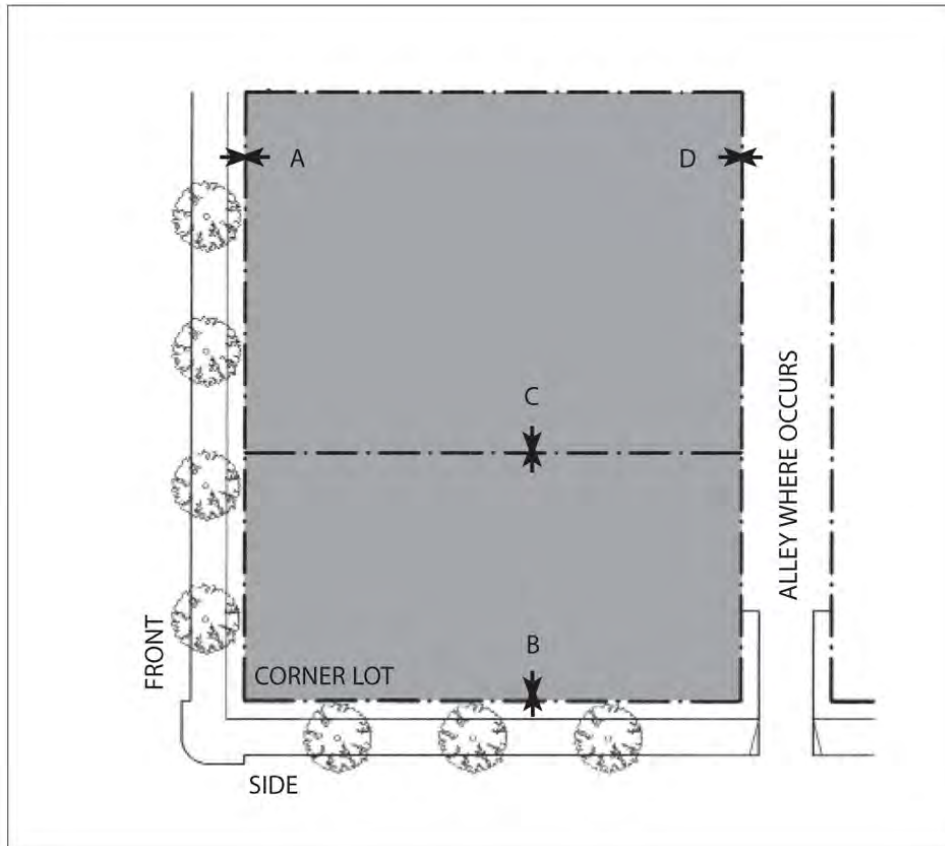
Regulating Plan (at time of adoption)

D.

Site Planning and Building Design - Town Center.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Zero feet; five feet maximum for 90 percent minimum of lot frontage.

b.

Side Street Setback: Zero feet; five feet maximum for 90 percent minimum of lot frontage.

c.

Sideyard Setback: Zero feet.

d.

Rear Setback: Zero feet.

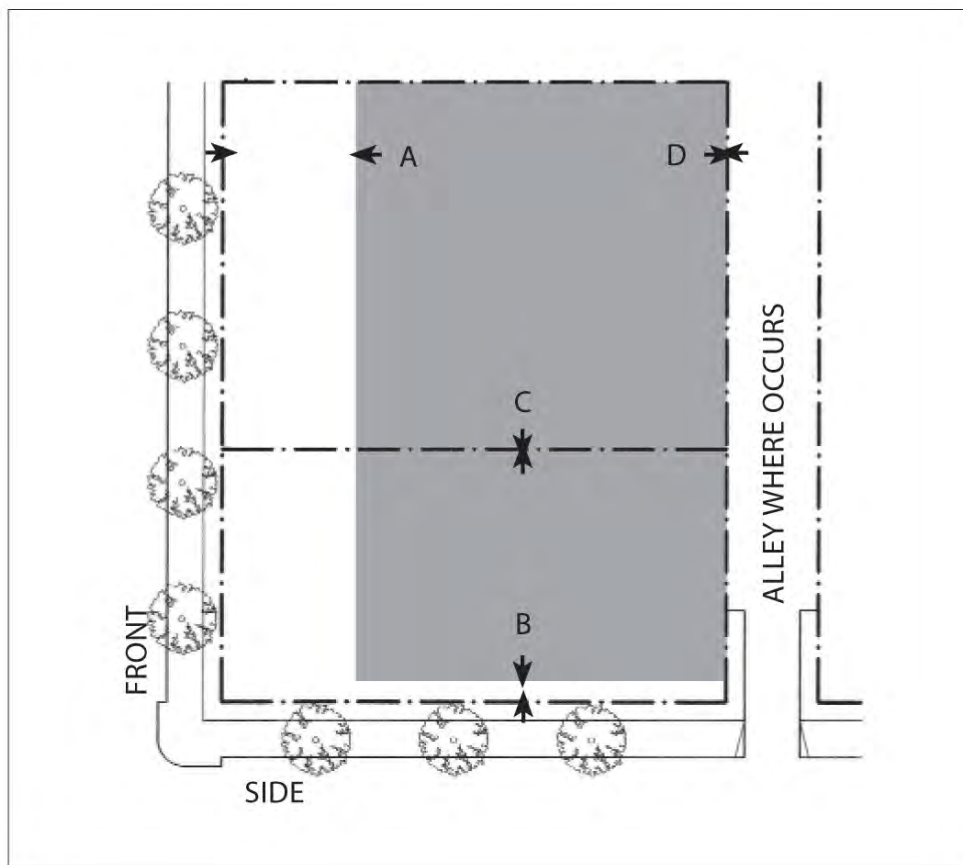
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking is allowed off-site according to joint use agreements or shared parking districts.

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 40 percent of lot depth minimum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

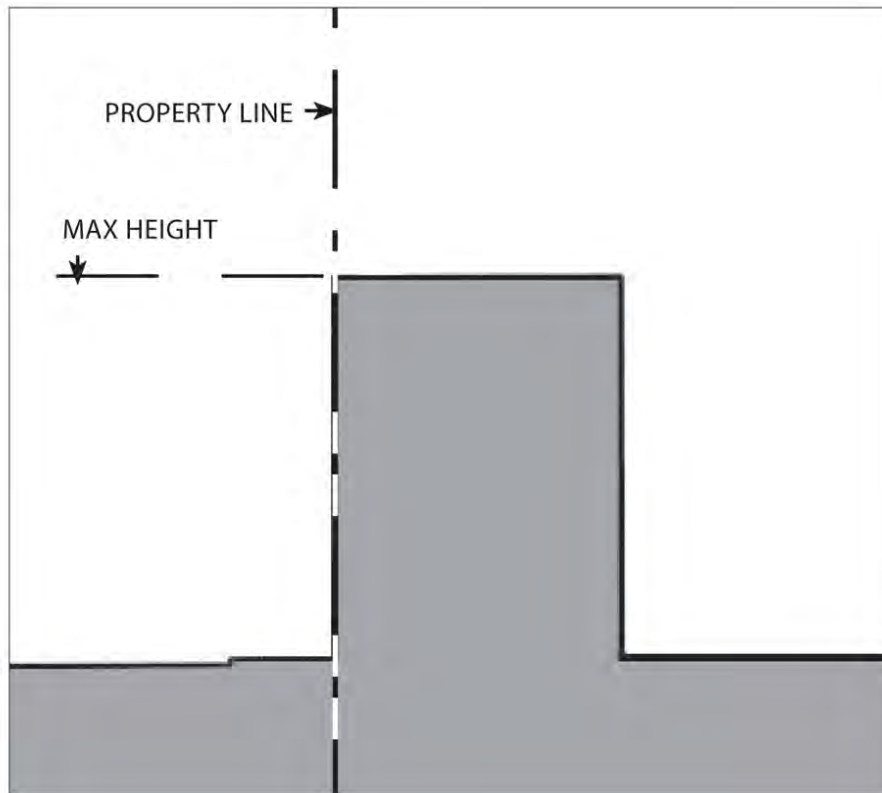
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 40 feet, whichever is less.

(2)

Exception: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Galleries, arcades, balconies, and other encroachments not allowed by the building code and [Chapter 88.30.040](#) are permitted only through development agreements.

c.

Allowable frontage types.

Arcade, shopfront, forecourt.

See [Chapter 88.29](#) for definitions and design standards

4.

Parcel and Residential Density Standards.

General Plan Designation	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
Public/Civic	10,000	60	100	27
Mixed Use	10,000	60	100	27
Residential Mod	6,000	60	80	27
Transit Center	10,000	60	100	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

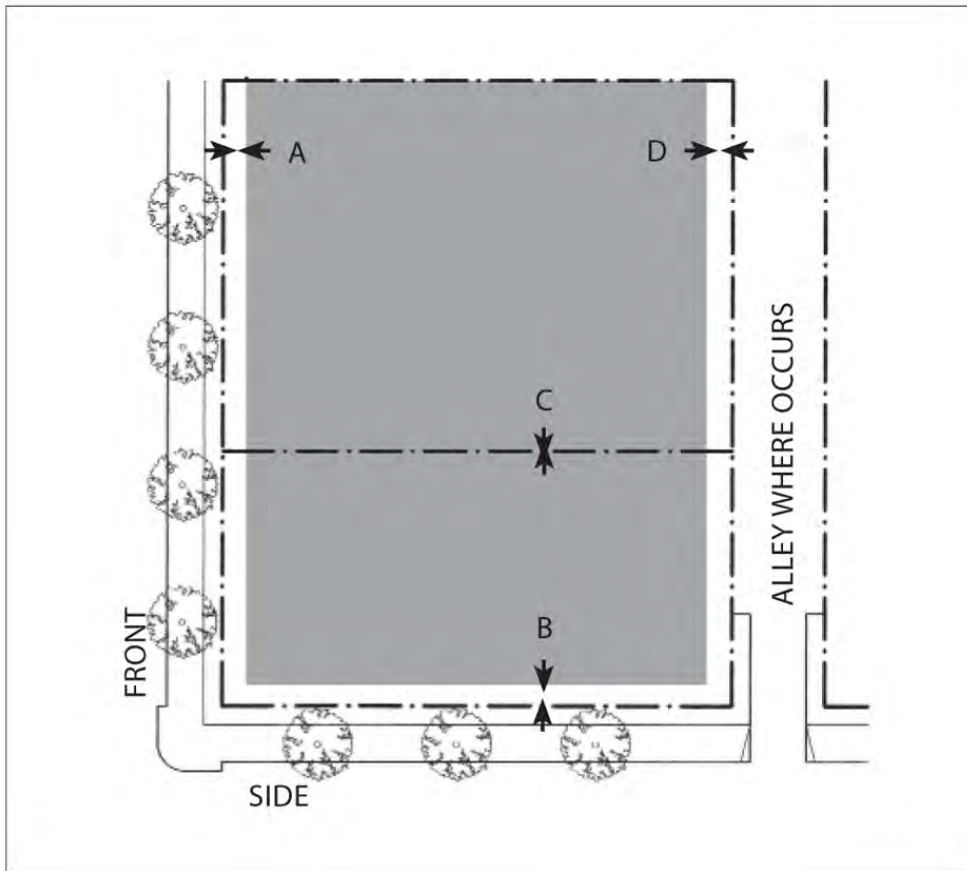
Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

E.

Site Planning and Building Design - Civic Center.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Zero feet; five feet maximum for 90 percent minimum of lot frontage.

b.

Side Street Setback: Zero feet; five feet maximum.

c.

Sidyard Setback: Zero feet.

d.

Rear Setback: Zero feet.

See [Chapter 88.30.060](#) for definitions and design standards.

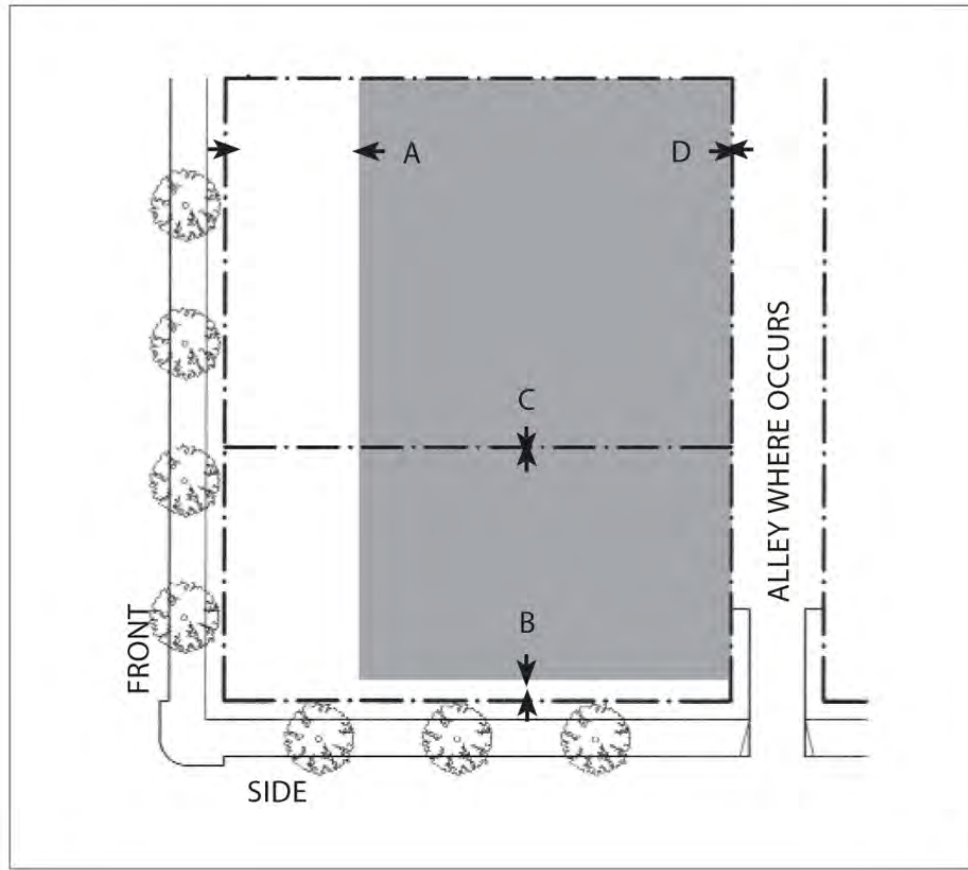
Notes:

The percentage of building frontage for front and side street setbacks

may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking is allowed off-site according to joint use agreements or shared parking districts.

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 40 percent of lot depth minimum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

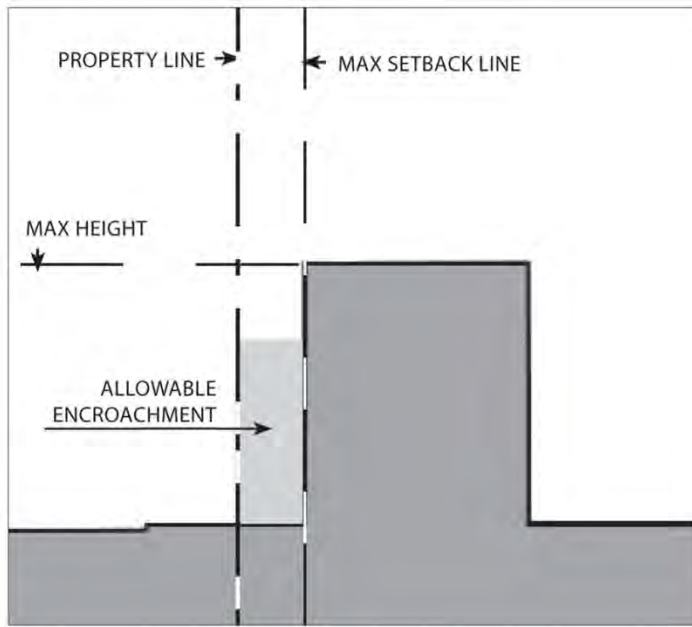
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 40 feet, which ever is less.

(2)

Exception: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Galleries and arcades, awnings, balconies, and outdoor dining furniture may encroach into the setback and public right-of-way, and shall be limited to:

(1)

Front encroachment: Six feet maximum.

(2)

Side street encroachment: Six feet maximum.

(3)

Maximum encroachment height is two stories.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Arcade, shopfront, forecourt.

See [Chapter 88.29](#) for definitions and design standards.

4.

Parcel and Residential Density Standards.

General Plan Designation	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
Public/Civic	10,000 sf	60 ft	100 ft	27
Mixed Use	10,000 sf	60 ft	100 ft	27
Res Mod	6,000 sf	60 ft	80 ft	27
Transit Ctr	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

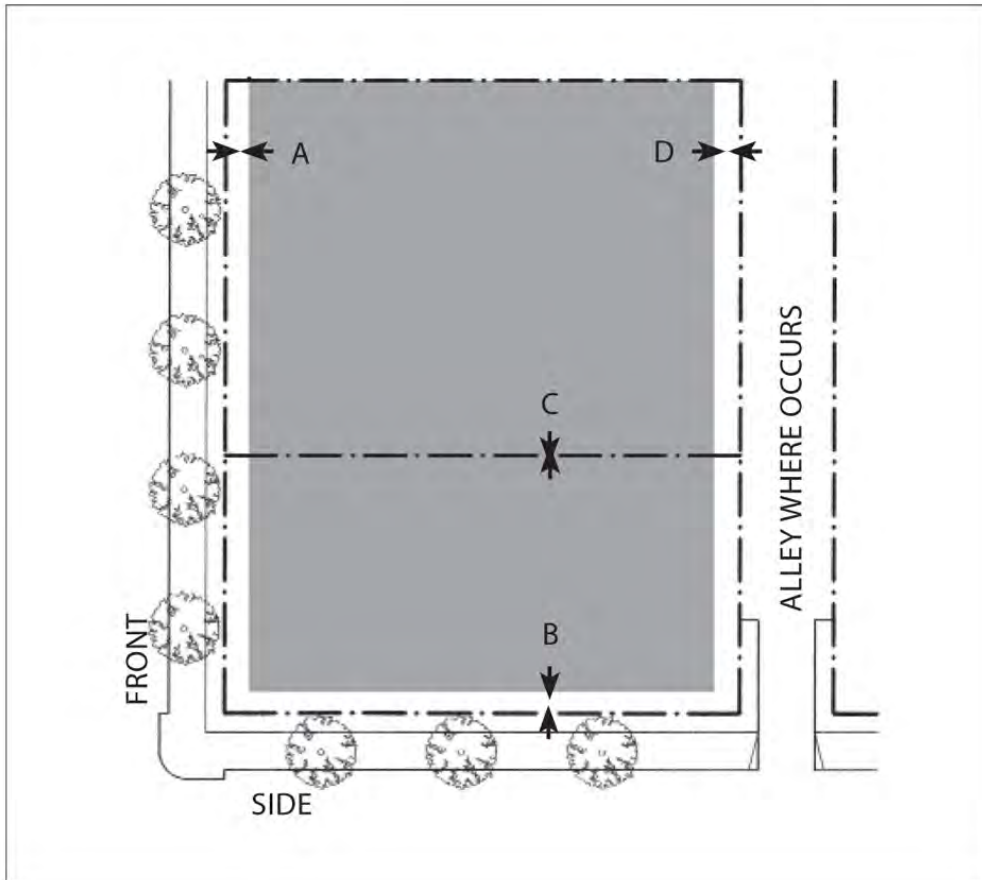
Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

F.

Site Planning and Building Design - Transit Village.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Five feet minimum for shopfronts and arcades; ten feet minimum for other frontage types; 20 feet maximum for 75 percent minimum of lot frontage.

b.

Side Street Setback: Ten feet minimum; 20 feet maximum for 75 percent minimum of lot frontage.

c.

Sidyard Setback: Zero feet; five feet minimum for residential.

d.

Rear Setback : Zero feet; 15 feet minimum for residential.

See [Chapter 88.30.060](#) for definitions and design standards.

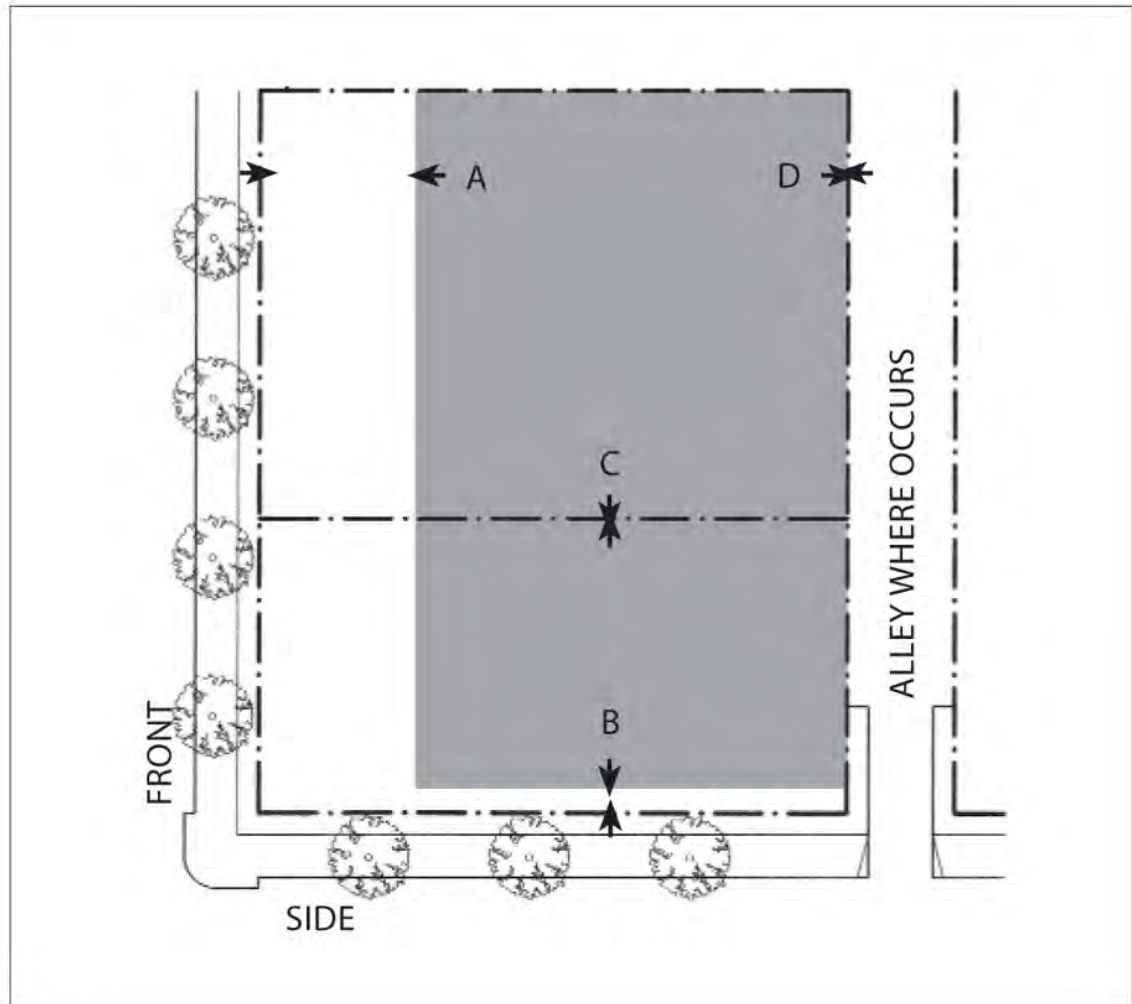
Notes:

The percentage of building frontage for front and side street setbacks

may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking is allowed off-site according to joint use agreements or shared parking districts.

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 40 percent of lot depth minimum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

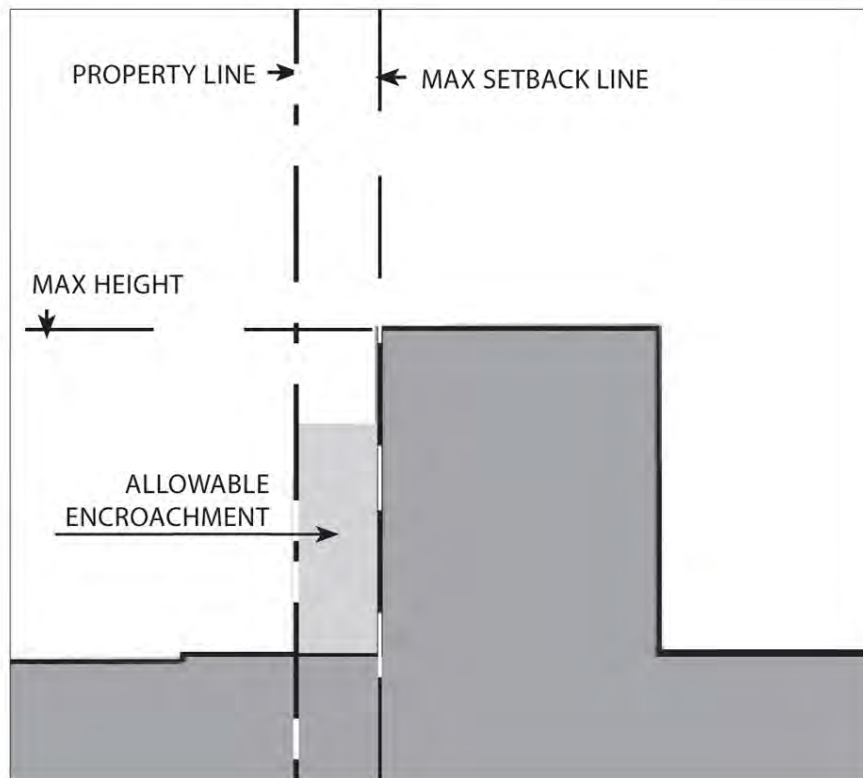
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet, whichever is less for single use buildings, three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

Exceptions: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, and outside dining furniture may encroach into the setback and public right-of-way, and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Arcade, shopfront, forecourt, stoop.

See [Chapter 88.29](#) for definitions and design standards

4.

Parcel and Residential Density standards.

General Plan Designation	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
Public/Civic	10,000 sf	60 ft	100 ft	27

Mixed Use	10,000 sf	60 ft	100 ft	27
Res Mod	6,000 sf	60 ft	80 ft	27
Transit Ctr	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

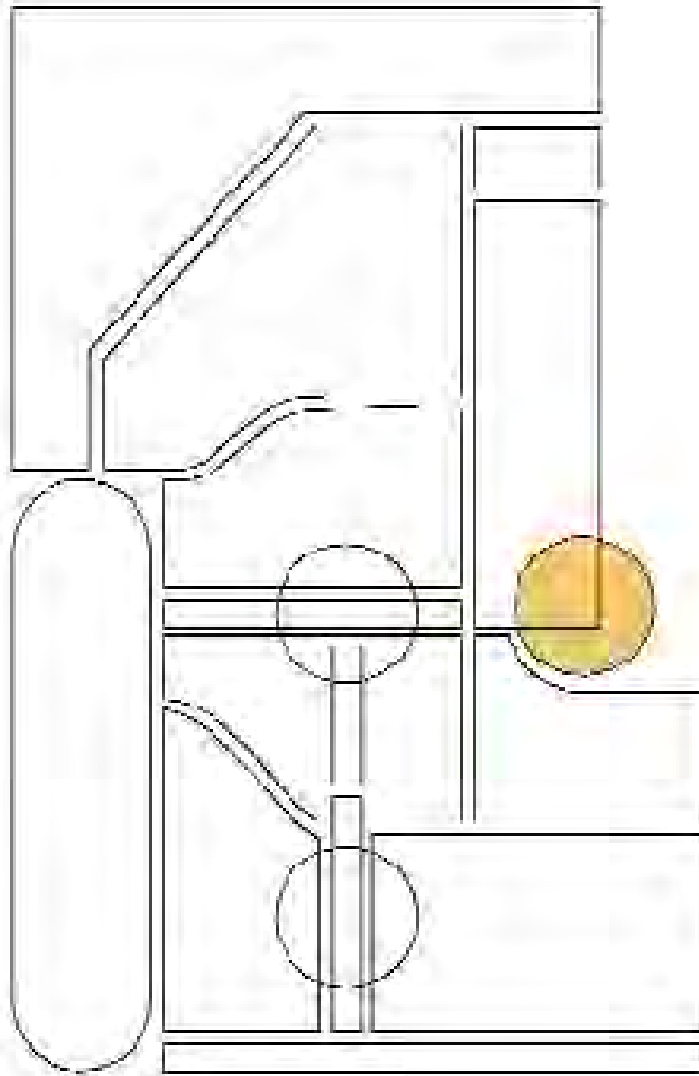
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.24.020. - University District.



The purpose of this chapter is to outline the general plan goals and development guidelines within the University District of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the University District.

A.

Purpose.

The University District (DU) is applied to the campus of Azusa Pacific University and the retail and residential areas surrounding the campus, with its central focus the intersection of Citrus and Alostia Avenues. The zone is intended to provide for housing and supporting retail for the student population as well as the larger community, in a pedestrian-oriented setting, while linking with Citrus College.



Existing gateway to APU

B.

Location and Existing Conditions.

Streets and Landscape: Foothill Boulevard/Alosta Avenue is the dominant street within the district. Several trees along the boulevard have either died or been removed over the years. The north-south streets in the district are Cerritos, Rockvale, Citrus and Barranca Avenues, and Palm Drive. Most other streets within this district are private drives and lack any significant public landscape, other than the beautiful tree lined Palm Drive. Many of the streets at the edge of this district dead-end and are inaccessible to the district itself. This has caused the creation of very large blocks that have no discernable circulation pattern through them. **Civic and Commercial Features:** The University and surrounding district is a cultural, educational, social, economic and entertainment node of the city. On the APU Campus are athletic and event centers, the University bookstore, the graduate library, an auditorium, and of course meeting spaces, offices, classroom facilities and student housing. The district also includes the former, vacant Edwards drive-in theater and an adjacent site that APU has converted to soccer and softball facilities and surface parking. Foothill Boulevard/Alosta Avenue is lined with strip retail uses located behind parking lots, two-story office uses, and drive-through restaurants. The Lindley-Scott house and banquet facilities are also within the University District.



Existing Citrus Ave streetscape

Building Fabric: The building fabric of the district is predominantly one- and two-story, commercial buildings, one-story single-family residential, and one- and two-story multi-family apartments and condominium developments. The multi-family housing buildings are typically double-loaded corridor developments (with units on both sides of the corridor) with detached garages set behind and/or in front of the housing. The University housing and academic buildings are one to four stories, and located within the campus.

C.

Desired Future and Proposed Changes.

The University District is based on the assumption that the APU campus and its immediate vicinity can coalesce into a town-gown precinct that transcends the current incompleteness of the campus and the strip commercial character of all the surrounding retail activities. Citrus Avenue will become the principal focus of activity in the district, as it connects the neighborhoods to the south with retail and mixed-use uses near the intersection of Alostia Avenue (at the Foothill Center site), northward to APU campus and the proposed Gold Line stop and neighborhood center at the proposed Monrovia Nursery development. The seamless connection of districts with surrounding neighborhoods is a sign of maturity and quality in a district, and should be expected of a university district, in particular.



Proposed gateway to APU

The development of the APU campus and student housing within the University District presents distinct planning challenges and opportunities which do not lend themselves to regulation in the same manner as other uses within the University District. Accordingly, it is the intention of the city to adopt a specific plan for the Azusa Pacific University which will supersede the development regulations contained in Articles 2 through 4 of this Development Code for those development regulations discussed in the specific plan and will control all development of the Azusa Pacific University property within the area covered by the specific plan.

1.

Specific Recommendations.

a.

Realign the intersection of Foothill Boulevard, Alostia Avenue, and Rockvale Avenue to promote vehicular and pedestrian safety.



Proposed Citrus Ave streetscape

- b. Connect Citrus Avenues, Palm Drive and 9th Street with future development at Monrovia Nursery.
- c. Explore connections at Fenmore Avenue with future development at Foothill Center (also see Central East Neighborhoods)
- d. Promote pedestrian-oriented, mixed-use development at Foothill Center.
- e. Future Gold Line light rail stop.
- f. Install landscape medians and parkways on Citrus Avenue, and work with APU to establish regular, safe pedestrian crossings.
- g. Enhance the pedestrian nature of the Citrus/Alosta Avenue intersection with improved and safe street crossings.
- h.

Install landscaped medians and parkways on Foothill Boulevard and Alosta Avenue, consistent with the Downtown District and Foothill Boulevard Corridor.

i.

Create a gateway monument or landscape at the Alosta/Barranca Avenue intersection to mark the eastern entry of the city.



District Plan

2.

General Recommendations.

a.

Establish a unique signage/banner/landscape program for the University District, similar to the existing program downtown. This program should address the gateways to the district.

b.

Promote the creation (and restoration) of neon signage along historic Route 66 (Foothill Boulevard and Alosta Avenue).

c.

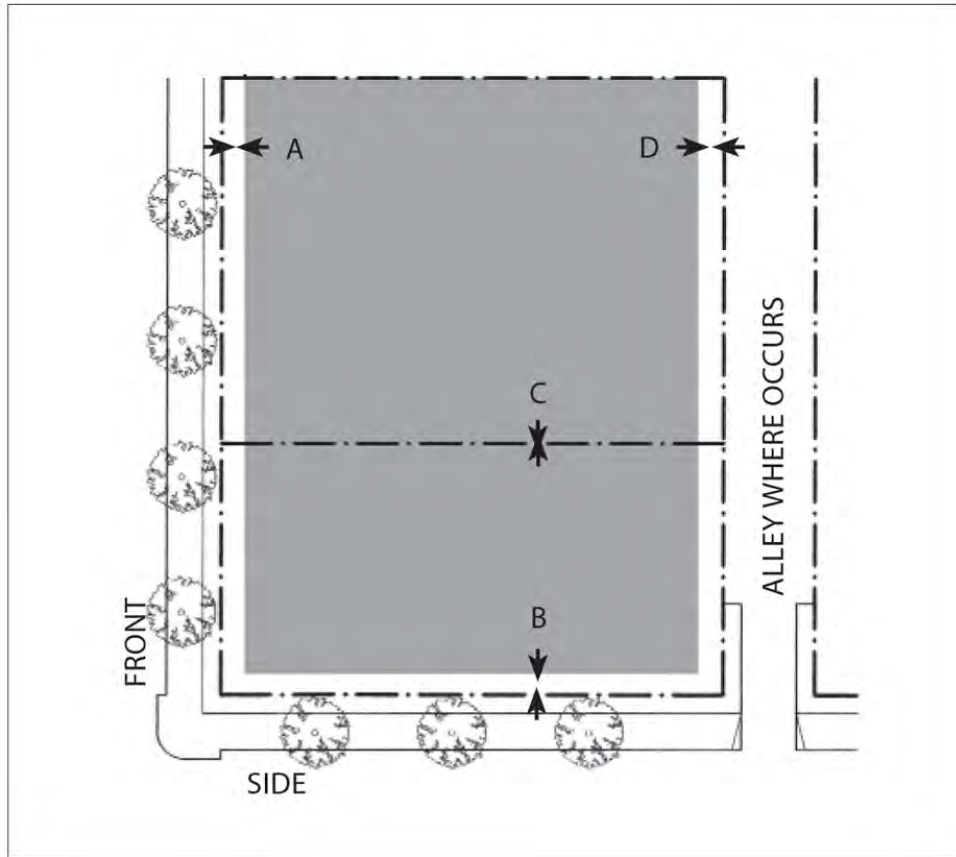
Establish a shared parking program for the district.

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Five feet minimum for shopfronts and arcades; ten feet minimum for other frontage types; 20 feet maximum for 75 percent minimum of lot frontage.

b.

Side Street Setback: Ten feet minimum; 20 feet maximum for 75 percent minimum of lot frontage.

c.

Sidyard Setback: Zero feet; 15 feet minimum for residential.

d.

Rear Setback: Zero feet; 15 feet minimum for residential.

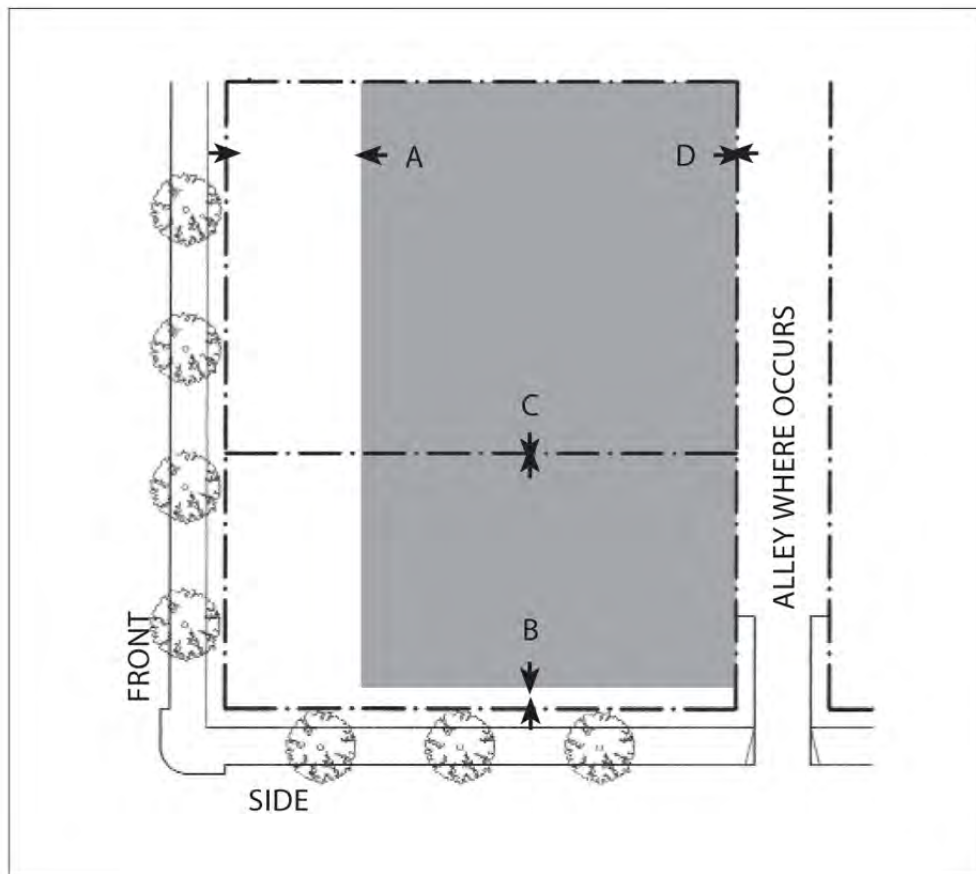
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking is allowed off-site in park once districts.

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 40 percent of lot depth minimum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

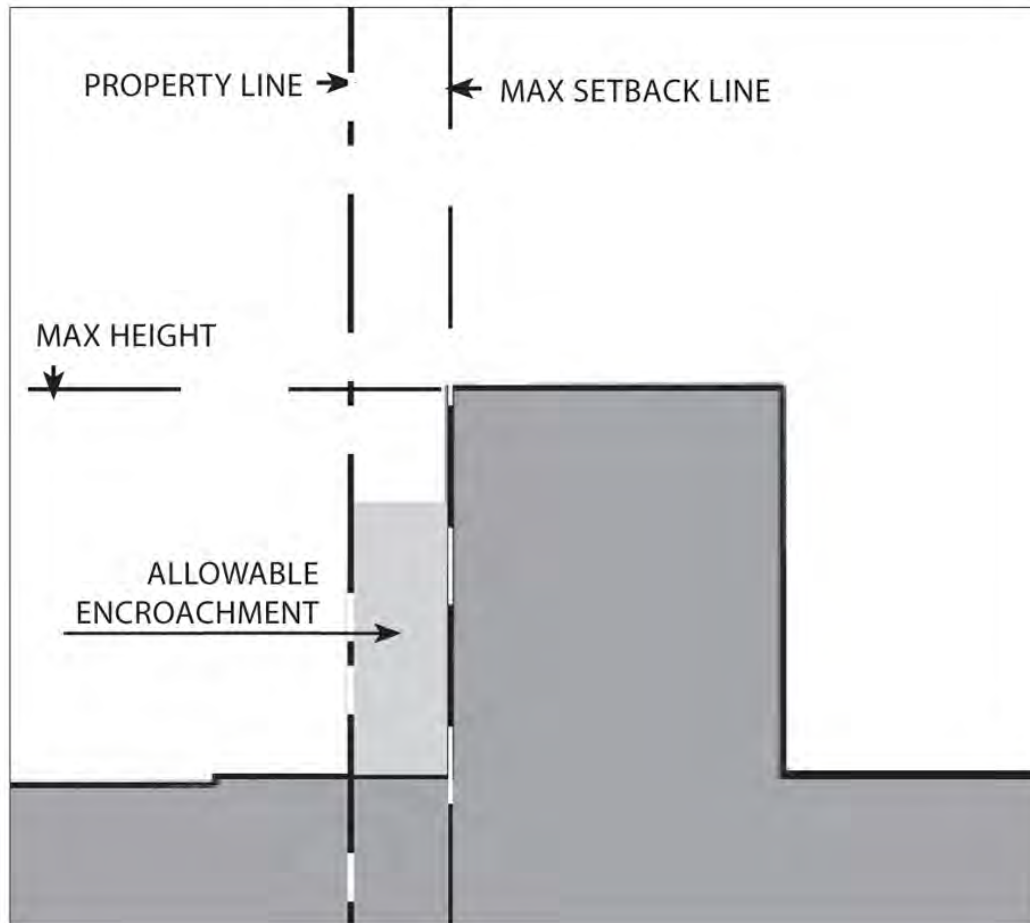
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet, whichever is less for single use buildings; three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

Exceptions: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, patios, and outside dining furniture may encroach into the setback and public right-of-way, and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Arcade, shopfront, forecourt, stoop, porch.

See [Chapter 88.29](#) for definitions and design standards

4.

Parcel and Residential Density Standards.

Zoning	Minimum Parcel Size (1)	Maximum Density
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District	Area (2)	Width (1)	Depth	(units/acre)
DU-MU	10,000 sf	60 ft	100 ft	27
DU-RMO	6,000 sf	60 ft	80 ft	27
DU-RM	4,000 sf	45 ft	80 ft	15

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

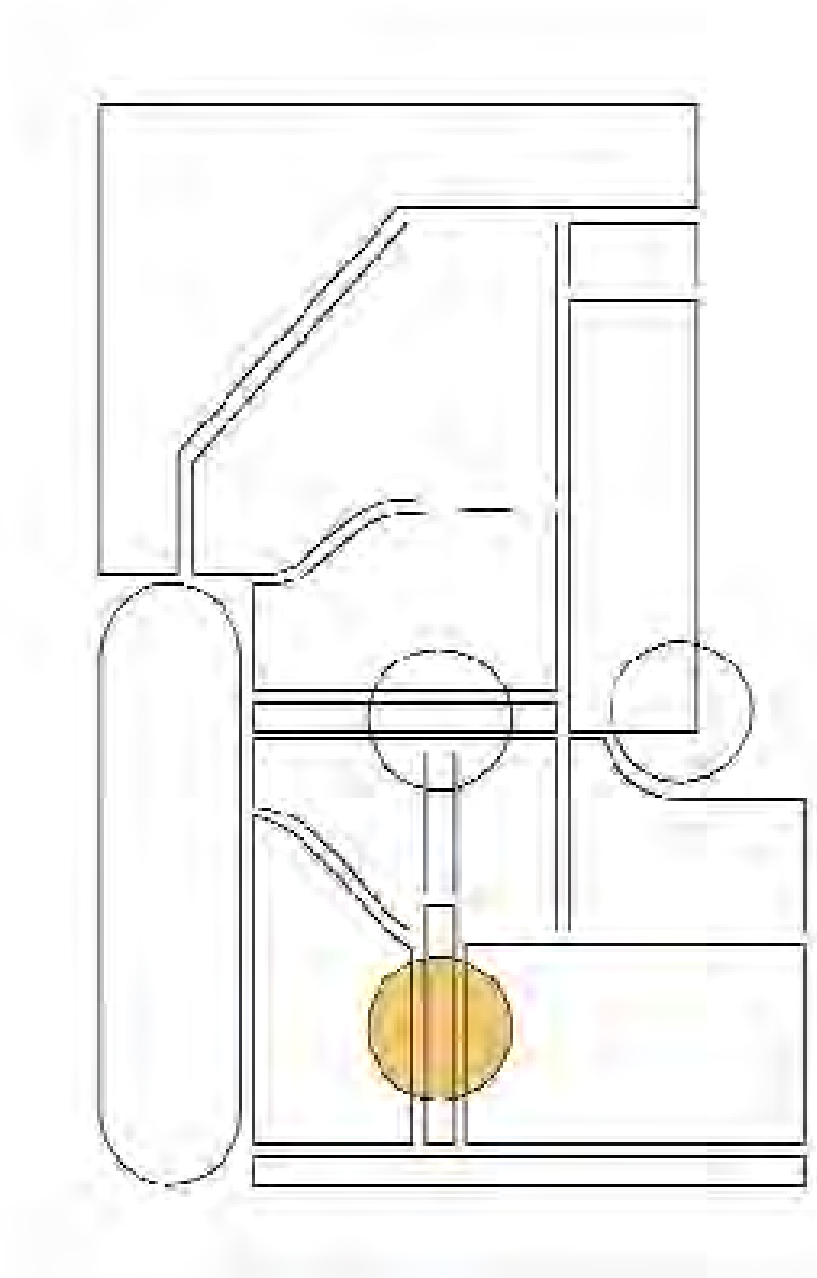
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.24.030. - Edgewood District.



The purpose of this chapter is to outline the general plan goals and development guidelines within the Edgewood District of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the Edgewood District.

A.

Purpose.

The Edgewood District (DE) is applied to existing commercially developed properties adjacent to the intersection of South Azusa Avenue and Gladstone Street, which collectively serve as the commercial center for the southern half of the city. The

standards for this zone are intended to, over time, result in a more pedestrian oriented district, with stronger relationships between buildings, the sidewalks and abutting streets. The land use standards for the zone anticipate an emphasis on commercial development, with upper floor mixed use components.

B.

Location and Existing Conditions.



Edgewood District

Streets and Landscape. South Azusa Avenue and Gladstone Street are the only streets in the district. Both are wide arterials with little landscaping.

Civic and Commercial Features. Edgewood District is defined by commercial uses. A private elementary school is also located within the district, on west side of South Azusa Avenue, just north of Gladstone Street.

Building Fabric. Most of the buildings in Edgewood District are strip malls with street-facing parking lots. The Edgewood Center, at the northeast corner of South

Azusa and Gladstone, is a particularly long strip mall — more than 1,000 feet in length. A recent addition to this strip mall complex, the Sketchers store at the intersection, represent a more desirable building placement and design for this district.



Edgewood District

C.

Desired Future and Proposed Changes.

Although currently a collection of conventional suburban strip malls, the city foresees a pedestrian-oriented "village center" at this intersection. Two and three-story mixed-use buildings will define the architecture of this district. The ground level of these buildings will be "sidewalk friendly", with ample storefronts for retail functions. Lofts for commercial offices, apartments and condos will be located on the upper levels of buildings. Some rowhouses will be allowed in the district as well. Streets and

sidewalks will be orientated towards the pedestrian. It is anticipated that this transformation is not likely to happen incrementally, but will probably occur upon a comprehensive redevelopment of the Edgewood Center shopping mall.

1.

Specific Recommendations.



Edgewood District

a.

Create pedestrian-friendly crossings at the intersection of Azusa Avenue and Gladstone Street. Promote significant commercial or mixed-use buildings at each corner of the intersection to establish a create a "sense of place" at this principle intersection.

b.

Promote pedestrian connections such as paseos, courtyards and other passageways at Russell Street between the district and the adjacent neighborhoods.

c.

Landscape flood control washes and canals. Work with the appropriate flood control agencies to access canal rights-of-way as recreational corridors, such as bikepaths.



Buildings appropriate for corner sites

- d. Consider creating pedestrian friendly crossings from the senior center to the Edgewood Shopping Center across Azusa Avenue.
- e. Promote sidewalks located near the street in the Edgewood Center.

2.

General Recommendations.

- a. Establish a unique signage/banner/landscape program for the Edgewood District, similar to the existing program downtown. This program should address the gateways to the district.
- b. Establish a shared parking program for the District.



Building appropriate for corner sites



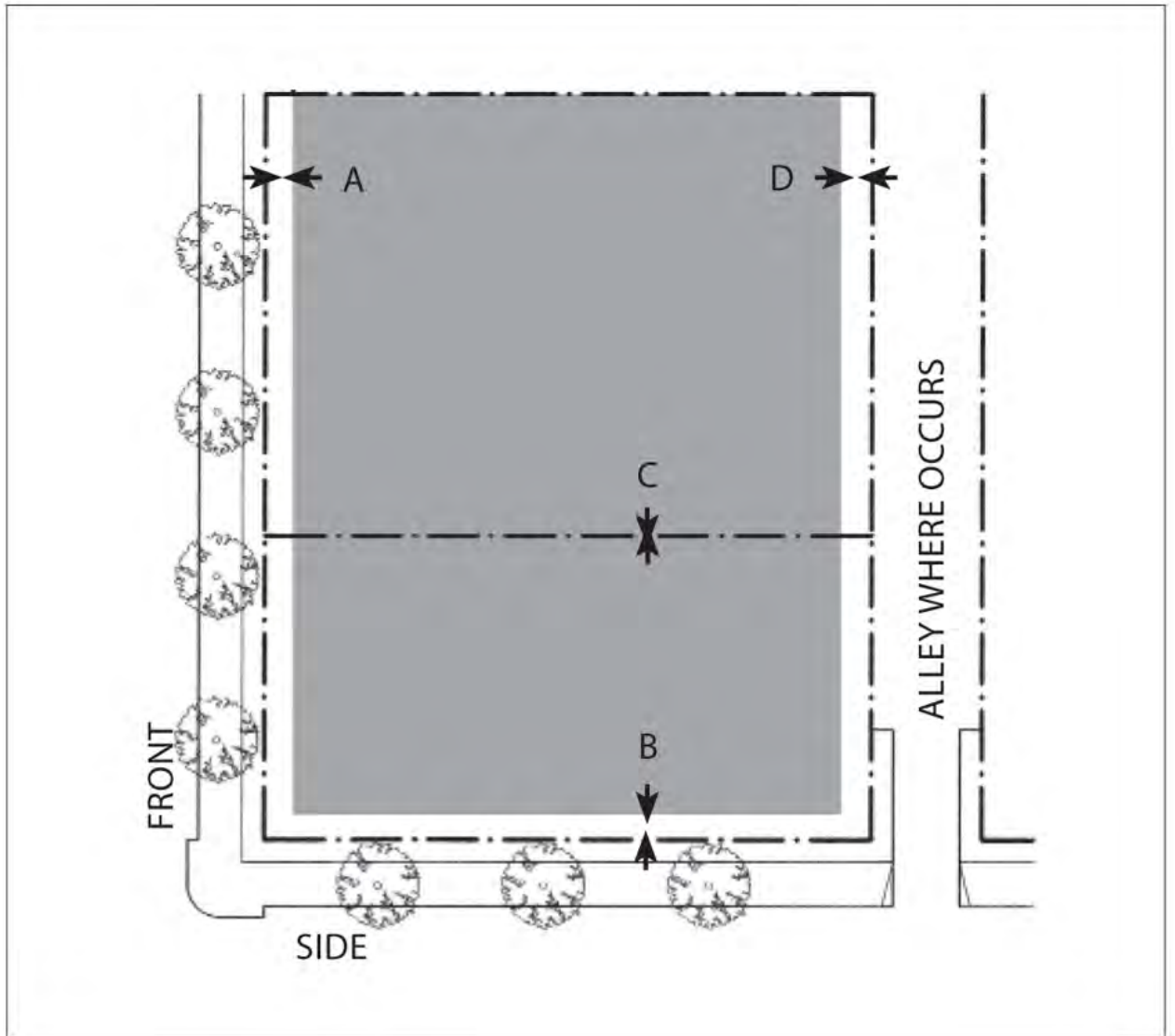
Regulating Plan (at time of adoption)

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback:

(1)

within 150 feet of Azusa/Gladstone intersection: five feet minimum for shopfronts and arcades; 10 feet minimum for other frontage types; 20 feet maximum for 75 percent minimum of lot frontage.

(2)

elsewhere: Five feet minimum for shopfronts and arcades; ten feet minimum for other lot width types.

b.

Side Street Setback:

(1)

within 150 feet of Azusa/Gladstone intersection: five feet minimum for shopfronts and arcades; ten feet minimum for other frontage types; 20 feet maximum for 75 percent minimum of lot frontage.

(2)

elsewhere: Ten feet minimum; 20 feet maximum for 75 percent minimum of lot frontage.

c.

Sideyard Setback: Zero feet; 15 feet minimum for residential.

d.

Rear Setback: Zero feet; 15 feet minimum for residential.

See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

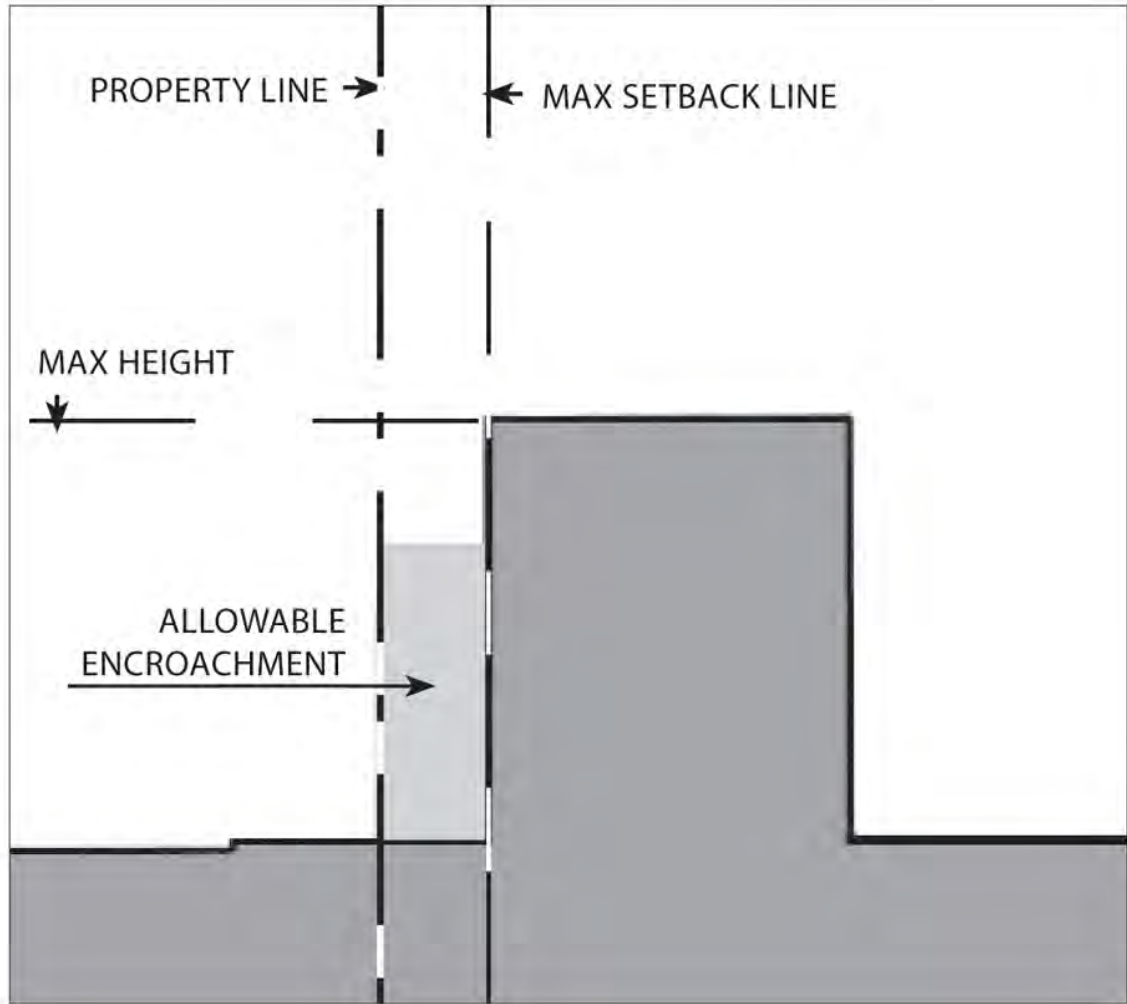
2.

Parking Placement.

Parking shall be provided according to [Chapter 88.36](#)
See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet, whichever is less for single use buildings; three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

Exceptions: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, and outside dining furniture may encroach into the setback and public right-of-way, and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Ten feet maximum.

(4)

Maximum encroachment height is two stories.

See [Chapter 88.30.040](#) for definitions and exceptions.

c.

Allowable frontage types:

Arcade, shopfront, forecourt, stoop.

See [Chapter 88.29](#) for definitions and design standards

4.

Residential Density Standards.

General Plan Designation	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
Com	10,000 sf	60 ft	100 ft	NA
Res Med	6,000 sf	50 ft	80 ft	15

Res Mod	6,000 sf	50 ft	80 ft	27
---------	----------	-------	-------	----

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

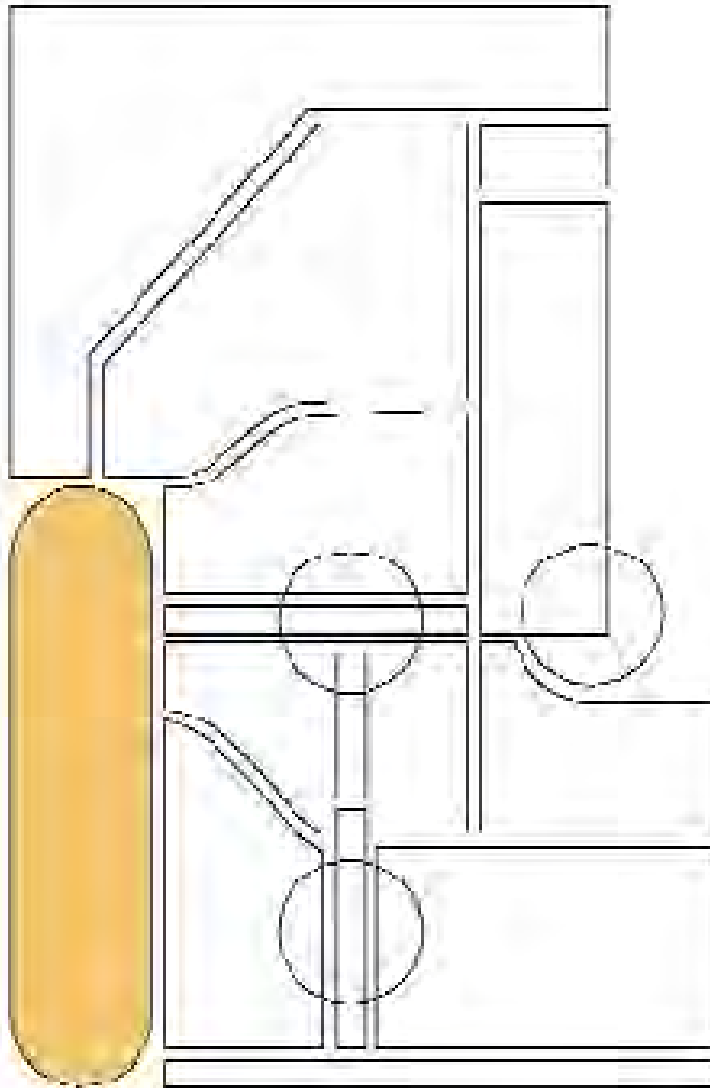
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.24.040. - West End Industrial Districts.



The purpose of this chapter is to outline the general plan goals and development guidelines within the West End Industrial District of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the Industrial District.

A.

Purpose.

The West End Industrial District (DW) is applied to areas of the city appropriate for a variety of manufacturing, industrial, and heavy commercial activities. The DW district extends from the San Gabriel River and Sierra Madre Avenue to the north, to the Arrow Highway, south of the 210 Freeway; and is also bounded by Vernon Avenue

on the east and the City of Irwindale on the west. The standards for this district are intended to accommodate a full range of light and medium-intensity manufacturing and industrial activities, automotive services, and the existing Azusa Landfill and gravel mining operations. Permanent residential uses are limited to caretaker's quarters and live-work units.



North District

B.

Location and Existing Conditions.

Streets and Landscape. In the north Industrial District, Vernon and Todd Avenues are the primary north-south streets with connections to Foothill Boulevard and Sierra Madre Avenue. In the south Industrial District, the primary access routes from the 210 Freeway are the Irwindale Avenue exit and the Vernon Avenue exit. Irwindale and Vernon Avenues are the primary north-south streets, yet have no east-west connections between them, except for Gladstone Street and Arrow Highway, which are the principal east-west corridors. Jackson Avenue borders the district on the east, where there is a minimal landscape buffer around the Azusa landfill. **Civic and Commercial Features.** The dominant uses in the Industrial District are industrial and office uses, including a large sand and gravel mining operation, a wholesale nursery and the landfill. There are no civic uses of note. Costco, the city's largest retailer, is located in this district on Foothill Boulevard.

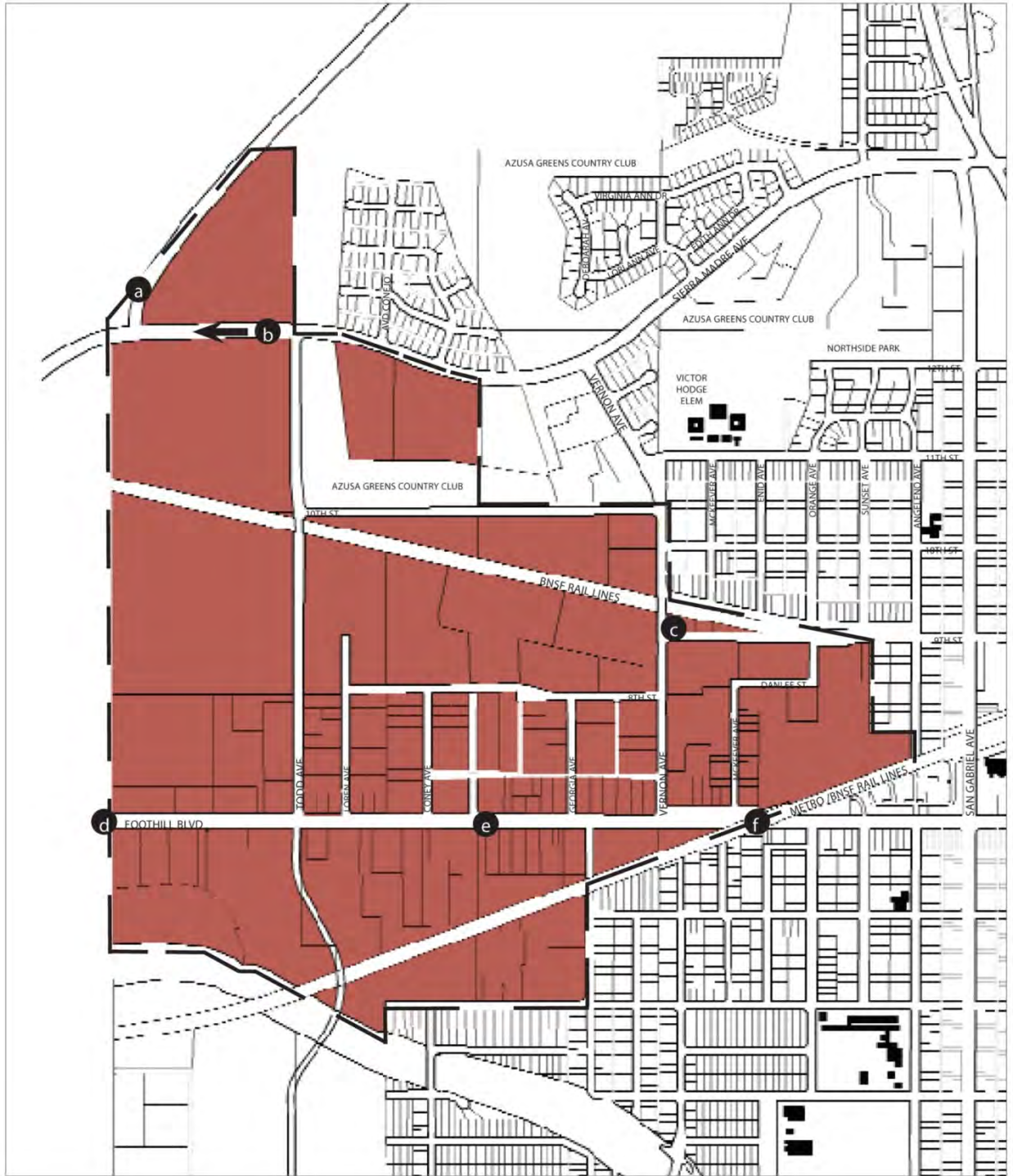


South District

Building Fabric. The building fabric of these district is predominantly one to four-story retail, office and industrial buildings of steel construction or tilt-up concrete construction. Most buildings are located behind surface parking lots, except at Irwindale Avenue, where buildings have a zero setback from the property line and all of the parking is either on the street or behind, accessed by an alley.



South District



Regulating Plan-North District (at time of adoption)

C-1.

Desired Future and Proposed Changes (North District).

The general objectives for this area is to maintain the character of this district as a light industrial area.



Ideal infill development site at underused railroad right-of-way

1.

Specific Recommendations.

a.

Connect Sierra Madre Avenue and San Gabriel Canyon Road with the River Parkway.

b.

Extend Sierra Madre Avenue west to connect with the proposed River Parkway.

c.

Reclaim railroad right-of-way for parkland and/or residential use (also see North Neighborhoods).

d.

Create a gateway monument or landscape at Foothill Boulevard to mark the western entry of the city.

- e.
Enhance the character of Foothill Boulevard through landscaped medians and parkways, and distinctive lighting treatment, consistent with the Foothill Boulevard Corridor, Downtown and University Districts.
- f.
Enhance the current gateway at the railroad viaduct into the residential and pedestrian-oriented districts of the city.
- g.
Reclaim mining areas for future recreation or light industrial use.

2.

General Recommendations.

- a.
Implement streetscape improvements. Improvements include:
 - (1)
Install and/or repair sidewalks.
 - (2)
Install street lighting, of a design distinctive and consistent throughout the city.
- b.
Improve landscaping.
 - (1)
Encourage drought tolerant plants.
 - (2)
Plant shade trees on southern and western exposures to reduce cooling loads on buildings.
- c.
Buildings should be built facing onto the street creating a public, pedestrian character with the parking and truck access behind facing the obstructed views and noisy uses.



Regulating Plan-South District (at time of adoption)

C-2.

Desired Future and Proposed Changes (South District).

The general objectives for this area is to maintain the character of this district as a light industrial area.

1.

Specific Recommendations.

- a. Connect Vincent and Todd Avenues.
- b. Connect 1st Street between Jackson and Irwindale Avenues.
- c. Create new on/offramps at the 210 Freeway and Zachary Padilla Avenue.
- d. Establish street beautification program and landscape standards for Irwindale Avenue consistent with surrounding communities.

2.

General Recommendations.

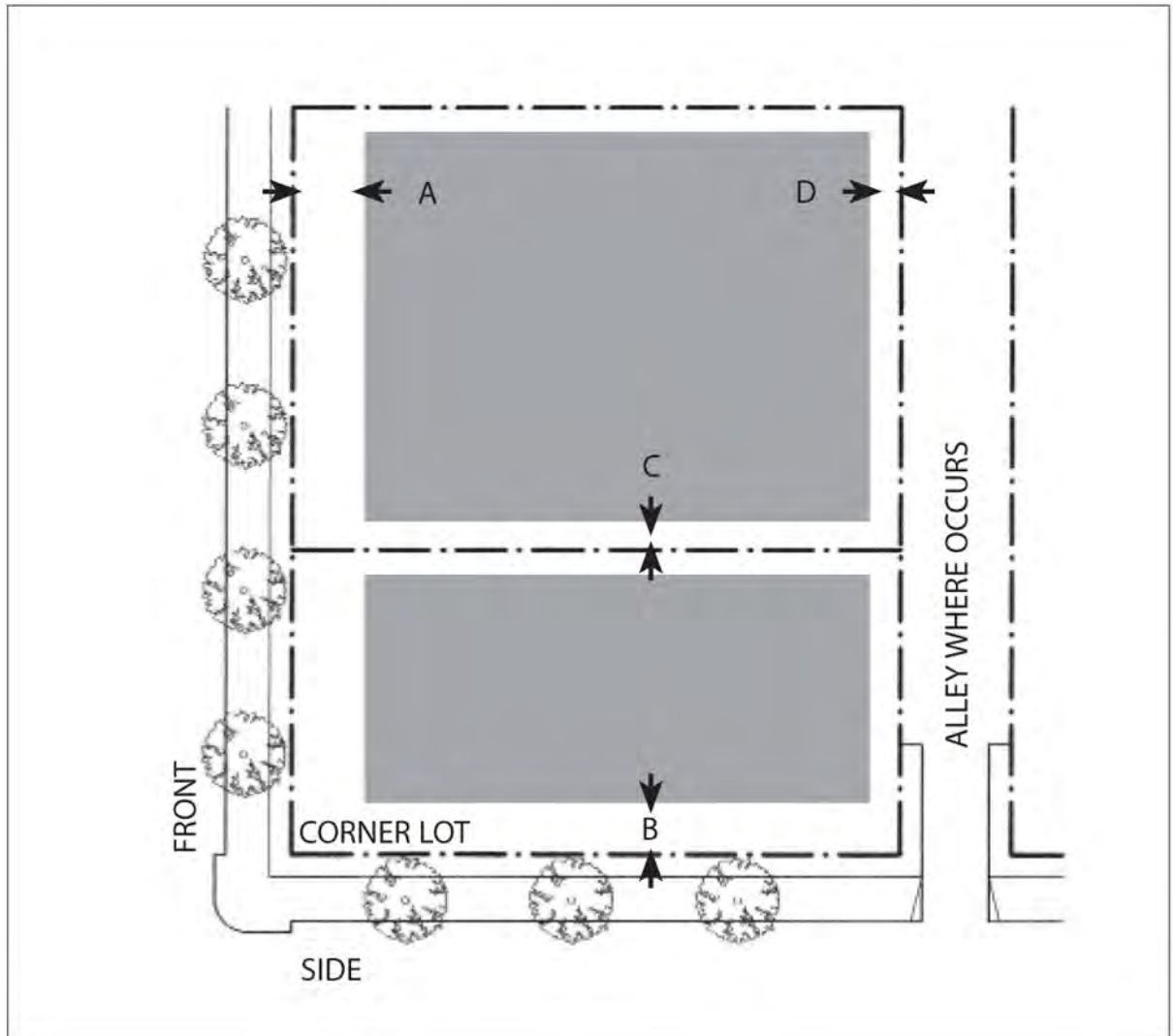
- a. Implement streetscape improvements. Improvements include:
 - (1) Install and/or repair sidewalks.
 - (2) Install street lighting, of a design distinctive and consistent throughout the city.
- b. Improve landscaping.
 - (1) Encourage drought tolerant plants.
 - (2) Plant shade trees on southern and western exposures to reduce cooling loads on buildings.
- c. Buildings should be built facing onto the street creating a public, pedestrian character with the parking and truck access behind facing the obstructed views and noisy uses.

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Ten feet minimum.

b.

Side Street Setback: Ten feet minimum.

c.

Sidyard Setback : Zero feet; 20 feet next to residential.

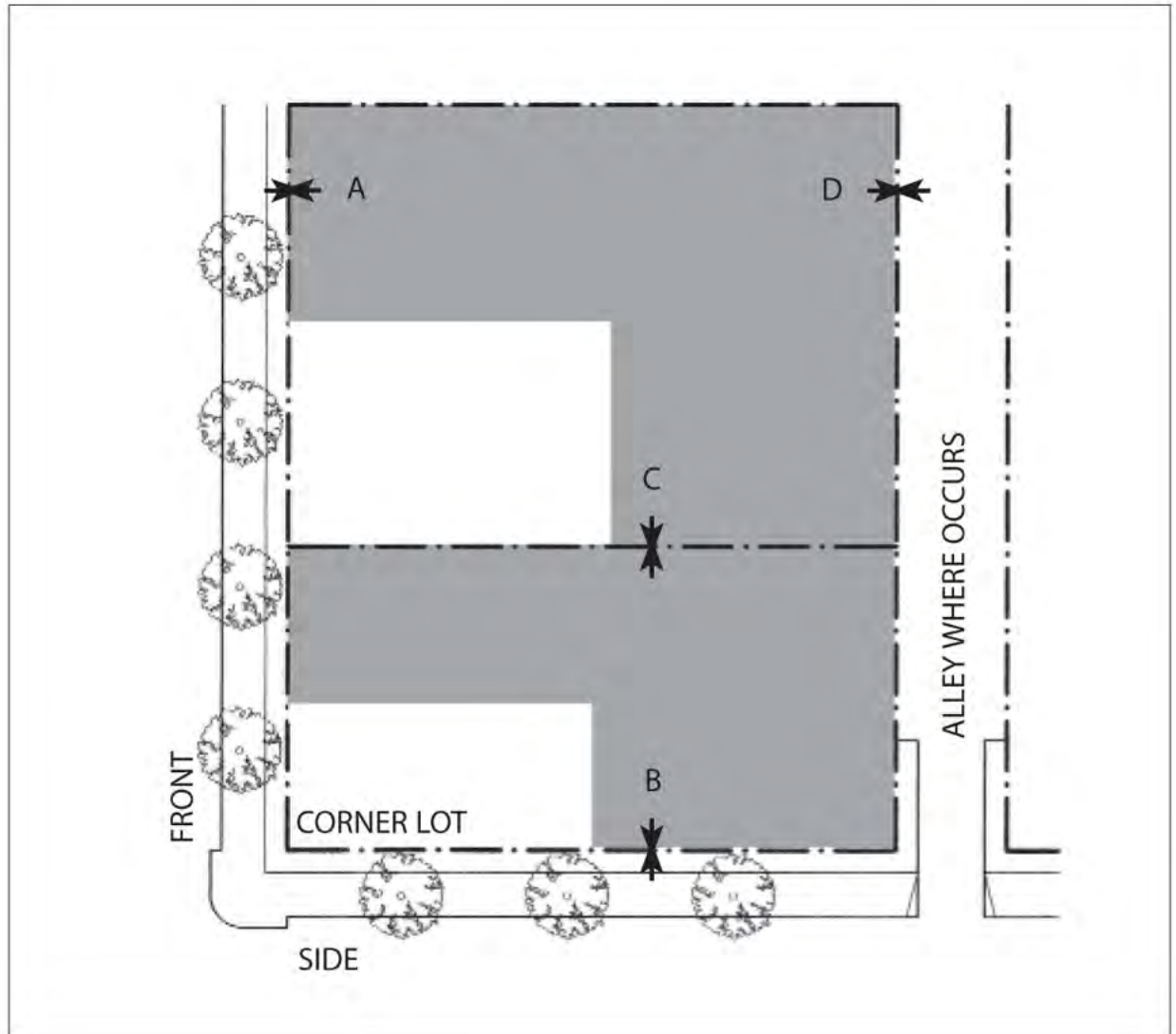
d.

Rear Setback: Zero feet; 20 feet next to residential.

See [Chapter 88.30.060](#) for definitions and design standards.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front setback: Not required up to 50 percent of frontage.

b.

Side street setback: Ten feet minimum.

c.

Side setback: Not required.

d.

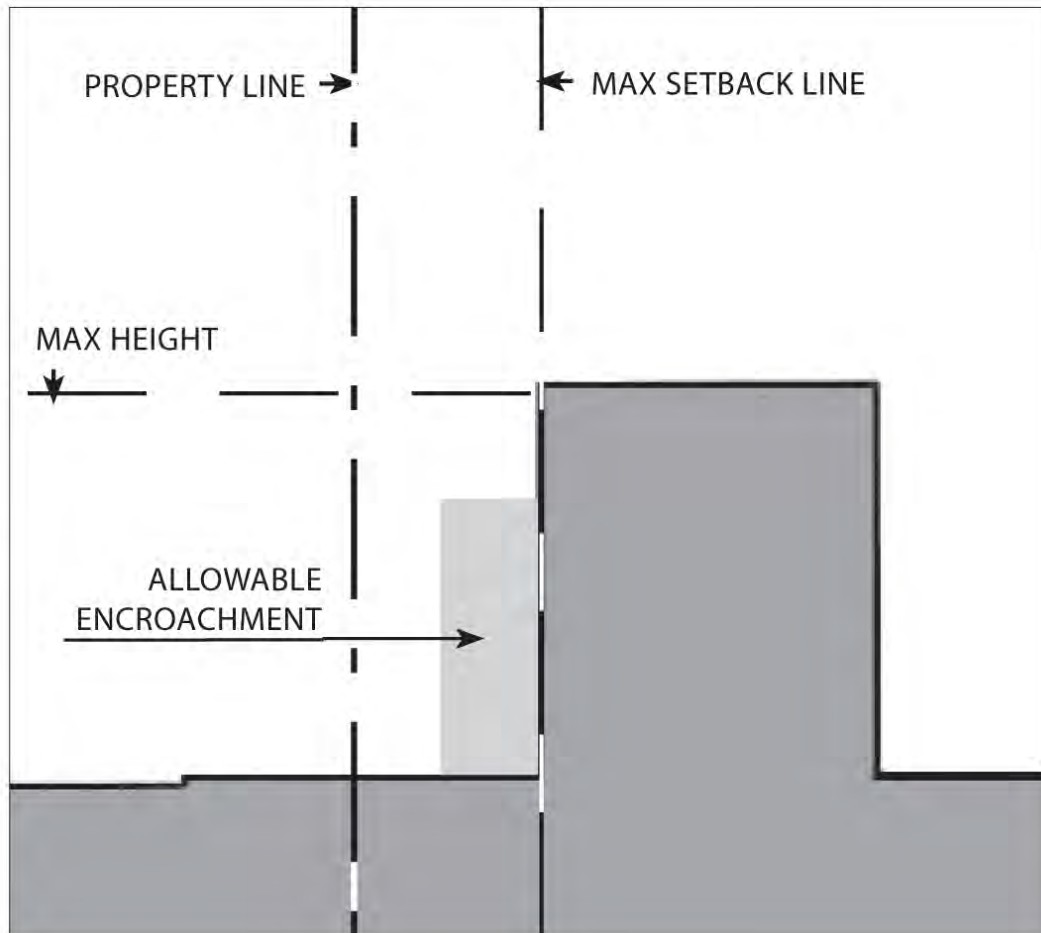
Rear setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height: Maximum: 55 feet.

b.

Encroachments.

Gallery/arcades, awnings, balconies, and outdoor dining furniture may encroach into the setback and public right-of-way.

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Ten feet maximum.

(4)

Maximum encroachment height is two stories or 40 feet.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Gallery/arcade, shopfront, stoop, forecourt.

See [Chapter 88.29](#) for definitions and design standards.

4.

Parcel and Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
DWL	6,000 sf	50 ft	80 ft	NA
DW	6,000 sf	50 ft	80 ft	NA

Each subdivision and residential development shall comply with the minimum parcel size and density requirements shown in the above table, except that an allowed commercial condominium, or a residential condominium or

townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.26. - CORRIDORS >>

CHAPTER 88.26. - CORRIDORS

The purpose of this chapter is to outline the general plan goals and development guidelines for the corridors in Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of each corridor.

Corridors are the boundaries of neighborhoods and their connectors to adjacent areas. Light rail and streetcar corridors may occur at boulevards at the edges of neighborhoods. As such they are detailed for pedestrian use and to accommodate building sites. Bus corridors may pass into neighborhoods on streets. The corridor may also be a continuous parkway, providing long distance walking and bicycle trails and natural habitat. The natural corridors are formed by the systematic accretion of natural, agricultural and recreational open spaces, such as parks, schoolyards and golf courses. These continuous spaces can be part of a larger network, connecting the urban open spaces to the countryside.

[88.26.005. - Allowable Uses in Corridors.](#)

[88.26.010. - Foothill Boulevard Corridor.](#)

[88.26.020. - Azusa/San Gabriel Avenue Corridors.](#)

[88.26.030. - South Azusa Avenue Corridor.](#)

[88.26.040. - Arrow Highway Corridor.](#)

88.26.005. - Allowable Uses in Corridors.

A.

Permit Requirements.

Tables 2-2, 2-3, and 2-4 provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a zoning clearance (Section 88.56.020). These are shown as "P" uses in the tables;
2. Allowed subject to the approval of a minor use permit (Section 88.51.050), and shown as "MUP" uses in the tables;
3. Allowed subject to the approval of a use permit (Section 88.51.050), and shown as "UP" uses in the tables;
4. Allowed subject to the type of city approval required by a specific provision of Chapter 88.42 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
5. Not allowed in particular zones, and shown as a "—" in the tables.

<p>CO Allowed Land Uses and Permit Requirements for Corridors</p>	<p>P MUP UP S —</p>	<p>Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed</p>				
<p>LAND USE TYPE (1)</p>	<p>PERMIT REQUIRED BY ZONE</p>					<p>Specific Use Regulations</p>
	<p>CAZ</p>	<p>CSG</p>	<p>CSA</p>	<p>CAH</p>	<p>CFB</p>	
<p>AGRICULTURAL AND RESOURCE-BASED USES</p>						

Plant Nursery	MUP(3)	MUP(3)	MUP(3)	MUP(3)	MUP(3)	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Laboratory - Medical, analytical	—	—	—	P	—	
Media production	P	—	P	P	P	
Recycling - Reverse vending machine	P	—	P	P	P	<u>88.42.170</u>
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Commercial recreation facility - Indoor (2)	—	—	—	MUP	—	
Commercial recreation facility - Outdoor (2)	—	—	—	MUP	—	
Health/fitness facility	P	—	P	P	P	

Library, museum	P	—	P	P	P	
Meeting facility, public or private (2)	MUP	UP	MUP	MUP	MUP	<u>88.42.112</u>
Park, playground	P	P	P	P	P	
Private residential recreation facility	MUP	MUP	MUP	MUP	MUP	
School - Elementary, middle, secondary (2)	UP	UP	UP	UP	UP	<u>88.42.112</u>
School - Specialized education/training (2)	UP	—	UP	UP	UP	<u>88.42.112</u>
Studio - Art, dance, martial arts, music, etc.	P	—	P	P	P	
RESIDENTIAL USES						
Courtyard housing	MUP	MUP	MUP	MUP	MUP	<u>88.42.100</u>

Duplex, triplex, fourplex	P	P	—	—	P	88.42.110
Home occupation	P	P	P	P	P	88.42.100
Live/work unit	P	P	P	P	P	
Organizational house (sorority, monastery, etc.) (2)	MUP	MUP	MUP	MUP	MUP	
Residential accessory use or structure	P	P	P	P	P	
Residential care, 6 or fewer clients	P	P	P	P	P	88.42.140
Residential care, 7 or more clients (2)	P	P	P	P	P	
Mixed use project residential component (not stacked flats)	P	P	P	P	P	88.42.120
Rooming or boarding house	P	P	—	—	P	

Second unit or carriage house	P	P	—	—	P	
Senior Citizen Apartments	MUP	MUP	MUP	MUP	MUP	
Single-family dwelling	—	P	—	—	—	<u>88.42.120</u>
Stacked flats	—	—	—	—	—	
Townhouse or rowhouse	P	P	P	P	P	<u>88.42.190</u>

Key to Zone Symbols

CAZ	Azusa Avenue Corridor	CAH	Arrow Highway Corridor
CSG	San Gabriel Avenue Corridor	CFB	Foothill Boulevard Corridor
CSA	South Azusa Avenue Corridor		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirement of [Section 88.30.030](#)

(3)

Allowed only within the boundaries of an electric utility easement for high voltage transmission lines.

TABLE 2-3 Allowed Land Uses and Permit Requirements for Corridors	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
	S	Permit requirement set by Specific Use				
	—	Regulations				
		Use not allowed				
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CAZ	CSG	CSA	CAH	CFB	
RETAIL SALES						
Auto and vehicle sales and rental	—	—	UP(2)	MUP	—	
Bar/tavern	—	—	—	—	—	<u>88.42.030</u>
Building and landscape materials sales—Indoor	MUP	—	MUP	MUP	MUP	

Building and landscape materials sales—Outdoor	—	—	—	MUP	—	
Furniture, furnishings and appliance store	—	—	—	MUP	—	
General retail, except with any of the following features	P	—	P	P	P	
Alcoholic beverage sales	UP	—	UP	UP	UP	<u>88.42.030</u>
Drive-through facilities	MUP	—	MUP	MUP	MUP	
Floor area over 50,000 sf	—	—	UP	MUP	—	
Funeral merchandise	UP	—	MUP	MUP	UP	<u>88.42.090</u>
On-site production of items sold	MUP	—	MUP	MUP	MUP	
Operating between 9:00 p.m. and 7:00 a.m.	MUP	—	MUP	MUP	MUP	

Swap meet, flea market	—	—	—	UP	—	<u>88.42.180</u>
Used merchandise	—	—	—	UP	—	<u>88.42.180</u>
Groceries, specialty foods	P	—	P	P	P	<u>88.42.030</u>
Floor area over 50,000 sf	—	—	MUP	MUP	—	<u>88.42.030</u>
Mixed use project	P	P	P	P	P	<u>88.42.120</u>
Mobile home, boat, or RV sales	—	—	—	MUP	—	
Neighborhood market/convenience store	P	MUP	P	P	P	
Night club (2)	—	—	—	—	—	<u>88.42.130</u>
Outdoor displays and sales	—	—	—	MUP	—	<u>88.42.150</u>

Restaurant, cafe, coffee shop	P	MUP	P	P	P	<u>88.42.030</u>
Service station	—	—	UP	UP	—	

Key to Zone Symbols

CAZ	Azusa Avenue Corridor	CAH	Arrow Highway Corridor
CSG	San Gabriel Avenue Corridor	CFB	Foothill Boulevard Corridor
CSA	South Azusa Avenue Corridor		

Notes:

(1)

A definition of each listed use type is in Article 6 (Glossary).

(2)

Any property proposed for auto and vehicle sales and rental use should be at least 40,000 square feet in area.

(3)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirement of Section 88.30.030

TABLE 2-3 Allowed Land Uses and Permit Requirements	P MUP UP	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required
---	----------------	--

for Corridors	S —	Permit requirement set by Specific Use Regulations Use not allowed				
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CAZ	CSG	CSA	CAH	CFB	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
ATM	P	—	P	P	P	
Bank, financial services	P	—	P	P	P	
Business support service	P	—	P	P	P	
Medical services—Clinic, urgent care	MUP	—	MUP	—	MUP	
Medical services—Doctor office	P	P	P	—	P	

Medical services—Extended care (2)	MUP	MUP	—	—	MUP	
Mixed use project	P	P	P	P	P	<u>88.42.120</u>
Office—Accessory	P	P	P	P	P	
Office—Business/service	P	MUP	P	P	P	
Office—Government	P	MUP	P	P	P	
Office—Processing	P	—	P	P	P	
Office—Professional	P	MUP	P	P	P	
SERVICES - GENERAL						
Catering service	—	—	—	P	—	

Day care center—Child or adult (2)	MUP	MUP	MUP	MUP	MUP	<u>88.42.060</u>
Drive-through service	—	—	—	MUP	—	
Equipment rental	—	—	—	P	—	
Lodging—Bed & breakfast inn	P	P	P	P	P	
Lodging—Hotel or motel	P	—	P	P	P	
Mortuary, funeral home	—	—	—	—	MUP	
Mixed use project	P	P	P	P	P	<u>88.42.120</u>
Personal services	P	—	P	P	P	
Personal services—Restricted	—	—	—	—	—	

Public safety facility (2)	P	—	P	P	P	
Repair service—Equipment, large appliances, etc.	—	—	—	P	—	
Vehicle services—Major repair/body work	—	—	—	MUP	—	
Vehicle services—Minor maintenance/repair	—	—	—	MUP	—	
Veterinary clinic, animal hospital, boarding kennel	—	—	—	UP	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Broadcasting studio	—	—	P	P	P	
Parking facility, public or commercial	MUP	—	MUP	MUP	MUP	
Telecommunications facility	S	S	S	S	S	<u>88.46</u>

Transit station or terminal	P	P	P	P	P	
Utility facility (2)	P	P	P	P	P	

Key to Zone Symbols

CAZ	Azusa Avenue Corridor	CAH	Arrow Highway Corridor
CSG	San Gabriel Avenue Corridor	CFB	Foothill Boulevard Corridor
CSA	South Azusa Avenue Corridor		

Notes:

(1)

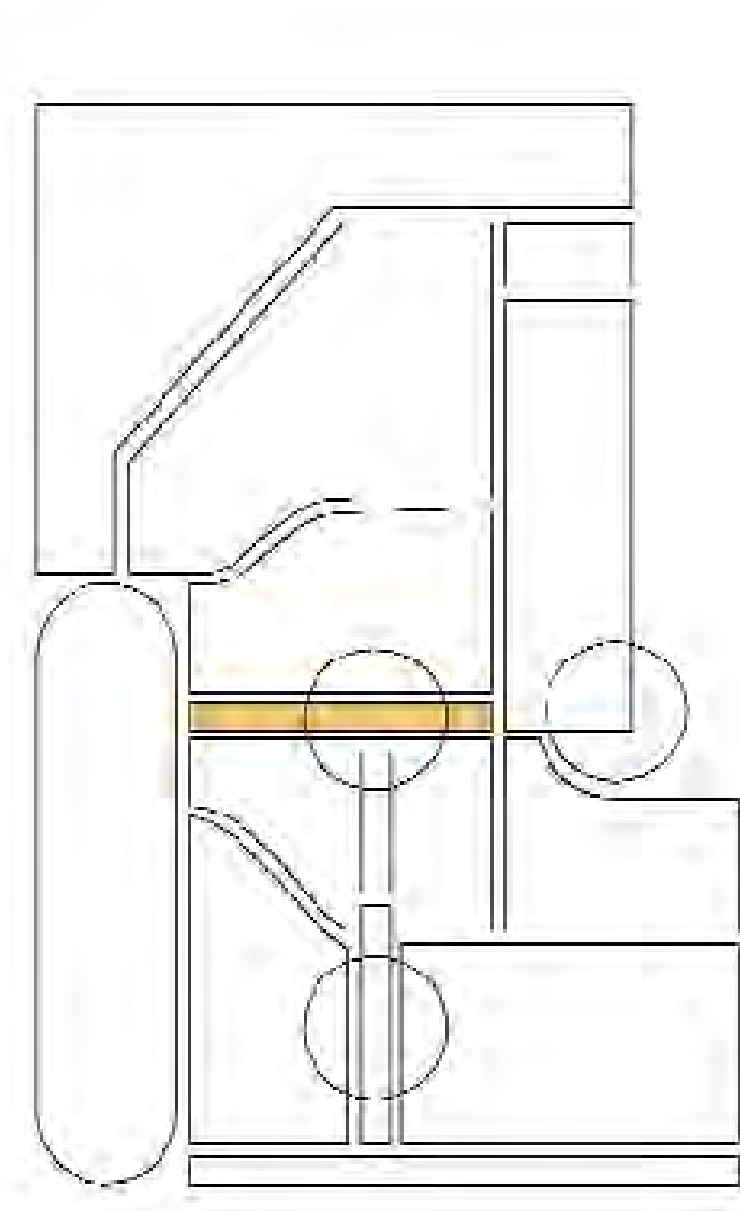
A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirement of [Section 88.30.030](#)

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 07-06, § 1, 6-18-07; Ord. No. 10-01, §§ 3, 4, 3-1-10)

88.26.010. - Foothill Boulevard Corridor.



The purpose of this chapter is to outline the general plan goals and development guidelines for the Foothill Boulevard Corridor of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the corridor.

A.

Purpose.

The Foothill Boulevard Corridor (CFB) zone is applied to areas along Foothill Boulevard east and west of the DTC (Downtown - Town Center) District. This corridor zone is intended to accommodate a wide range of retail commercial uses, offices, and services, with all types of residential units allowed except stacked flats.

B.

Location and Existing conditions.

Formerly the historic Route 66 from Chicago to Los Angeles, Foothill Boulevard is the principal east-west street in Azusa north of the 210 Freeway. Consequently, the intersection of Foothill Boulevard and Azusa Avenue constitutes the center of the Downtown. West of the Downtown, the designation applies to properties facing Foothill Boulevard from San Gabriel Avenue to the railroad viaduct. East of Downtown, the designation applies to properties facing Foothill Boulevard from just west of Soldano Avenue to approximately Cerritos Avenue.

Streets and Landscape. Foothill Boulevard is a two-way, four lane arterial with street parking on both sides of the road. A median is located in the center of the street. Street trees and landscaping is inconsistent throughout the corridor. **Civic and Commercial Features.** There are no government buildings on Foothill Boulevard within the Corridor designation (although City Hall faces Foothill within the Downtown District). A church is located at the intersection with Soldano Avenue. A number of commercial retailers do front Foothill Boulevard. Most of these are strip-oriented retail, focused on access by car either with street-facing parking lots or drive-throughs. **Building Fabric.** A mixed range of building types front the Foothill Boulevard Corridor. They include small, one-story strip malls; drive-through restaurants; churches; townhouses; and single-family homes (some converted to retail or office uses). At northwest corner of Foothill Boulevard and San Gabriel Avenue is a planned development of houses, located behind a wall and gate. Unfortunately, this buildings in this development do not face the street.

C.

Desired Future and Proposed Changes.

The general objective for this corridor is to transform the character of Foothill Boulevard from a commercial strip to a predominately residential, but mixed-use pedestrian friendly street.

1.

Specific Recommendations.

a.

Install landscaped medians and parkways on Foothill Boulevard, consistent with the Downtown and University Districts.

b.

Enhance the current gateway at the railroad viaduct into the residential and pedestrian-oriented districts of the city.

2.

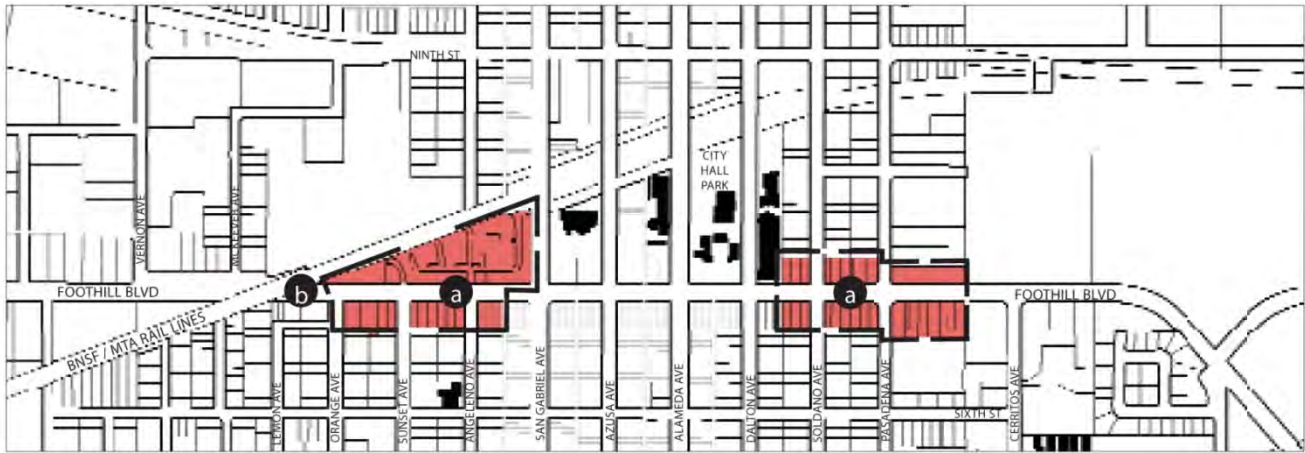
General Recommendations.

a.

Promote the creation (and restoration) of neon signage along historic Route 66 (Foothill Boulevard), including the Foothill segment within the downtown district.

b.

Explore the feasibility of a shared parking program for commercial properties on the western and eastern portions of the corridor.



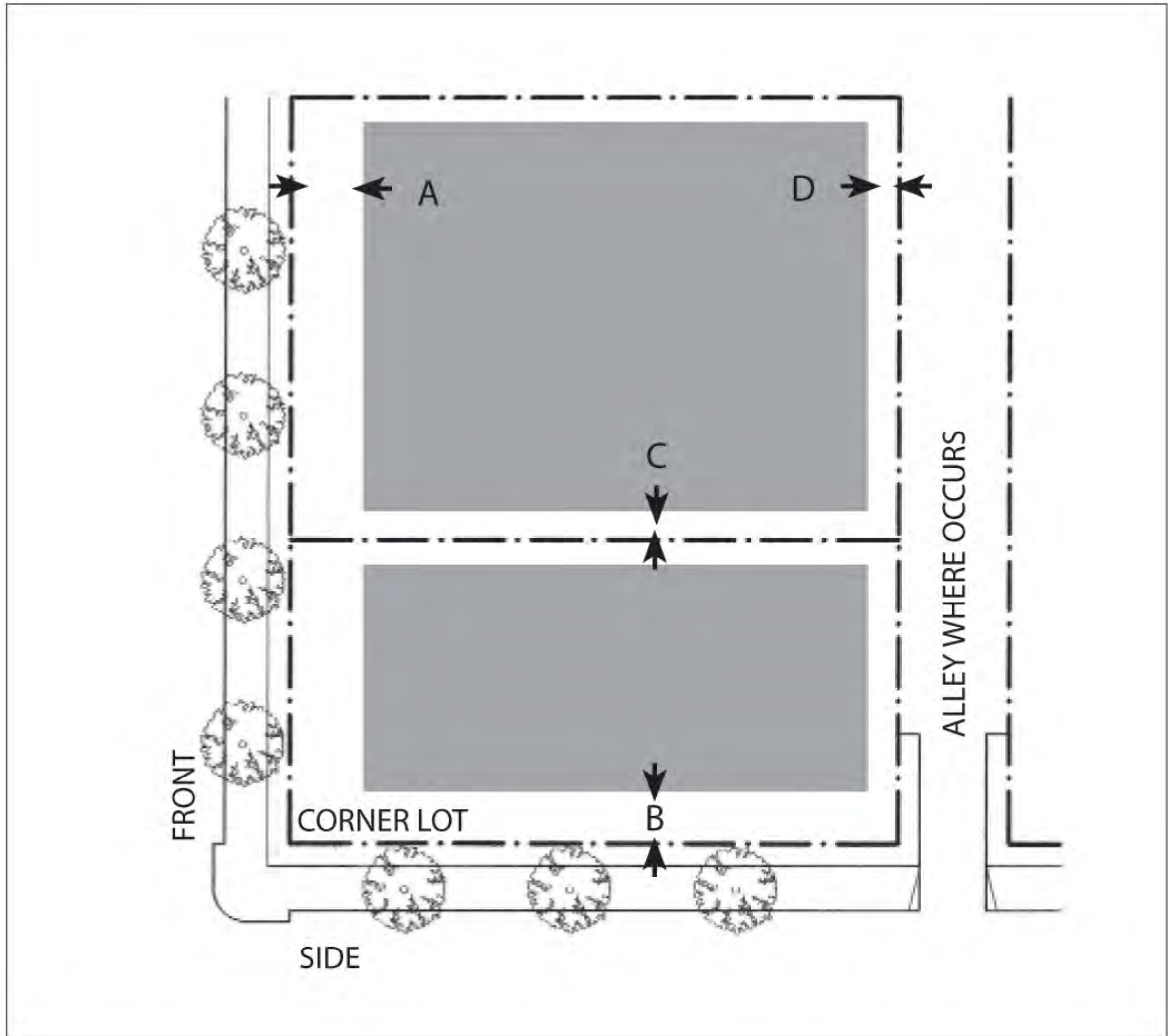
Regulating Plan (at time of adoption)

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Ten feet minimum; 20 feet maximum for 60 percent minimum of lot width.

b.

Side Street Setback: Ten feet minimum.

c.

Sidyard Setback: Zero feet or ten feet minimum for residential, or when adjacent to residential.

d.

Rear Setback: Zero feet or ten feet minimum for residential, or when adjacent to residential.

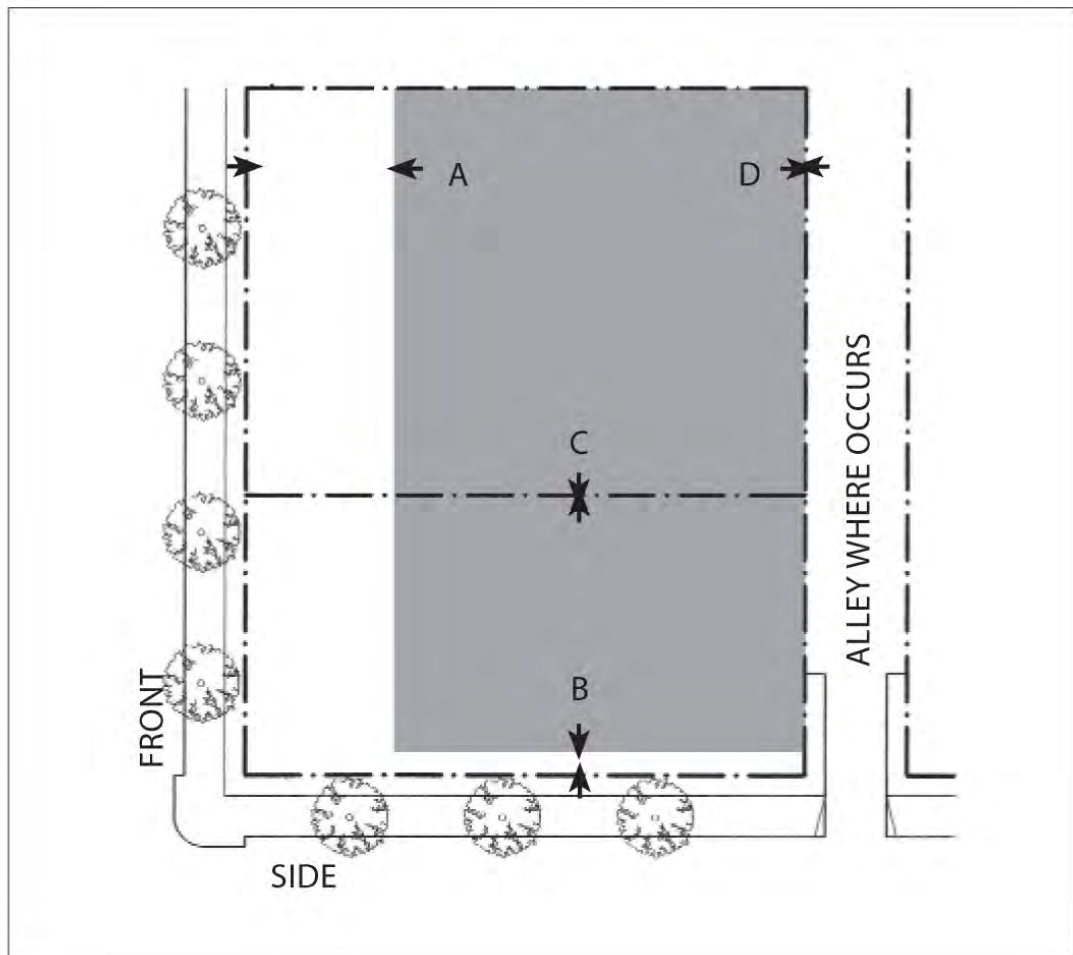
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 50 percent of lot depth maximum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

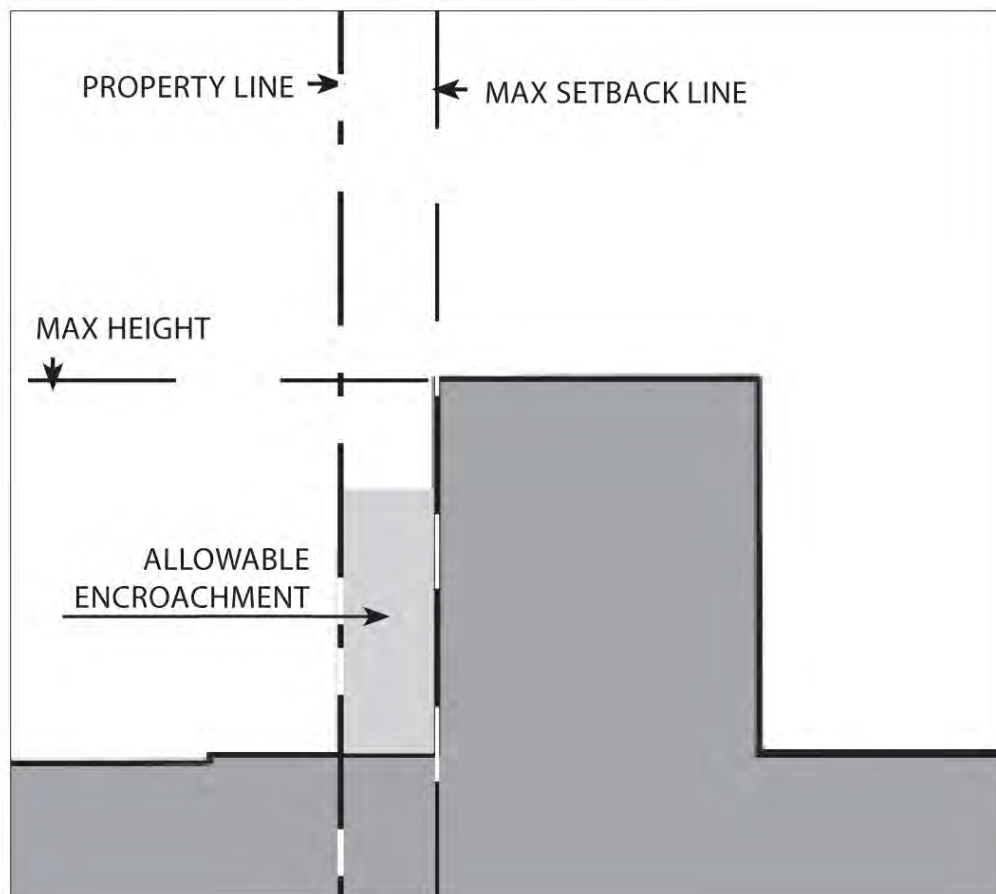
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet, whichever is less for single-use buildings; three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

Exception: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches and outdoor dining furniture may encroach into the setback and public right-of-way and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories or 25 feet.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Arcade, shopfront, stoop, forecourt, porch, common yard.

See [Chapter 88.29](#) for definitions and design standards.

4.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	

All	10,000 sf	60 ft	100 ft	27
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Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

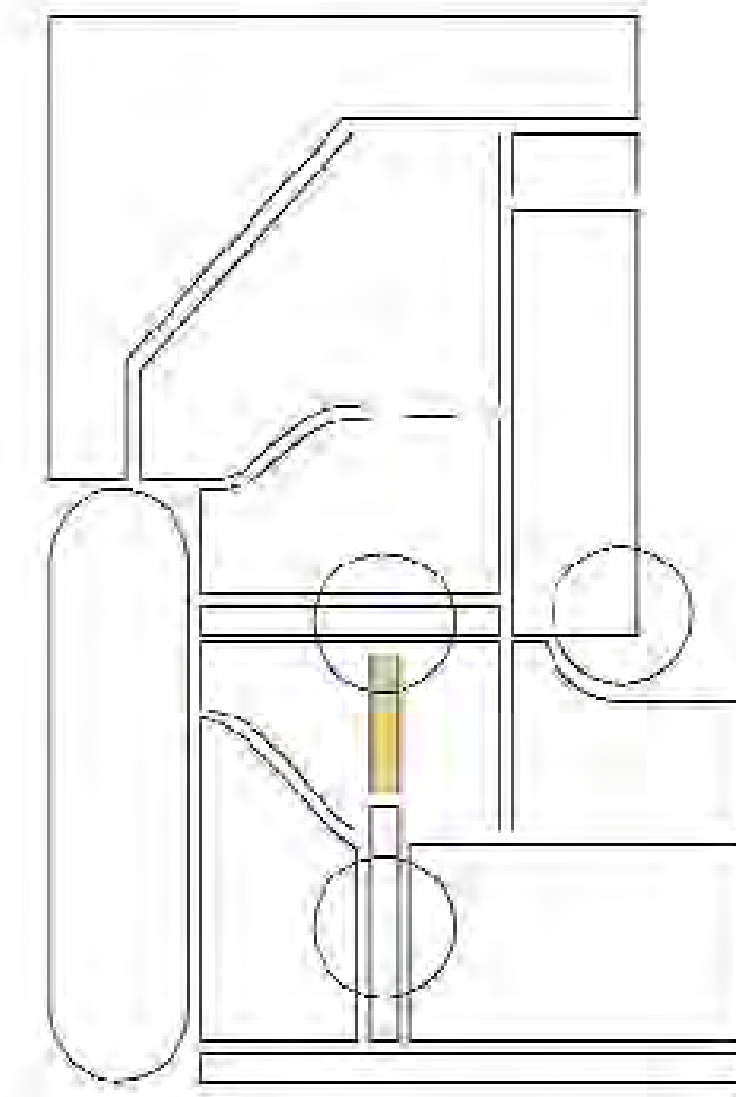
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.26.020. - Azusa/San Gabriel Avenue Corridors.



The purpose of this chapter is to outline the general plan goals and development guidelines for the Azusa/San Gabriel Avenue Corridors of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the corridors.

A.

Purpose.

1.

CAZ (Azusa Avenue) Corridor. The Azusa Avenue Corridor (CAZ) zone is applied to the Azusa Avenue portion of the Azusa Avenue/San Gabriel Avenue couplet immediately south of the DTC (Downtown - Town Center) district. This zone is intended to accommodate a range of lower intensity

retail, offices and other low intensity commercial uses, together with all types of residential units allowed except stacked flats.

2.

CSG (San Gabriel Avenue) Corridor. The San Gabriel Avenue Corridor (CSG) zone is applied to the San Gabriel Avenue portion of the Azusa Avenue/San Gabriel Avenue couplet immediately south of the DTC (Downtown - Town Center) district. This zone is intended to emphasize residential rather than commercial development, but with offices and other low very intensity commercial uses, excluding most retail. All types of residential units are allowed except stacked flats.

B.

Location and Existing Conditions.

The Azusa/San Gabriel Avenue couplet is the primary north-south corridor in the city north of the 210 Freeway. Azusa Avenue is the principal street in the Downtown, where it crosses Foothill Boulevard. North of Downtown, Azusa Avenue merges with San Gabriel Canyon Road at Sierra Madre Avenue, providing access to the Angeles National Forest. South of the 210 Freeway, Azusa Avenue is a two-way street, and is the primary entrance and exit to the city from the highway system.

Streets and Landscape. Azusa Avenue is a one-way, north-bound street from First Street to Sierra Madre Avenue. North of the freeway to Sierra Madre Avenue, San Gabriel Avenue acts as the one-way, south-bound street coupled with Azusa Avenue. South of Fourth Street the corridor has an inconsistent line of street trees on either side. **Civic and Commercial Features.** Azusa Avenue is fronted by a mixture of under-performing commercial uses and poor quality multi-family residences. San Gabriel Avenue is fronted by distinguished houses, most of which remain residences, although some have been transformed into commercial uses. Except in the Downtown District, neither avenue is the location of civic uses. **Building Fabric.** There are essentially three types of buildings facing Azusa Avenue. The first is principally located in the Downtown District, but is also found in some locations south of downtown. This is a one to two-story building abutting the property line adjacent to the sidewalk and street. The second type also is a one or two-story residential or commercial building, which is set back approximately ten to 20 feet from the sidewalk and property line, creating a front yard. This setback is typically landscaped with a path to the residence or office. The third type is a one or two-story building set back 40 or more feet from the street. The setback at this type is used for surface parking for typically a retail or drive through use.

C.

Desired Future and Proposed Changes.

The general objectives for these corridors is to transform the character of Azusa Avenue from a commercial strip to predominately residential, but mixed-use pedestrian friendly street, and enhance the residential character of San Gabriel Avenue.

1.

Specific Recommendations.

a.

Convert both Azusa and San Gabriel Avenues to two-way traffic.
Install a landscaped median on San Gabriel Avenue.

b.

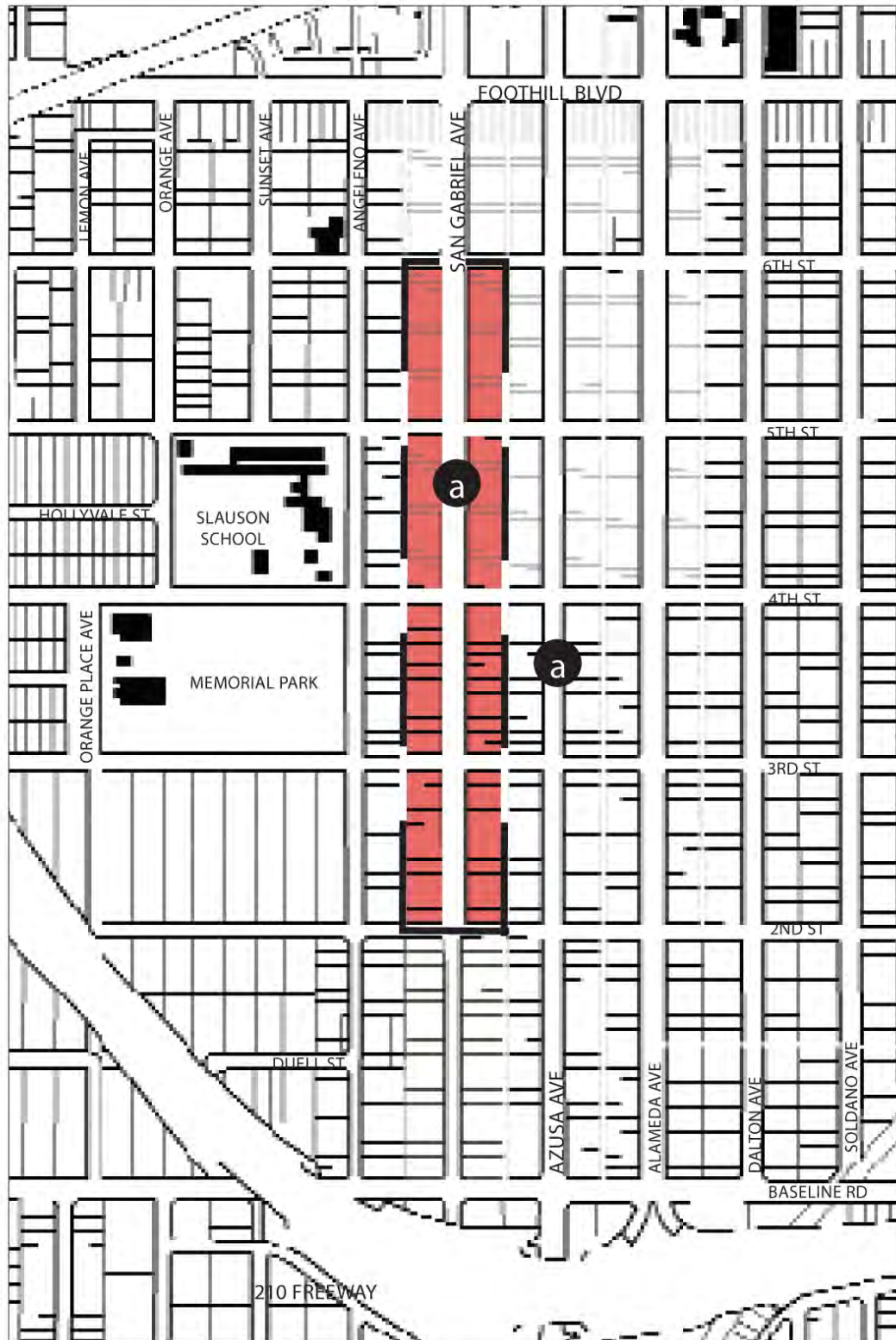
Study the possibility of removing the San Gabriel Avenue connection to Azusa Avenue, and reclaiming the land as a potential development site for residential, retail or recreational use.

2.

General Recommendations.

a.

Plant unique street trees on both Azusa and San Gabriel Avenue, such that each is distinguished by a particular landscape pattern. Consider extending the pattern of tall palm trees on north Azusa Avenue to the southern section of the road.



Regulating Plan-San Gabriel Ave Corridor



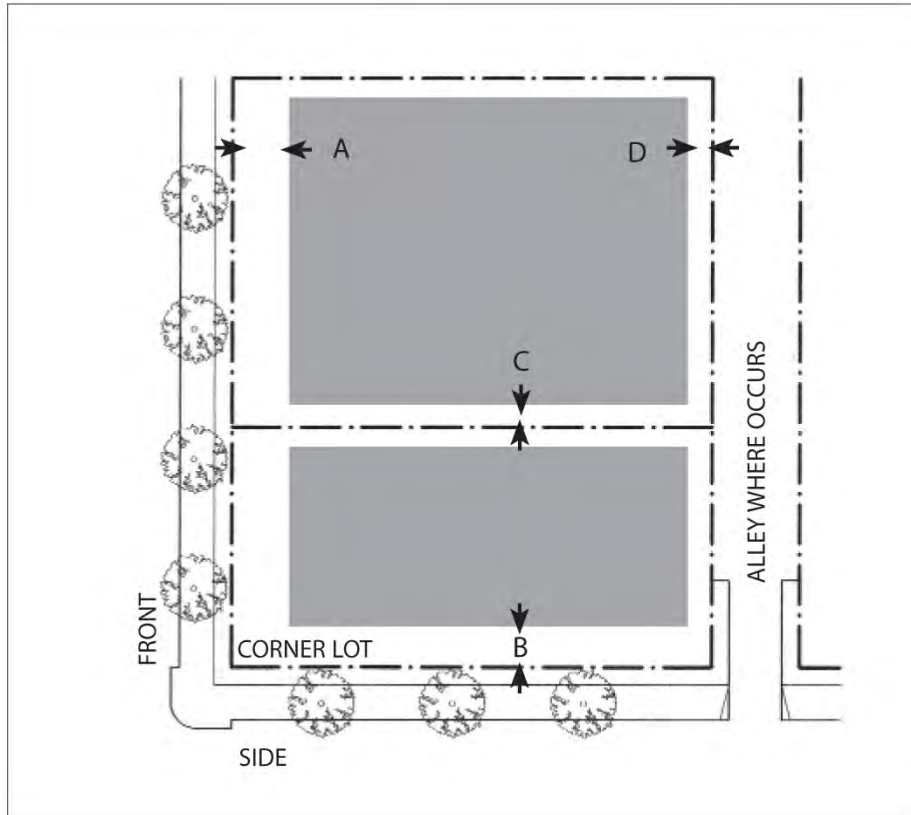
Regulating Plan-Azusa Ave Corridor

D.

Site Planning and Building Design - Azusa Avenue.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Ten feet minimum; 20 feet maximum for 60 percent minimum of lot width.

b.

Side Street Setback: Ten feet minimum.

c.

Sidyard Setback: Zero feet; five feet minimum for residential, or when adjacent to residential.

d.

Rear Setback: Zero feet; five feet minimum for residential, or when adjacent to residential.

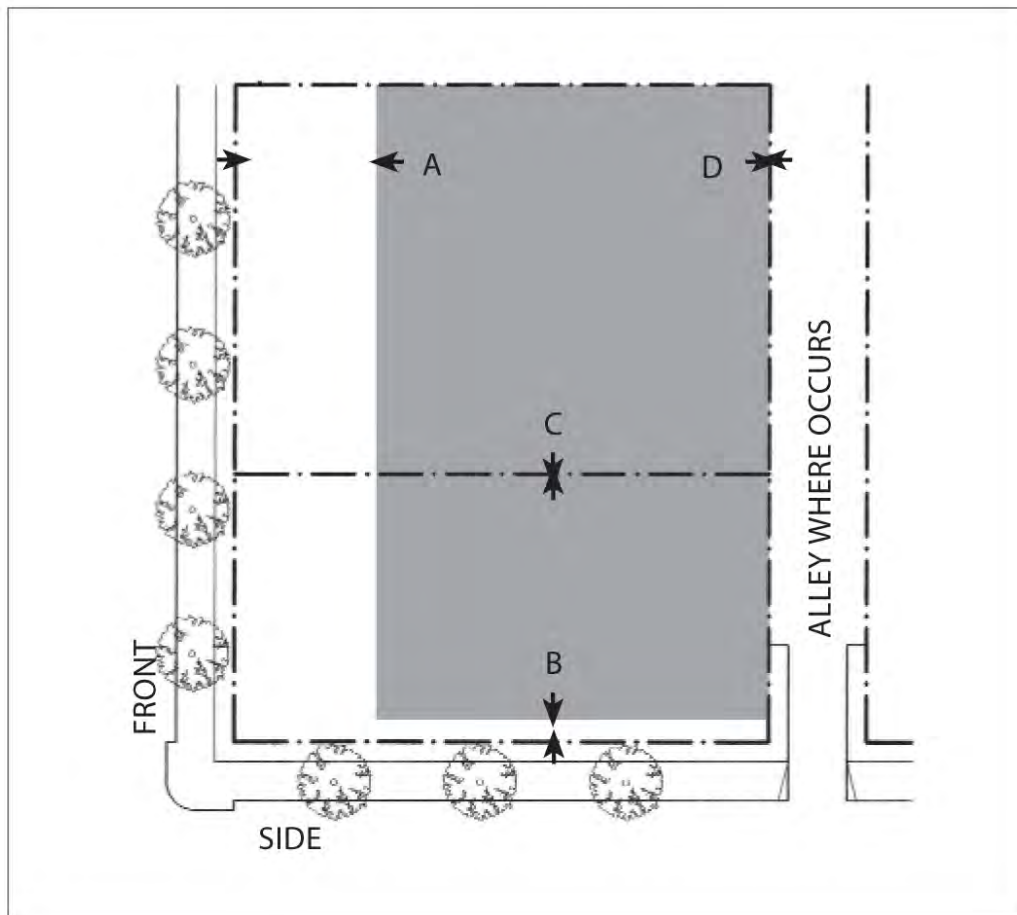
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 50 percent of lot depth maximum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

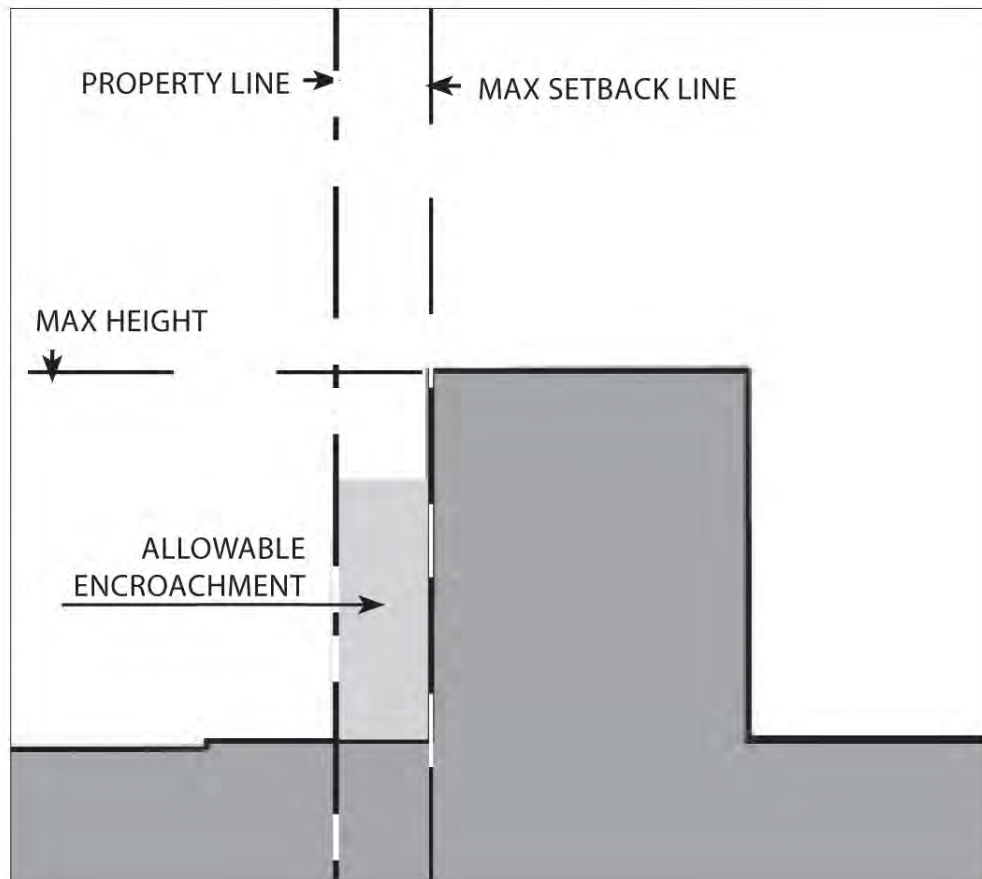
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three or 35 feet, whichever is less for single-use buildings; three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

Exception: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, and outdoor dining furniture may encroach into the setback and public right-of-way and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories or 25 feet.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Arcade, shopfront, stoop, forecourt, frontyard

See [Chapter 88.29](#) for definitions and design standards.

4.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	

All	10,000 sf	60 ft	100 ft	27
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Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

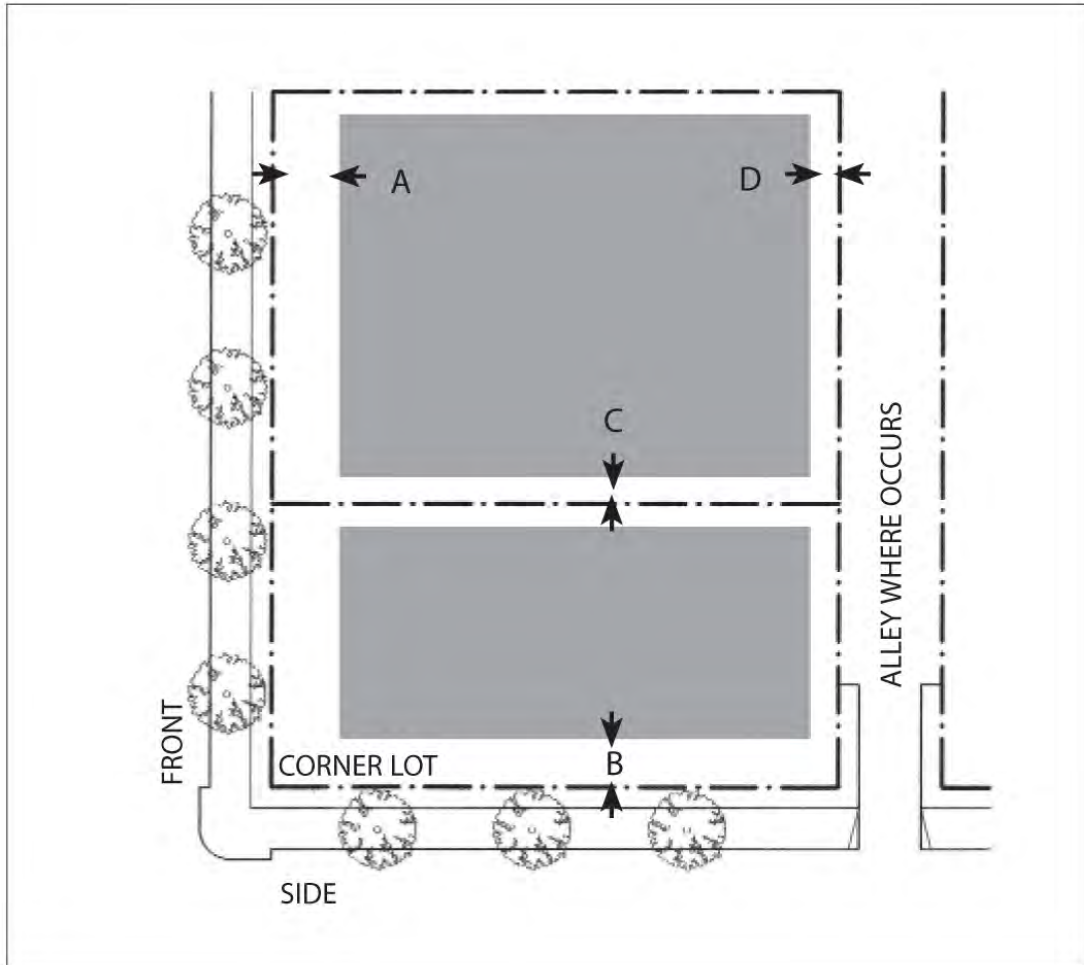
Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

E.

Site Planning and Building Design - San Gabriel Avenue.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Ten feet minimum; 20 feet maximum for 60 percent minimum of lot width.

b.

Side Street Setback: Ten feet minimum.

c.

Sidyard Setback: Zero feet; five feet minimum for residential, or when adjacent to residential.

d.

Rear Setback: Zero feet; five feet minimum for residential, or when adjacent to residential.

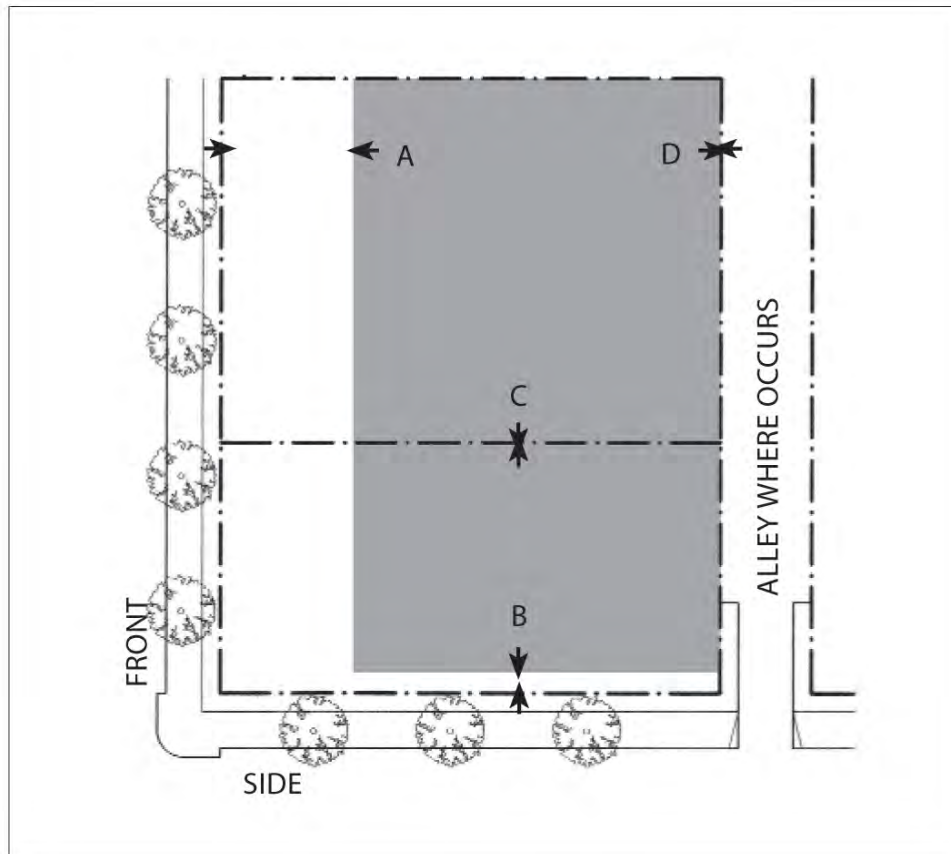
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: 50 percent of lot depth maximum.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

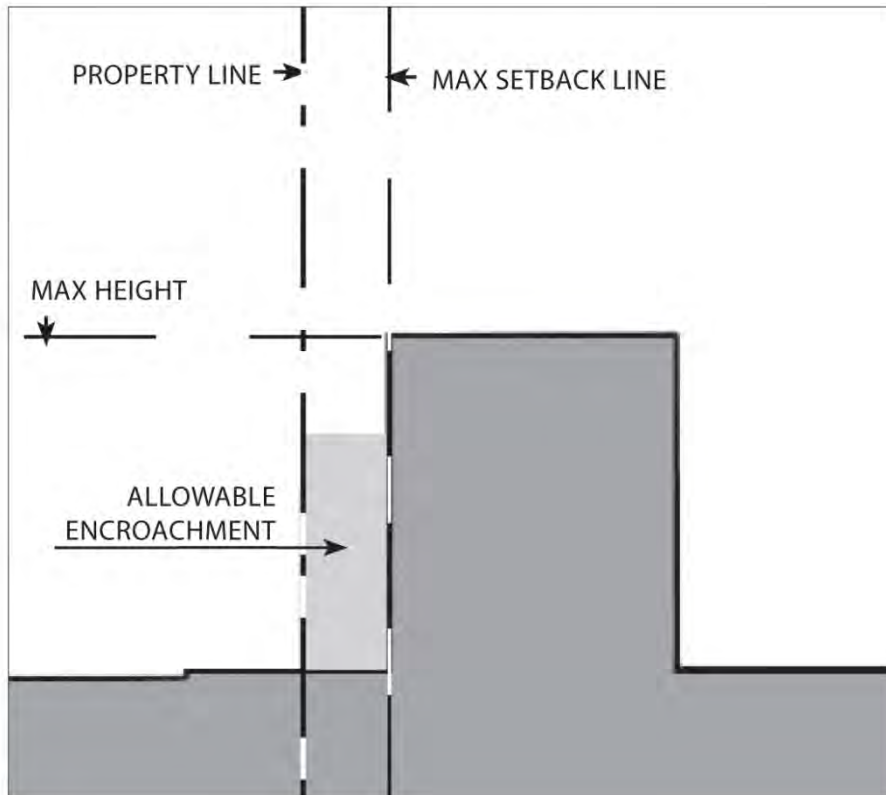
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three or 35 feet, whichever is less for single-use buildings; three stories or 40 feet, whichever is less for mixed-use buildings.

(2)

An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, and outdoor dining furniture may encroach into the setback and public right-of-way and shall be limited to:

(1)

Front encroachment: Ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories or 25 feet.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable Frontage Types:

Stoop, forecourt, porch, common yard.

See [Chapter 88.29](#) for definitions and design standards.

4.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
All	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

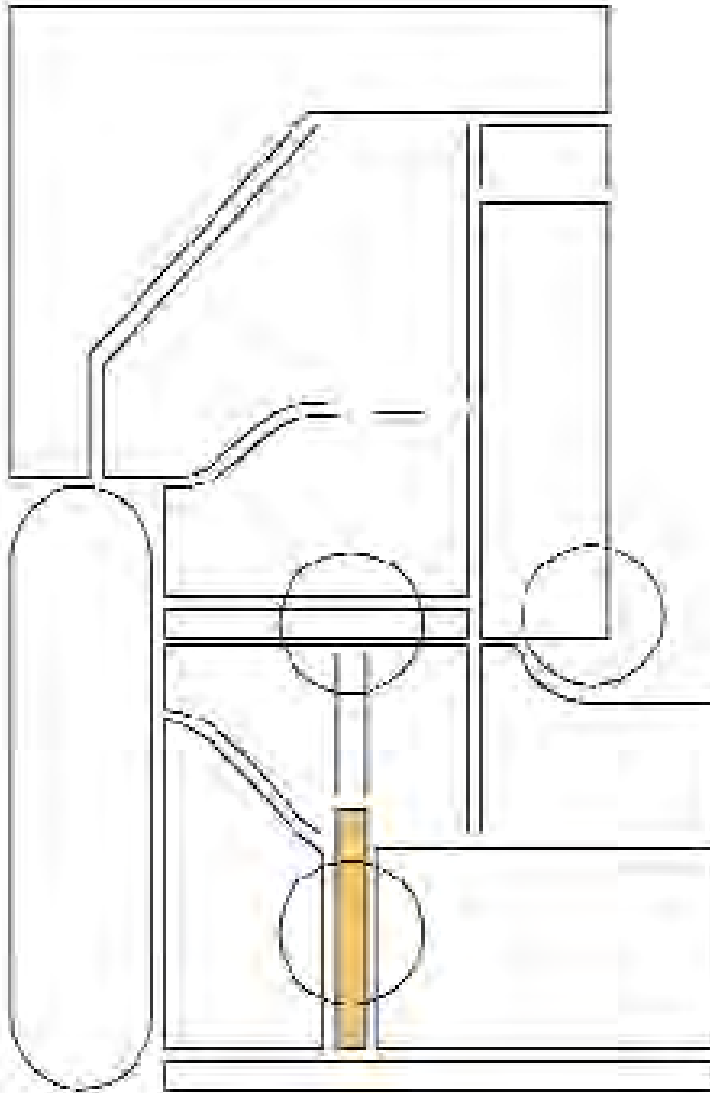
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.26.030. - South Azusa Avenue Corridor.



The purpose of this chapter is to outline the general plan goals and development guidelines for the South Azusa Avenue Corridor of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the Corridor.

A.

Purpose.

The South Azusa Avenue Corridor (CSA) zone is applied to portions of Azusa Avenue adjacent to and south of the 210 Freeway. This corridor zone is intended to accommodate a range of retail and office uses, together with residential units primarily in the form of courtyard housing and row houses.

B.

Location and Existing Conditions.

Azusa Avenue is the primary north-south corridor in the city south of the 210 Freeway. South of the 210 Freeway, Azusa Avenue is a two-way street, and is the primary entrance and exit to the city from the highway system and provides a direct link to the City of Covina. North of the Freeway, Azusa Avenue is the principal street in the Downtown, and with San Gabriel Avenue, provides access to the Los Angeles National Forest. Azusa Avenue throughout its entire length crosses all of the primary east-west corridors.

Streets and Landscape. South Azusa Avenue is a wide, two-way street with little landscape character. Civic and Commercial Features. There are no civic features of note on South Azusa Avenue. The corridor is lined with commercial strip type retail and businesses. Edgewood Center at the intersection of Gladstone Street is a concentrated retail center that has the potential to become a pedestrian-oriented center for the surrounding neighborhoods. Building Fabric. There are essentially two types of buildings facing Azusa Avenue. The first is a one- or two-story residential or commercial building, which is set back approximately ten to 20 feet from the sidewalk and property line, creating a front yard. This setback is typically landscaped with a path to the residence or office. The second type is also a one- or two-story building set back 40 or more feet from the street. The setback at this type is used for surface parking for typically a retail or drive through use. South of the Freeway, properties are occupied by strip retail uses, multi-family apartments, gas stations, churches, a car wash and the backs of several single-family residential units.

C.

Desired Future and Proposed Changes.

The general objective for this area is to transform the character of this corridor from a commercial strip to mix of pedestrian-friendly commercial uses, located in nodes, interspersed with various forms of housing.



Possible landscape of S Azusa Ave

1.

Specific Recommendations.

a.

Study the possibility of removing the San Gabriel Avenue connection to Azusa Avenue, and reclaiming the land as a potential development site.

b.

Promote the Edgewood Center at Azusa Avenue and Gladstone Street as a pedestrian-oriented center to serve adjoining neighborhoods (also see Edgewood District).

c.

Enhance the existing gateway monuments and landscape at Azusa Avenue and Arrow Highway and Azusa Avenue and the 210 Freeway.

d.

Reconfigure the intersection of Azusa Avenue and Newburgh Street to reduce roadway pavement and increase development parcels.

e.

Convert the existing light and water property into a public park.

2.

General Recommendations.

a.

Install landscaped medians and parkways on Azusa Avenue. Consider extending the street tree pattern of tall palms that distinguish North Azusa Avenue to South Azusa Avenue (interspersed with shade trees).



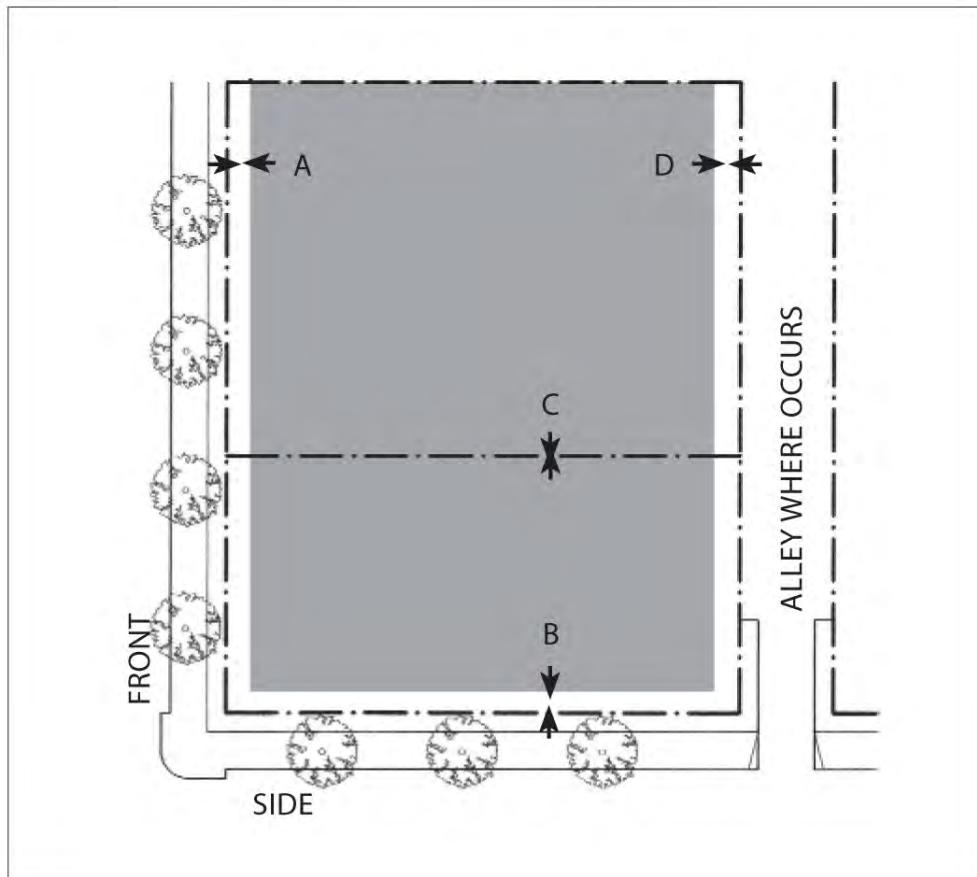
Regulating Plan (at time of adoption)

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Zero feet for shopfronts; 15 feet minimum; 20 feet maximum for 60 percent minimum of lot width.

b.

Side Street Setback: Ten feet minimum; 20 feet maximum for 60 percent minimum of lot width.

c.

Sideyard Setback: Zero feet; ten feet minimum for residential, or when adjacent to residential.

d.

Rear Setback: Zero feet; ten feet minimum for residential, or when adjacent to residential.

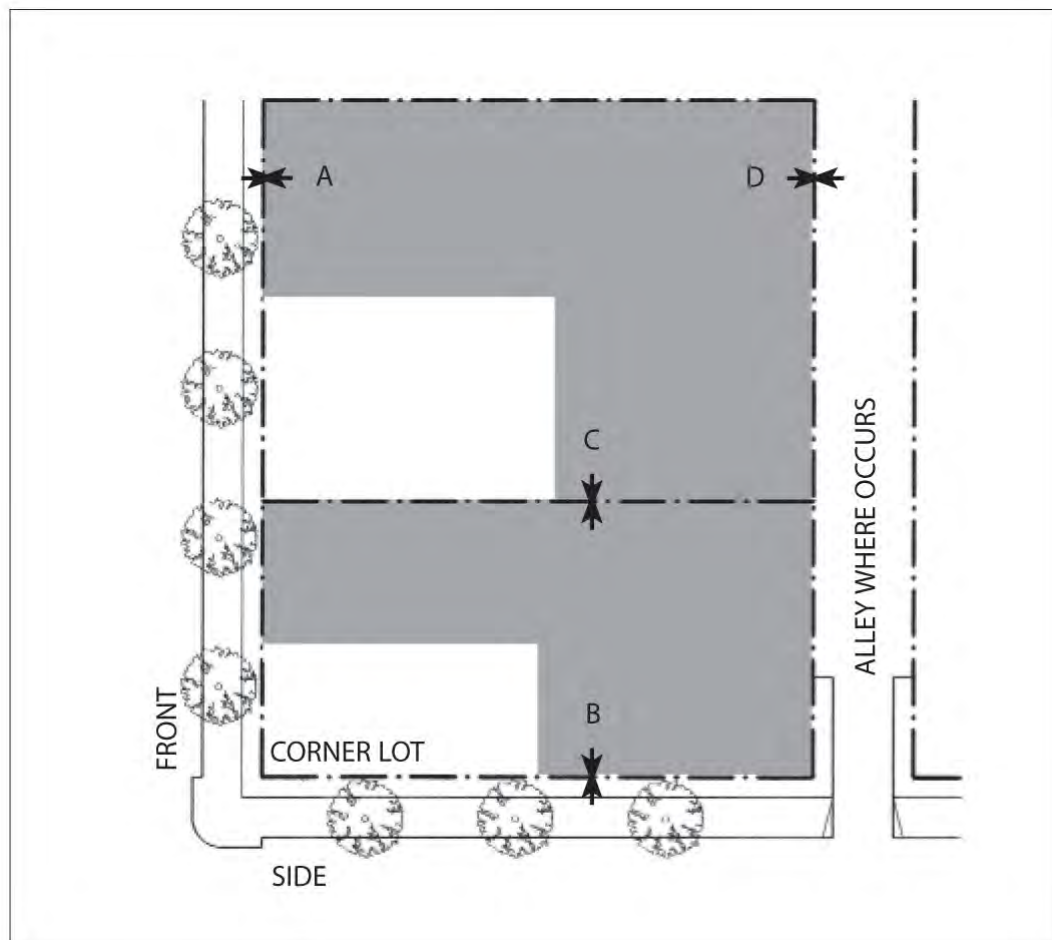
See [Chapter 88.30.060](#) for definitions and design standards.

Notes:

The percentage of building frontage for front and side street setbacks may be reduced by the review authority to accommodate pedestrian plazas located between the street(s) and the building.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: Not required up to 50 percent of frontage

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

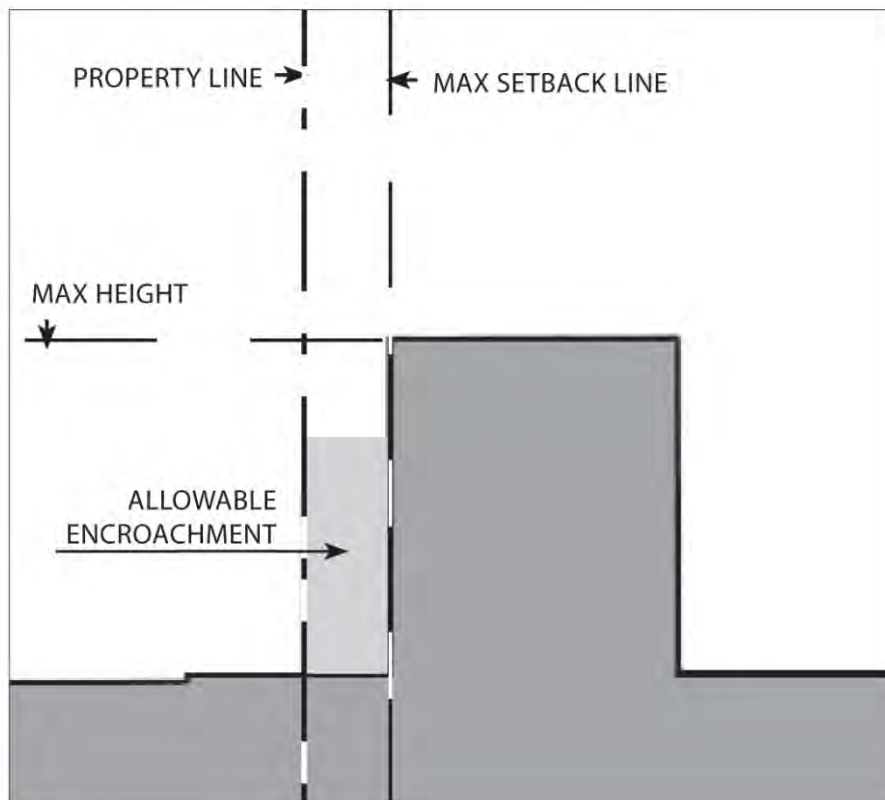
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet for single-use buildings, whichever is less; three stories or 40 feet, whichever is less for mixed-use buildings

(2)

Exception: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, and outdoor dining furniture may encroach into the setback and public right-of-way:

(1)

Front encroachment ten feet maximum.

(2)

Side Street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories or 25 feet.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions

c.

Allowable frontage types.

Gallery, arcade, shopfront, stoop, forecourt.

See [Chapter 88.29](#) for definitions and design standards.

4.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	

Com Mixed Use	10,000 sf	60 ft	100 ft	27
Res Mixed Use	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements show in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

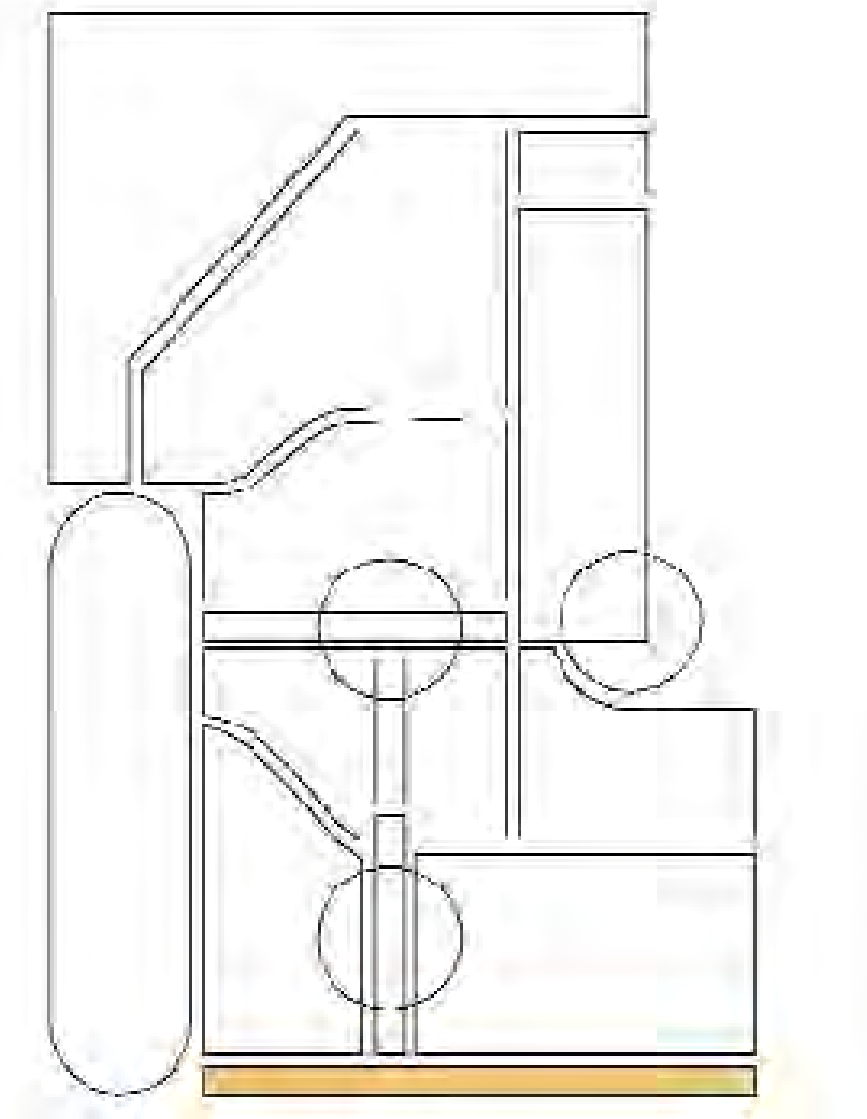
Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

88.26.040. - Arrow Highway Corridor.



The purpose of this chapter is to outline the general plan goals and development guidelines for the Arrow Highway Corridor of Azusa. It is a guideline to assist present and future developers, city staff, and citizens in evaluating the evolving character and potential of the corridor.

A.

Purpose.

The Arrow Highway Corridor (CAH) zone is applied to properties along the north side of the Arrow Highway from its intersection with the Big Dalton Wash Canal to Barranca Avenue. This corridor zone is intended to accommodate a wider range of retail and office uses than the other corridor designations, including automotive

service uses. Multi-family residential and condo developments are allowed in the form of courtyard housing and row houses.

B.

Location and Existing Conditions.

Arrow Highway is one of the two primary east-west regional corridors south of the 210 Freeway in Azusa. It is approximately one mile south of the freeway and, in many areas, it is the southern border of Azusa.



Arrow Highway

Streets and Landscape. For the entire length of the corridor, Arrow Highway is a wide, fast moving arterial street with limited connections to adjacent neighborhoods. Most of the accessible uses to this street are industrial, office or retail in nature. There is no organized public landscape or street trees along Arrow Highway's entire length.

Civic and Commercial Features. There are strip drive-in retail uses, residential neighborhoods set behind parallel frontage roads, single and multi-family buildings and motels, and a community shopping center and a high school on the Covina side of the street. Several small churches are also located along the corridor. Most of the large retail, institutional and industrial uses along this corridor are located in the City of Irwindale. There are no public institutions located on the City of Azusa's side of this corridor.



Arrow Highway

Building Fabric. There is an almost equal mix of single-family and multi-family housing and motels on Arrow Highway. However, most buildings face parallel to local streets and turn their sides or backs to Arrow Highway. There are drive-through uses such as fast food outlets and gas stations at several of the cross street intersections.



Arrow Highway



Regulating Plan-East Portion (at time of adoption)

C.

Desired Future and Proposed Changes.

The general objective for this area is to improve and maintain the character of this corridor as a commercial strip designated for automobile-oriented uses while providing for improved landscaping, enhanced pedestrian safety, and improved aesthetics.

1.

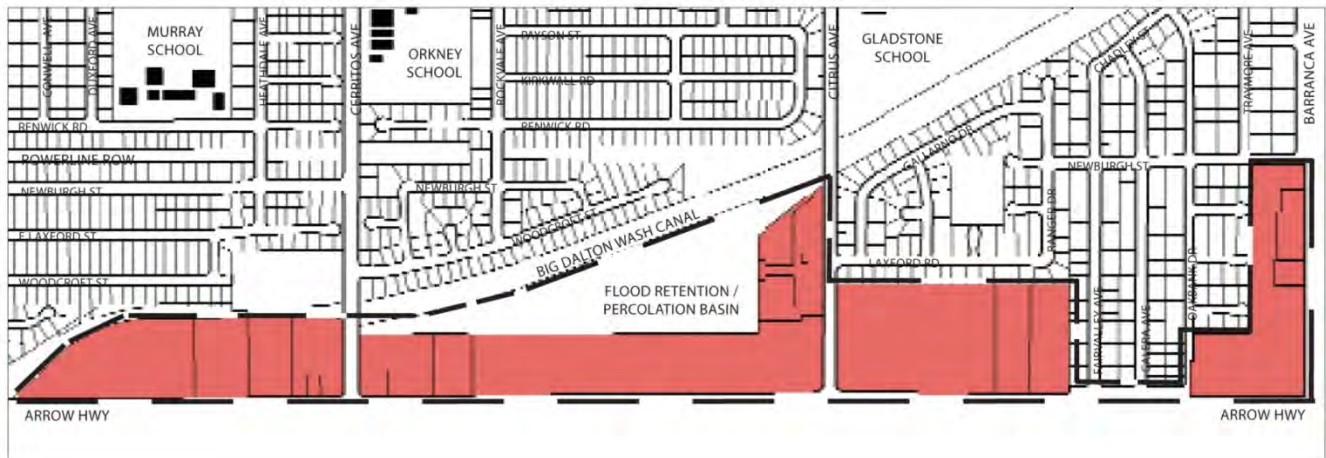
Specific Recommendations.

Create a gateway monument or landscape at Vernon, Citrus and Cerritos Avenues to mark the southern entry of the city.

2.

General Recommendations.

Work with Los Angeles County and the City of Covina to design and install streetscape improvements such as a landscape median on Arrow Highway, and coordinate compatible land uses and design standards.



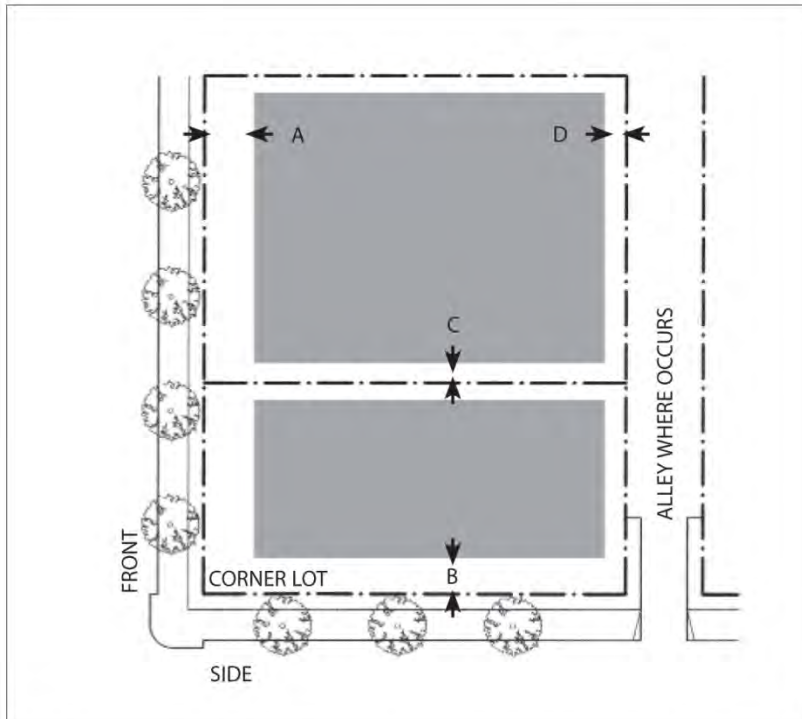
Regulating Plan-West Portion (at time of adoption)

D.

Site Planning and Building Design.

1.

Building Placement.



Plan Diagram

Buildings shall be placed within the shaded area as shown in the above diagram.

a.

Front Setback: Fifteen feet minimum; 25 feet maximum for 60 percent minimum of lot width.

b.

Side Street Setback: 15 feet minimum; 25 feet maximum for 60 percent minimum of lot width.

c.

Sideyard Setback: Zero feet, ten feet minimum for residential, or when adjacent to residential.

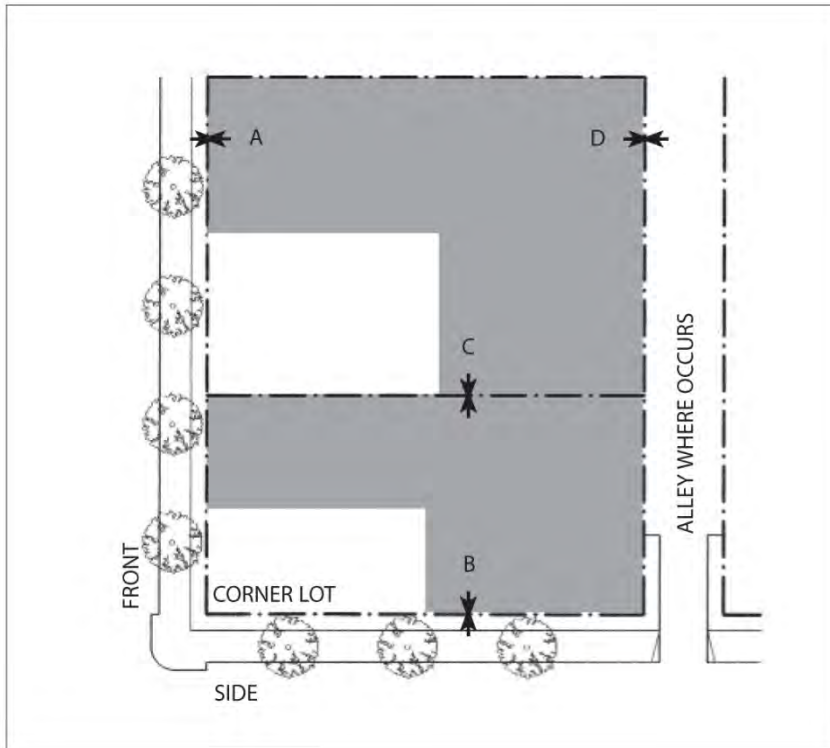
e.

Rear Setback: 25 feet minimum; 50 feet next to residential.

See [Chapter 88.30.060](#) for definitions and design standards.

2.

Parking Placement.



Plan Diagram

Parking not enclosed by a structure is allowed only in the shaded area as shown.

a.

Front Setback: Not required up to 50 percent of frontage.

b.

Side Street Setback: Ten feet minimum.

c.

Side Setback: Not required.

d.

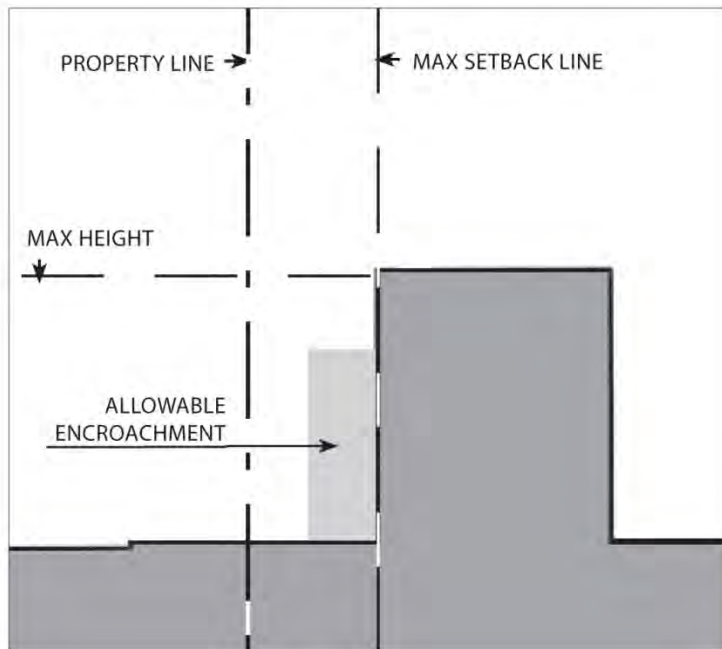
Rear Setback: Not required.

Parking shall be provided according to [Chapter 88.36](#)

See [Chapter 88.34](#) for definitions and design standards

3.

Building Height and Profile.



Section Diagram

a.

Height.

(1)

Maximum: Three stories or 35 feet for single use buildings, which ever is less; three stories or 40 feet, whichever is less for mixed use buildings.

(2)

Exceptions: An area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 15 feet, whichever is less.

b.

Encroachments.

Gallery/arcades, awnings, balconies, porches, and outdoor dining furniture may encroach into the setback and public right-of-way.

(1)

Front encroachment: Ten feet maximum.

(2)

Side street encroachment: Ten feet maximum.

(3)

Side encroachment: Two feet maximum.

(4)

Maximum encroachment height is two stories or 40 feet.

(5)

Porches may encroach to within five feet of the front or side street property line.

See [Chapter 88.30.040](#) for definitions and exceptions.

c.

Allowable frontage types.

Gallery, arcade, shopfront, stoop, forecourt.

See [Chapter 88.30.040](#) for definitions and design standards.

4.

Residential Density Standards.

Zoning District	Minimum Parcel Size (1)			Maximum Density (units/acre)
	Area (2)	Width (1)	Depth	
All	10,000 sf	60 ft	100 ft	27

Each subdivision and residential development shall comply with the minimum parcel size and density requirements shown in the above table, except that an allowed commercial condominium, or a residential condominium or townhouse, or other common interest project may be subdivided with smaller parcels for ownership purposes. In these cases, the minimum lot area shall be determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

Notes:

(1)

Parcel depth shall be no less than the parcel width; and no more than three times the parcel width.

(2)

Net area. In a residential subdivision, corner lots and reversed corner lots shall have an area of at least ten percent greater than that of the minimum lot area required.

(Ord. No. 06-06, § 1B, 8-7-06)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.27. - OVERLAY ZONES >>

CHAPTER 88.27. - OVERLAY ZONES

88.27.010—88.27.030. - Reserved.

88.27.040. - Foothill Center Overlay.

88.27.60. - Downtown North II—Target Overlay.

88.27.010—88.27.030. - Reserved.

88.27.040. - Foothill Center Overlay.

A.

Purpose and Intent.

The Foothill Center (FC) Overlay Zone is established to allow for the transformation over time of the strip commercial retail shopping center at the south-west corner of Foothill Boulevard and Alostia Avenue into a mixed use center which incorporates the design principles of the Urban Form Element of the General Plan.

B.

An application for a zone change to permit the establishment of an (FC) zone shall include and be accompanied by a master phasing plan for the entire property.

C.

Development Standards.

The development standards required by the underlying base district shall apply. In addition, the following shall apply:

1.

Frontage Types.

Residential buildings are exempt from Chapter 88.29 - Architectural Standards if the review authority determines that alternative frontage types will result in a compatible building to street relationship.

2.

Setbacks for residential buildings.

a.

The minimum setbacks adjacent to Fennimore Avenue shall be ten feet with no further encroachment.

b.

The minimum setbacks adjacent to retail parcels shall be seven feet with no further encroachment.

3.

Outdoor Lighting.

Existing parking areas serving retail buildings may be maintained without complying with the maximum height limit for outdoor lighting fixtures.

4.

Parking.

a.

Landscaping of Commercial Parking Areas. Existing parking areas serving retail buildings may be maintained without complying with the parking lot landscaping standards.

b.

Tandem Parking Stalls. 36 percent tandem parking shall be allowed for residential garages.

c.

Compact Parking, if provided, shall compromise no more than ten percent of the total parking spaces provided, and shall be located only on one side of an aisle.

d.

Guest Parking for the residential units may be provided along the portion of Fenimore Street within the boundaries of the townhomes.

5.

Signs.

a.

A Master Sign Plan is required for the commercial component. It may be processed separately from any planning permit required by the city for the development of the parcel.

b.

Three monument signs, not to exceed ten feet in height and 30 square feet in sign face area each, are permitted for the townhome development.

c.

Existing nonconforming freestanding signs may be structurally altered, but not enlarged.

d.

Exemptions from Sign Permit Requirements. Symbols, pictures, patterns, lettering, and illumination approved as architectural

ornamentation or decoration by the review authority are allowed without sign permit or master sign plan approval.

6.

Walls.

a.

Residential perimeter walls may exceed six feet.

7.

Private Open Space.

a.

Private Open Space may be provided through balconies, exterior decks and front patios.

8.

Permitted Uses.

General Retail stores greater than 50,000 square feet may be permitted with a Use Permit.

(Ord. No. 07-06, § 1, 6-18-07)

88.27.60. - Downtown North II—Target Overlay.

A.

Purpose and Intent.

The Downtown North II—Target (DNT) Overlay Zone is established to allow for the transformation of the existing retail site at the intersections of Azusa Avenue, Ninth Street and San Gabriel Avenue into a retail destination that incorporates the intent of the design principles of the Built Environment Element of the General Plan and the Transit Oriented Development (TOD) Urban Standards of the Development Code.

B.

Development Standards.

The development standards required by the underlying base district shall apply, except where the following shall apply:

1.

88.24.010.F.1 Building Placement.

a.

Front Setback: 0 foot.

b.

Side Street Setback: 0 foot.

c.

Sideyard Setback: 0 foot.

d.

Rear Setback: 0 foot.

2.

88.24.010.F.3 Building Height and Profile.

- a.
Maximum: Three stories or 50 feet for single use building, three stories or 55 feet for mixed-use buildings.
 - b.
Exceptions: an area equal to 20 percent of the building's ground floor footprint may exceed the maximum height by an additional story or 20 feet.
- 3.

88.30.020 - Fences, Walls, Hedges and Screening.

3.

Height Limits.

Rear setback (along Metro Gold Line property boundary) as required by Metro Gold Line Authority and as approved by the director of economic and community development.

4.

88.30.060—Setback Requirements and Exceptions.

Allowed encroachments into setbacks: Architectural features (e.g. cornice, sill, trellis, signs approved through a Master Sign Plan) are allowed by approval of the Director of Economic and Community Development and the Director of Public Works Department.

5.

88.31.020.C.4 Limitation on truck deliveries.

Truck deliveries to a commercial parcel adjacent to a conforming residential use shall be limited to the hours between 4:00 a.m. and 12:00 a.m.

6.

88.34.050—Landscape location requirements.

Parking areas - structure parking areas are exempt from interior landscape requirements; exterior landscaping shall include exterior irrigated wall landscape areas with trellises for vines per the requirements of the community services department landscape review.

7.

88.36—Parking and loading.

88.36.080: Stall size: Nine feet by 18 feet. 88.36.080: Structured parking: The exterior facades of the parking structure shall be designed to approximate and be compatible with the appearance of the commercial structure, as determined by the review authority.

(Ord. No. 08-010, § 2, 9-2-08)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.28. - SPECIAL PURPOSE ZONES >>

CHAPTER 88.28. - SPECIAL PURPOSE ZONES

88.28.010. - Purpose.

88.28.020. - Intent of Special Purpose Zones.

88.28.030. - Special Purpose Zone Land Uses and Permit Requirements.

88.28.040. - Special Purpose Zone Site Planning and Building Design Requirements.

88.28.010. - Purpose.

This chapter lists the land uses that may be allowed within the Institutional (INS), Open Space (OS), and Recreation (REC) zones, determines the type of land use permit/approval required for each use, and provides standards for site layout and building form.

88.28.020. - Intent of Special Purpose Zones.

The individual special purpose zones are intended to be applied as follows.

A.

INS (Institutional) Zone.

The INS zone is applied to sites within the city that are occupied by or reserved for public facilities and utilities, meeting facilities, public and private schools, libraries, government offices, etc. The INS zone is consistent with and implements the institutional land use classification of the general plan.

B.

OS (Open Space) Zone.

The Open Space zone is intended to protect its important natural resources by limiting building within the mountains, foothills, and river channels. The primary allowable land uses are: public recreation; limited residential development on legal lots of record with adequate access, buildable areas, and infrastructure; limited agricultural uses; and, where authorized by the general plan lodging, resort, and conference center facilities and related activities. Certain areas within the OS zone may be subject to long-term preservation through land conservancy arrangements.

Surface mining operations may also be allowed where they were established prior to the effective date of this Development Code, recognizing the community's strong interest in improving and accelerating reclamation and reducing the environmental impacts of existing vested mining, with consideration of trade-offs affecting vested mining operations and future operations adjacent and contiguous to vested operations. Future operations adjacent and contiguous to vested operations may be considered through a formal development agreement based on public participation and environmental review. For the purposes of this Development Code, vested mining rights shall mean that valid use permits have been issued by the city, or that mining is otherwise considered vested pursuant to other applicable laws.

C.

REC (Recreation) Zone.

The REC zone is applied to public park and recreation sites and areas within the city. The REC zoning district is consistent with and implements the recreation land use classification of the general plan.

88.28.030. - Special Purpose Zone Land Uses and Permit Requirements.

A.

General Permit Requirements.

Table 2-4 identifies the uses of land allowed by this Development Code in the special purpose zones, and the planning permit required to establish each use, in compliance with Section 88.10.050 (Approval Requirements for Development and New Land Uses). Table 2-4 provides for land uses that are:

1.
Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a zoning clearance (Section 88.51.020). These are shown as "P" uses in the tables;
2.
Allowed subject to the approval of a minor use permit (Section 88.51.050), and shown as "MUP" uses in the tables;
3.
Allowed subject to the approval of a use permit (Section 88.51.050), and shown as "UP" uses in the tables;
4.
Allowed subject to the type of city approval required by a specific provision of Article 4 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
5.
Not allowed in particular zones, and shown as a "—" in the tables.

B.

Permit Requirements for Certain Specific Land Uses.

Where the last column in Table 2-4 ("Specific Use Regulations") includes a section number, the referenced section determines whether the use requires a zoning clearance, minor use permit, or use permit. The referenced section may also establish other requirements and standards applicable to the use.

TABLE 2-4 Allowed Land Uses and Permit Requirements for Special Purpose Zones	P MUP UP S —	Permitted Use, Zoning Clearance required Minor Use Permit required Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE	Specific Use

	INS	OS	REC	Regulations
AGRICULTURAL AND RESOURCE BASED USES				
Crop production, horticulture, orchard, vineyard	—	MUP	—	
Plant nursery	—	MUP	—	
Surface mining operations	—	UP (3)	—	<u>88.44</u>
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Conference/convention facility	UP	UP(4)	—	
Equestrian facility	—	UP	UP	
Golf course	—	UP	UP	

Outdoor shooting range	—	—	—	
Health/fitness facility	UP	MUP(4)	—	
Library, museum	UP	—	—	
Meeting facility, public or private (2)	UP	UP(4)	—	<u>88.42.112</u>
Park, playground	P	P	P	
School - College, university (2)	UP	—	—	<u>88.42.112</u>
School - Elementary, middle, secondary (2)	UP	—	—	<u>88.42.112</u>
School - Specialized education/training (2)	UP	—	—	<u>88.42.112</u>
Sports and entertainment assembly (2)	UP	—	—	

Studio - Art, dance, martial arts, music, etc.	UP	—	—	
Theater (2)	UP	—	—	
Visitor/interpretive center or booth	—	UP	—	
RESIDENTIAL USES				
Caretaker/manager unit	—	MUP(4)	—	
Single-family dwelling	—	MUP	—	
RETAIL SALES				
Alcoholic beverage sales	UP	—	—	<u>88.42.030</u>
Bar/tavern	—	UP(4)	—	<u>88.42.030</u>

General retail, except with any of the following features: Floor area over 50,000 sf	UP(5)	—	—	
Home occupation	—	P	—	
Night club (2)	—	UP(4)	—	
Restaurant, cafe, coffee shop	—	MUP(4)	—	<u>88.42.030</u>
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL				
ATM	—	P(4)	—	
Medical services - Extended care (2)	UP	—	—	
Medical services - Hospital	UP	—	—	
Office - Accessory	P	P(4)	P	

Office - Government	P	—	—	
SERVICES - GENERAL				
Day care center - Child or adult	UP	UP(4)	UP	<u>88.42.060</u>
Lodging - Hotel or motel	—	UP(4)	—	
Public safety facility (2)	—	P(4)	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Parking facility, public or commercial	UP	—	—	
Telecommunications facility	S	S	S	<u>88.46</u>
Transit station or terminal	UP	—	—	

Utility facility (2)	P	MUP(4)	—	
----------------------	---	--------	---	--

Key to Zone Symbols

INS	Institutional/School	REC	Recreation
OS	Open Space		

Notes:

(1)

A definition of each listed use type is in [Article 6](#) (Glossary).

(2)

This is a critical, sensitive, or high occupancy facility, subject to the hazard mitigation requirements of [Section 88.30.030](#)

(3)

This land use shall require the approval of both a use permit and a development agreement.

(4)

Allowed only in the area designated "hotel/conference center" by the general plan.

(Ord. No. 07-06, § 1, 6-18-07; Ord. No. 10-01, § 2, 3-1-10)

88.28.040. - Special Purpose Zone Site Planning and Building Design Requirements.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-5, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in [Article 3](#) of this Development Code.

TABLE 2-5 - SPECIAL PURPOSE ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone		
	INS	OS	REC
Minimum parcel size	<i>Maximum area and width for a proposed parcel.</i>		
Minimum area	N.A.	20 acres	N.A.
Minimum width	N.A.		
Residential density	<i>Maximum number of dwelling units per parcel.</i>		
Maximum density	N.A.	1 unit per parcel	N.A.
Setbacks	<i>Minimum setbacks required See Section 3.10.060 for exceptions.</i>		
Front	N.A.	25 ft	N.A.

Side - Interior (each)	N.A.	25 ft	N.A.
Side - Corner	N.A.	25 ft	N.A.
Rear	N.A.	25 ft	N.A.
Fences	See Section 88.30.020 (Fences, Walls, and Screening)		
Accessory structures	See 88.42.020 (Accessory Structures)		
Height limit	<i>Maximum allowable height of structures. See Section 88.30.040 (Height Limits and Exceptions) for height measurement instructions, and height limit exceptions.</i>		
Maximum height	30 ft	30 ft	50 ft.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 2. - URBAN STANDARDS >> CHAPTER 88.29. - ARCHITECTURAL STANDARDS >>

CHAPTER 88.29. - ARCHITECTURAL STANDARDS

[88.29.010. - Purpose.](#)

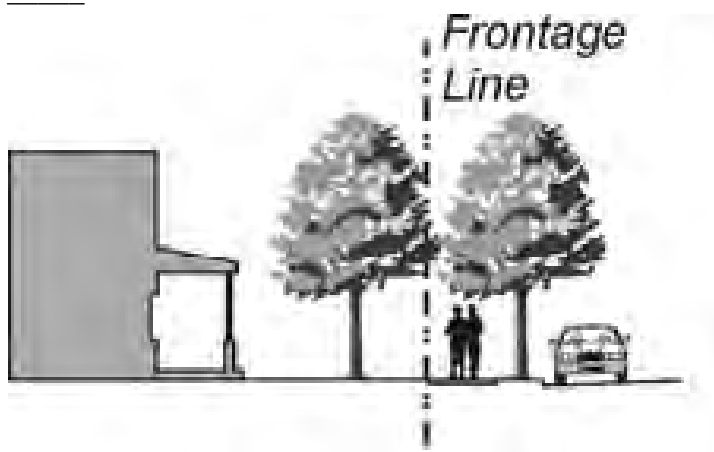
[88.29.020. - Frontage Type Requirements.](#)

88.29.010. - Purpose.

This Chapter lists the land uses that may be allowed within the zones established by [Chapter 88.20](#) (Regulating Plan), and determines the type of planning permit/approval required for each use.

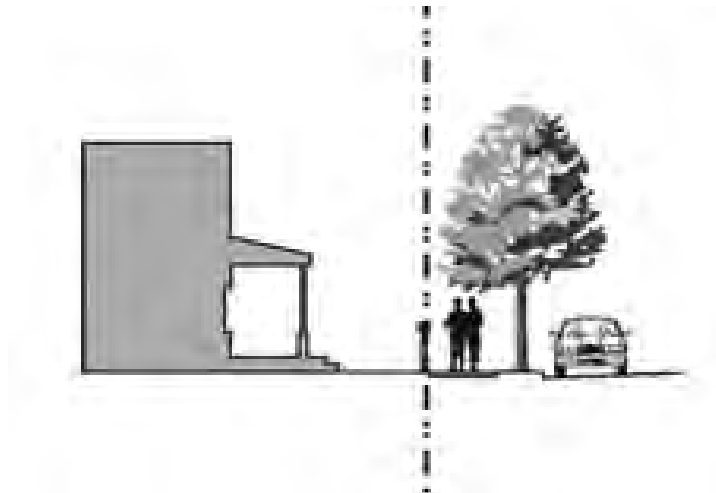
88.29.020. - Frontage Type Requirements.

The street facing facade of each proposed building shall be designed as one of the building frontage types allowed within the applicable zone. Each allowed frontage type shall be designed in compliance with the following standards. Building frontage placement on the site shall comply with the setback requirements of the applicable zone.



A.

Common Yard. The building facade is substantially set back from the front property line. The resulting front yard may be fenced in compliance with [Section 88.30.020](#) (Fences, Walls, and Screening). A front porch is optional, but is preferred in neighborhoods designated by [Article 2](#), and may be required by the review authority.



B.

Porch. The building facade is set back from the front property line behind a porch, which may encroach into a required front setback as allowed by the applicable zone. A low fence or wall at the property line may be used to define the private space of the yard. A variety of porch designs are acceptable, provided that a porch has a minimum depth of eight feet.



C.

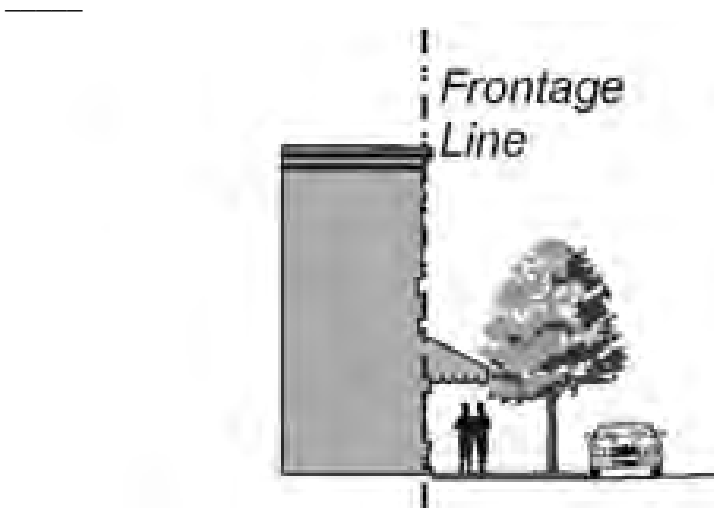
Forecourt. The building facade is aligned close to the front property line with a portion of the facade set back. The resulting forecourt is suitable for gardens, restaurant seating, or an entry plaza. This type should be used sparingly and in conjunction with the types in subsections D. through G. of this Section, as an extensive setback deters pedestrians. Trees within forecourts should be placed to have their canopies overhang the street sidewalk. A short wall may also be placed at the property line. If a forecourt is no more than 20 feet wide, it does not count against the building placement

requirements of [Article 2](#) that require a percentage of the building frontage at the back of the sidewalk.



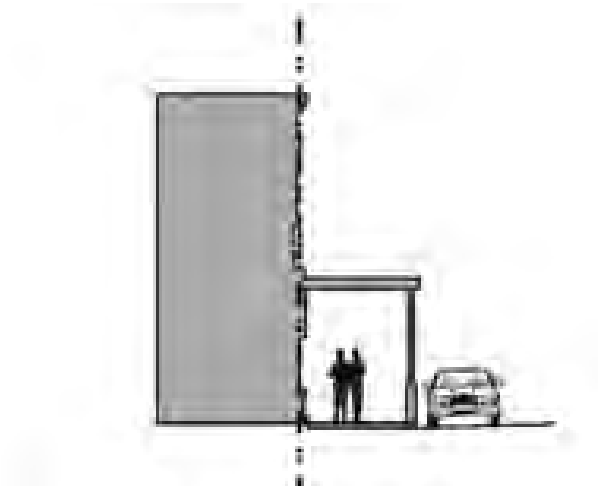
D.

Stoop. The building facade is placed close to the front property line with the ground floor elevated a minimum of 24 inches above the sidewalk. This type is suitable for ground-floor residential use with a minimal front setback.



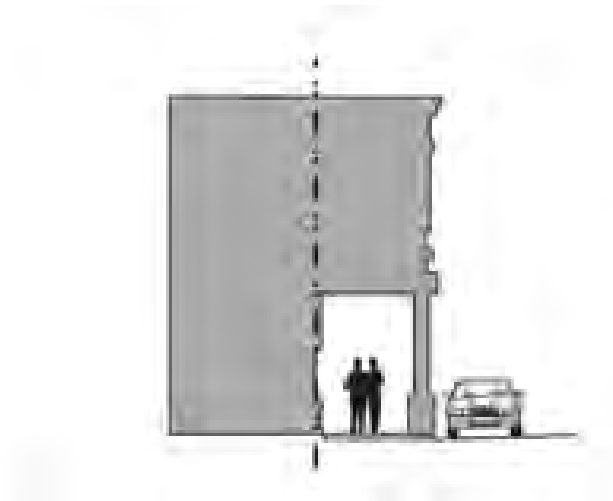
E.

Shopfront. This building façade is intended for retail use and is commonly equipped with an awning, when located adjacent to the property line. An awning that extends over the sidewalk requires an encroachment permit.



F.

Gallery. The building facade is placed at or close to the front property line with an attached cantilevered shed or lightweight colonade overlapping the sidewalk. This type is appropriate for retail use. The gallery shall be at least ten feet wide and shall overlap the entire width of the sidewalk to within two feet of the curb. The gallery shall be at least 12 feet in clear height above the sidewalk. Any portion of a building that extends over the sidewalk shall require an encroachment permit from the city.



G.

Arcade. The building facade is above a colonnade that overlaps the sidewalk, while the sidewalk level remains at the front property line. This type is appropriate for retail use. The arcade shall be at least 12 feet wide and shall overlap the entire width of the sidewalk to within two feet of the curb. The arcade shall provide at least 12 feet of clear height above the sidewalk. Any portion of a building that extends over a public right-of-way shall require encroachment permit approval.

(Ord. No. 11-O16, § 3, 10-24-11)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS >>

ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS

This article provides standards for the planning, design, and operation of new development that supplement those in [Article 2](#) for specific zones.

[CHAPTER 88.30. - STANDARDS FOR ALL DEVELOPMENT AND LAND USES](#)

[CHAPTER 88.31. - OPERATIONAL STANDARDS](#)

[CHAPTER 88.32. - AFFORDABLE HOUSING INCENTIVES](#)

[CHAPTER 88.34. - LANDSCAPING STANDARDS](#)

[CHAPTER 88.36. - PARKING AND LOADING](#)

[CHAPTER 88.38. - SIGNS](#)

[CHAPTER 88.39. - ART IN PUBLIC PLACES PROGRAM](#)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS >> CHAPTER 88.30. - STANDARDS FOR ALL DEVELOPMENT AND LAND USES >>

CHAPTER 88.30. - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

[88.30.010. - Purpose and Applicability.](#)

[88.30.012. - Archaeological Resource Protection.](#)

[88.30.014. - Dwelling Unit Minimum Floor Area.](#)

[88.30.020. - Fences, Walls, Hedges, and Screening.](#)

[88.30.030. - Hazard Mitigation.](#)

[88.30.040. - Height Limits and Exceptions.](#)

[88.30.050. - Security Bars.](#)

[88.30.060. - Setback Requirements and Exceptions.](#)

[88.30.070. - Solid Waste/Recyclable Materials Storage.](#)

[88.30.080. - Underground Utilities.](#)

88.30.010. - Purpose and Applicability.

A.

Purpose.

This chapter expands upon the zone standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of

stable and desirable character, consistent with the general plan and any applicable specific plan.

B.

Applicability.

The requirements of this chapter shall apply to all proposed development and new land uses, except as specified in Chapter 88.54 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zone in Article 2 (Urban Standards) and those in Article 4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 4 shall control.

88.30.012. - Archaeological Resource Protection.

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A.

Construction activities shall cease, and the department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, approved by the city, and funded by the applicant, and disposition of artifacts may be accomplished in compliance with state and federal law.

B.

In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the county coroner shall be notified in addition to the department so proper disposition may be accomplished.

88.30.014. - Dwelling Unit Minimum Floor Area.

Each new dwelling unit within the city shall have the minimum floor area shown in the following table.

Type or Size of Dwelling	Minimum Floor Area for Each Unit
Single-family dwelling	1,200 sf
Duplex	850 sf

Other Multi-family housing (including second dwelling units and carriage houses)	
Studio unit	500 sf
1-bedroom unit	675 sf
2-bedroom unit	800 sf
3 or more bedroom unit	975 sf

Note:

Any room that can be easily used or converted to function as a bedroom will be counted as a bedroom in all instances where a Development Code standard is based on the number of bedrooms per unit.

(Ord. No. 06-06, § 1B, 8-7-06)

88.30.020. - Fences, Walls, Hedges, and Screening.

A.

Applicability.

The requirements of this section apply to all fences and walls within the city.

B.

Measurement of Fence and Wall Height.

For the purposes of determining compliance with the fence and wall height limits of this section, fence and wall height shall be measured as follows.

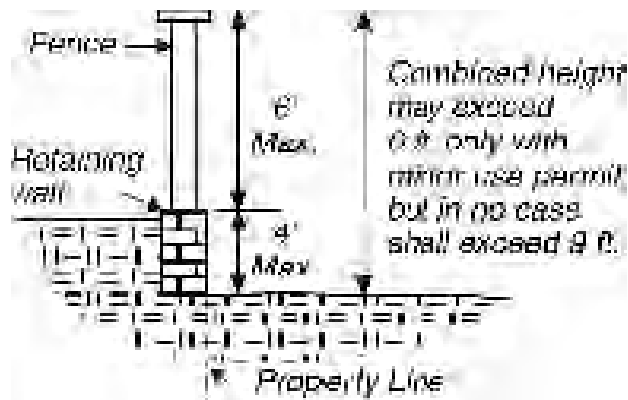


Figure 3-1- Fence Height Measurement

1.

Fence height shall be measured as the vertical distance between the finished grade on the site at the base of the fence and the top edge of the fence material.

2.

The height of fencing placed on top of a wall shall be measured from the base of the wall.

3.

Where the ground elevation within six feet of the base of a fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade. The combined height of the retaining wall and fence may exceed six feet with minor use permit approval, but in no case shall the combined height exceed nine feet. The retaining wall shall not exceed four feet in height, and the fence on top of the retaining wall shall not exceed six feet in height.

C.

Height Limits.

Each fence, wall, and hedge shall comply with the height limits shown in Table 3-1, except as otherwise provided by subsections D. or E.

TABLE 3-1. MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location of Fence, Wall,	Maximum Height (1)

or Hedge	
In all zones other than West End District	
Front setback	<u>42</u> in
Interior side setback	6 ft, except as provided by 88.30.020.B.3.
Side street setback	36 in. within corner cut-off area; 6 ft elsewhere, except as provided by 88.30.020.B.3.
Rear setback	6 ft, except as provided by 88.30.020.B.3.
Outside of required setback	Same as maximum building height.
In the West End District	
On site of existing nonconforming auto wrecking yard	8 ft minimum, 16 ft maximum

All other locations within the West End District	8 ft outside of required front setback
--	--

Notes:

(1)

Height includes all columns, pilasters, gates, and other fencing and wall materials.

D.

Modifications to Height Limit Requirements.

1.

Circumstances Qualifying for Modification. The director may, without notice or a hearing, grant a modification to the above fence, wall, and hedge height regulations in the following instances.

a.

Where a site is occupied by an agency of the federal, state, county, or city government.

b.

Where required by any other ordinance, statute, or law.

c.

For fences, walls, or hedges located along the rear property and major or secondary highway right-of-way lines at the following locations:

(1)

West side of Citrus Avenue from Baseline Road to Foothill Center;

(2)

East side of Citrus Avenue from Armstead Street to I-210;

(3)

South and west sides of the shopping center at the southwest corner of Alostia and Citrus Avenues, abutting residential zone districts;

(4)

West side of Cerritos Avenue, from 180 feet south of Mason Street to Gladstone Street; and

(5)

North side of Gladstone Street, from Cerritos Avenue to Pasadena Avenue.

2.

Conditions for Modification in Specific Areas. In the locations allowed by subsection D.1.c, where a fence along a rear property line is less than the permitted height, additional height may be granted for fences, walls, or hedges along side property lines, provided that the side yard fence, wall, or hedge does not exceed the height of the rear yard fence, wall, or hedge. All over-height fences permitted in compliance with this subsection D. shall be subject to the following conditions.

a.

An addition to an existing fence shall be of the same material, color, and texture as the existing fence, except where the director determines that the existing fence is in deteriorating condition or consists of materials determined by the director to be inappropriate (e.g., fiberglass, plastic, etc.).

b.

All allowed fences shall be properly engineered and comply with all applicable building permit requirements and regulations.

c.

The height of the fence, wall, or hedge shall not exceed seven feet, four inches.

A written record of all modifications approved in compliance with this section shall be maintained on file in the department.

E.

Specific Fence and Wall Requirements.

1.

Fencing Between Different Land Uses. Fencing between different land uses shall be provided in compliance with subsection G. (Screening).

2.

Sport Facility and Golf Course Fencing. Fence height greater than that allowed by subsection C. May be granted as determined by the director to be appropriate for safety, based on the type of activities to be conducted within the fenced area.

3.

Outdoor Equipment, Storage, and Work Areas. Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with subsection G. (Screening).

4.

Perimeter Walls. A perimeter masonry wall that is visible from a public right-of-way shall include articulation by providing, for every 15 feet of continuous wall, a minimum of one, 18-inch deep by three-foot long landscaped recess, or other design element including wrought iron, tile insets, or grillwork, or other articulation method approved by the review authority as being equally effective in avoiding the appearance of a monotonous wall of excessive length. A perimeter wall shall be constructed with pilasters provided at each change in direction, and at a minimum of every 25 feet of continuous wall.

5.

Retaining Walls. Any embankment to be retained that is over five feet in height shall be benched so that no individual retaining wall exceeds a height of five feet, and each bench is a minimum width of 36 inches.

6.

Swimming Pools, Spas, and Similar Features. Swimming pools/spas and other similar water features shall be fenced in compliance with California Building Standards Code requirements, regardless of the other requirements of this section.

F.

Allowed Materials.

Fences and walls may be of masonry, wood, wrought iron and/or other similar materials, and/or other durable and low maintenance materials as approved by the director, except the following, which are prohibited except where otherwise required by law.

1.

Barbed, razor or concertina wire in conjunction with a fence or wall, or by itself, is prohibited in all neighborhoods, districts, and corridors, except that the director may approve the use of these materials in the DW zone (West End District), where not visible from a public or private street.

2.

Wood fences are prohibited on a site perimeter except for:

a.

A fence 42 inches or less in height and located in a required front or street side setback; or

b.

A rail fence at an equestrian facility.

c.

Up to 50 percent of an existing legal non-conforming wood fence can be repaired and or replaced.

3.

Chain link or wire mesh fencing where visible from a public right-of-way, on a site with new and/or replacement construction, or on the site perimeter of a residential use, except where otherwise required by law.

G.

Screening.

This subsection establishes standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

1.

Screening Between Different Land Uses. A commercial or industrial land use proposed on a site abutting a neighborhood zone identified by Article 2 shall provide screening at the parcel boundary as follows. Other nonresidential uses adjacent to a residential use may also be required by the review authority to comply with these requirements, except within a mixed use project (Section 88.42.120).

a.

The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, six feet in height (up to eight feet may be allowed in compliance with subsection B. (Height Limits)). Pedestrian connections and/or other openings may be required at the discretion of the review authority.

b.

The maximum height of the wall shall comply with the provisions of subsection B. (Height limitations).

c.

The wall shall be decorative, with architectural treatment on both sides, subject to the approval of the review authority.

d.

A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that eight feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 88.34.050.D.3.d.

e.

The review authority may waive or approve a substitute for the requirements of this subsection G.1 if the review authority first determines that:

(1)

The relationship of the proposed uses, or physical characteristics of the site and/or adjoining parcels make the required screening unnecessary or undesirable;

(2)

The intent of this section can be successfully met by means of alternative screening methods;

(3)

Physical constraints on the site make the required screening infeasible.

2.

Mechanical Equipment, Loading Docks, and Refuse Areas.

a.

Roof or ground mounted mechanical equipment shall be screened by solid materials from public view as determined by the review authority to be feasible, from public streets, and areas zoned for residential uses that abut the site. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.

b.

The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

c.

Replacement air conditioning and heating units and new air conditioning and heating units, not visible from the public street, may be painted instead of screened at the discretion of the zoning administrator or his designee.

3.

Outdoor Storage and Work Areas. See Section 88.42.160 (Outdoor Storage).

4.

Outdoor Building Materials and Garden Supply Areas. See Section 88.42.150 (Outdoor Display and Sales).

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, §§ 5, 6, 3-1-10)

88.30.030. - Hazard Mitigation.

A.

Purpose.

The requirements of this section implement the hazard policies and standards of the natural environment element of the general plan.

B.

Applicability.

The requirements of this section apply to the location, site planning, and design of critical, sensitive, and high occupancy facilities, as defined in the general plan, and

as identified in the tables of allowable land uses for each zone in Article 2 (Urban Standards).

C.

Location Requirements.

No critical facility shall be located within, or within 150 feet of an identified active or potentially active fault zone, or future Alquist-Priolo Earthquake Fault Zone, and no sensitive or high occupancy facility shall be located within 100 feet of the identified active or potentially active fault zone, unless a qualified engineer determines to the satisfaction of the city, based on detailed site investigations, that a closer location will not result in undue risks.

D.

Emergency Response/Contingency Plans.

Each application for city approval of a proposed critical, sensitive, and/or high occupancy facility shall include emergency response plans with contingencies for all appropriate hazards, as determined by the director.

88.30.040. - Height Limits and Exceptions.

A.

Purpose.

This section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions to those height limits.

B.

Maximum Height of Structures.

The height of each structure shall not exceed the height limit established by Article 2 (Urban Standards) for the zone applicable to the site, except as otherwise provided by this section.

C.

Height Measurement.

The maximum allowable height shall be measured as provided by Municipal Code Title 14 (Building Code).

D.

Exceptions to Height Limits.

The following structures and structural features may exceed the height limits of this Development Code as determined by the review authority to be appropriate through the review of a discretionary permit application (e.g., use permit, minor use permit, variance), and as determined by the director to be appropriate through the review of a project that does not require a discretionary permit.

1.

Architectural Features. A chimney, cupola, monument, mechanical equipment, vent, spire, theater scenery loft, or similar structural and/or architectural feature; or a tower as allowed in Article 2 (Urban Standards).

2.

Telecommunications Facilities. The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter 88.46 (Telecommunications Facilities).

E.

Corner Cut-Off Height Limit.

A corner cut-off for sight visibility purposes shall be provided adjacent to any public or private street or alley intersection in other than a corridor, district, or neighborhood center. See Figure 3-2.

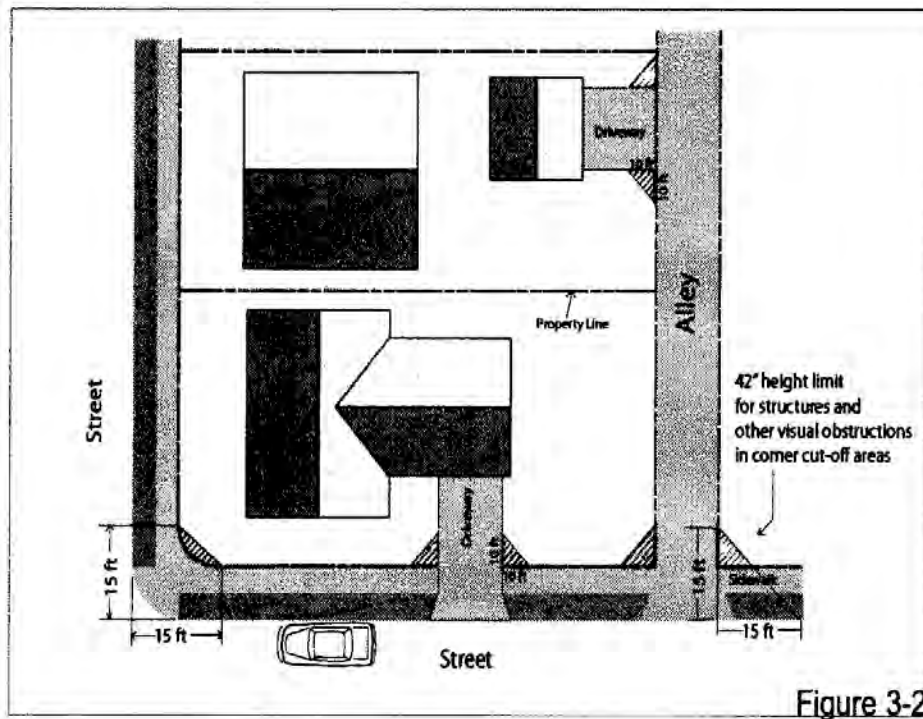


Figure 3-2

1.

Measurement of Visibility Area.

a.

Street Corners and Alleys. A corner-cut off area is a triangle defined by measuring 15 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. A corner cut-off area may include private property and/or public right-of-way.

b.

Driveways.

i.

Access to streets. A corner-cut off area is a triangular area which is formed by a straight line connecting a point ten feet back of the front or side street lot line and a point which is 15 feet on either side of a private driveway measured along the applicable front or street side lot line.

ii.

Access to alleys. A corner-cut off area is a triangular area which is formed by a straight line connecting a point ten feet back of the rear lot line abutting the alley and a point which is ten feet on either side of a private driveway measured along the rear lot line.

2.

Height Limit. No structure, sign, or landscape element shall exceed 42 inches in height within a corner cut-off area except as approved by the city engineer, and except for trees with their canopy trimmed to a minimum of eight feet above grade.

(Ord. No. 06-06, § 1B, 8-7-06)

88.30.050. - Security Bars.

In commercial or industrial buildings, all security bars, gates, or grates covering windows, and all security bars, gates, and grates covering door openings and store fronts, shall be installed on the inside of the window, door, opening, or storefront. The installation and maintenance of these security devices shall comply with all applicable building and fire code requirements.

88.30.060. - Setback Requirements and Exceptions.

A.

Purpose.

This section provides standards for the location, required size and allowable uses of setbacks. Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

B.

Setback Requirements.

1.

Minimum Setbacks for All Structures. Each structure shall comply with the minimum front, interior side, side street, and rear setback requirements established by Article 2 (Urban Standards) except:

a.

Where a setback requirement is established for a specific land use by Article 4; and

b.

As otherwise provided by this section.

No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-way, except as allowed by Section 88.29.020 (Frontage Type Requirements).

2.

Maximum Setbacks for All Structures. Each structure shall be located to not exceed the front or side street setback required by Article 2 (Urban Standards), except:

a.

Where a setback requirement is established for a specific land use by Article 4; and

b.

Where a setback requirement is established for a phased mixed-use project through use permit approval, and/or through a development agreement.

3.

Exemptions from Setback Requirements. The minimum setback requirements of this Development Code do not apply to the following:

a.

An encroachment into a required setback as allowed by the building frontage and profile requirements of Article 2 for the applicable zone, or by subsection F.;

b.

A fence or wall six feet or less in height, when located outside of a front or side street setback;

c.

A deck, earthwork, step, patio, or similar structure in other than a front setback, or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point;

d.

A sign in compliance with Chapter 88.38 (Signs)

e.

A retaining wall less than 30 inches in height above finished grade.

C.

Measurement of Setbacks.

Setbacks shall be measured as follows, except that the director may require different setback measurement methods where the director determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-3.

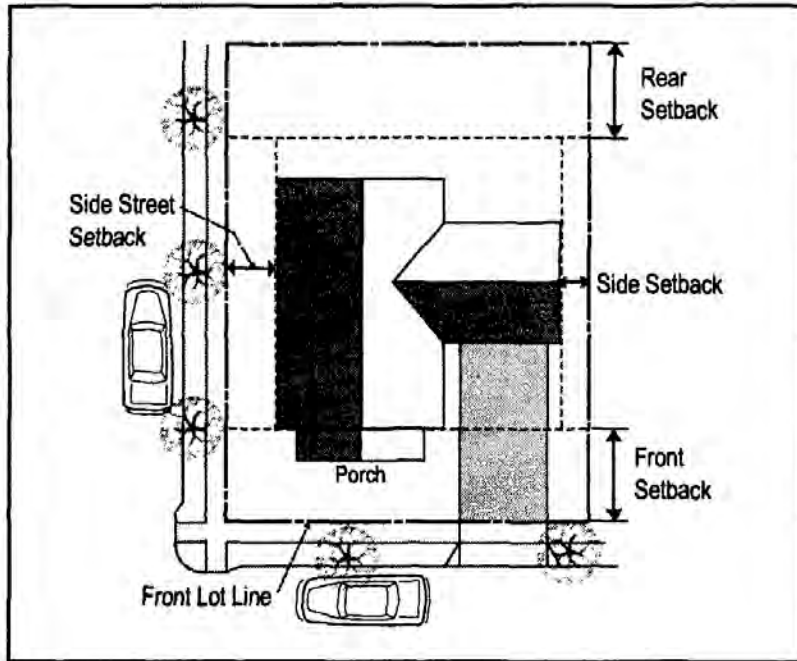


Figure 3-3 - Location and Measurement of Setbacks

1.

Front Setback. A front setback shall be measured at right angles from the nearest point on the public right-of-way at the front of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure (or column supporting a covered porch, gallery, or arcade), except as follows. On a corner lot, the front property line is the most narrow dimension of a lot adjacent to a street.

a.

Developed Residential Block. In a block where 50 percent or more of the parcels along the block face have been improved with structures, the required front setback for a new structure shall be the greater of the following:

(1)

The minimum front setback required by [Article 2](#) (Urban Standards); or

(2)

The average of the actual front setbacks of the existing structures along the same block face.

b.

Mapped Street with Future Improvements. If the city has established a plan that identifies a right-of-way for the future construction of a new street or the widening of an existing street, a required front or side street setback shall be measured from the line shown on that plan.

c.

Flag Lot. Flag lots are prohibited within the city, except where no other feasible subdivision alternative exists, and the use of a flag lot is authorized by use permit approval. Flag lots require a minimum of 15-foot wide street frontage and the flag lot area and minimum frontage width shall not include the access street.

d.

Corner Lots. The front setback shall be measured from the nearest point of the wall of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, or for an irregularly shaped corner lot, the property line to be used for front setback measurement shall be determined by the director.

e.

Landlocked Parcel. The front setback on a parcel that has no access to a public street except by way of an easement across another parcel shall be measured at right angles to the property line most nearly parallel to the street to which the parcel has access. A structure proposed on a landlocked parcel need not comply with the maximum allowable front setback requirements established by [Article 2](#) (Urban Standards).

2.

Side Setback. See Figure 3-3.

a.

Interior Side Setback. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear setbacks.

b.

Side Street Setback. The side setback on the street side of a corner parcel shall be measured from the nearest point on the side property line bounding the street, or the edge of an easement for a private road, or the inside edge of the sidewalk, or a planned future right-of-

way established as described in subsection C.1.b, whichever results in the greatest setback from the existing or future roadway.

3.

Rear Setback. The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line. See Figure 3-3.

a.

Through Lot. Structures on a through lot that is improved as a single building site shall be set back from both street lot lines by the distance required by [Article 2](#) for the front setback.

b.

No Rear Lot Line. Where a parcel has no rear lot line because its side lot lines converge to a point, an assumed line five feet long within the parcel, parallel to, and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback.

D.

Limitations on the Use of Setbacks.

The use or occupancy of a required setback shall comply with the following standards.

1.

Structures. A required setback area shall not be occupied by structures other than:

a.

The fences and walls permitted by Section 88.30.030 (Fences, Walls, and Screening);

b.

A garage in a rear setback in compliance with Section 88.42.020 (Accessory Structures); and

c.

The encroachments into setbacks allowed by the applicable zone.

2.

Storage of Materials or Equipment. No front or side street setback shall be used for the storage of building materials, scrap, junk, machinery, indoor furniture, or similar materials, except for building materials required during an on-site construction project with a valid building permit.

3.

Vehicle Parking and Storage.

No required parking space shall be located within a required setback, except as provided by Section 88.36.090.A (Location of Parking) and 88.36.130

(Commercial, Oversized and Recreational Vehicles on Private Property). The following requirements shall also apply:

a.

All vehicles parked within the front yard setback of a residential lot shall be parked only on a driveway leading to a garage or carport, and shall be parked on a paved surface. The maximum allowable area that can be paved in the front yard setback or street side yard setback area is 35 percent of the total width of the setback area.

b.

Parking of any vehicles on unpaved surfaces, concrete tiles or blocks, or grasscrete blocks, concrete tiles or similar surfaces is prohibited. Driveways must be fully paved.

c.

The parking or storage of inoperable vehicles in the front yard of a residential lot is prohibited. Inoperable vehicles may be parked or stored in the side or rear yards of a residential lot on a paved area or in a garage, provided the vehicle is screened with approved and appropriate fencing from public view.

d.

The parking of any vehicle on any vacant unpaved lot is prohibited.

e.

Vehicles parked on driveways in the front yard setback or street side yard setback shall not encroach into a parkway containing a sidewalk or in cases where there is no sidewalk, at least eight feet from the edge of the curb and in the absence of a curb at least eight feet from the edge of the paved road.

f.

Vehicle repairs shall not be performed in front yard setbacks except in case of an emergency. No long term repairs or car dismantling shall be allowed in front yard setbacks. An emergency is considered as the car being unable to start such as a battery jump or changing a flat tire. Long term repairs are considered those taking more than a 12-hour consecutive period.

4.

Pavement. The amount of pavement in required front and side yard setbacks for driveway and garage access shall not exceed that allowed by Section 88.36.100 (Driveways and Site Access).

5.

Outdoor Dining. Outdoor dining is permitted within the required front setback or side street setback when approved by the design review authority.

E.

Allowed Encroachments into Setbacks.

An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with the building frontage and profile requirements of Article 2. These requirements do not apply to accessory structures, which are instead subject to Section 88.42.020 (Accessory Structures).

TABLE 3-2. ALLOWED ENCROACHMENTS INTO SETBACKS

Encroaching Feature	Allowed Encroachments into Specified Setback		
	Front or Side Street Setback	Side Setback	Rear Setback
Architectural feature (e.g., cornice, eave, sill, etc.)	See Article 2	5 in. for each foot of required setback, to a maximum of 5 ft.	
Balcony, stairway - Unenclosed			
Bay window or similar feature that does not extend building foundation			
Chimney			
Deck, uncovered porch, landing,		20% of required setback, to a maximum	5 in. for each foot of required setback, to a maximum of 5

and similar		of 2 ft.	ft.
Equipment (e.g., pool pump/filter)	Not allowed	May be located anywhere within setback	
Fire escape	See Article 2	5 in. for each foot of required setback, to a maximum of 5 ft.	
Patio or porch - Covered, maximum of 20 ft. wide			

F.

Setback Requirements for Specific Structures:

1. Accessory Structures. See Section 88.42.020 (Accessory Structures).
2. Fences. See Section 88.30.020 (Fences and Walls).
3. Decks and Other Site Design Elements. A detached deck, freestanding solar device, steps, terrace, or other site design element that is placed directly upon the grade, and that exceeds a height of 18 inches above the surrounding grade at any point, shall comply with the setback requirements of this Development Code for detached accessory structures.
4. Swimming Pool, Hot Tub, Etc. A permanent swimming pool, hot tub, or spa shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, § 1, 6-16-08; Ord. No. 10-01, § 7, 3-1-10)

88.30.070. - Solid Waste/Recyclable Materials Storage.

A.

Purpose.

This section provides standards which recognize the city's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).

B.

Applicability.

These requirements apply to new multi-family residential and nonresidential development, or changes to existing multi-family residential or nonresidential development that increase gross floor area by 25 percent or more.

C.

Extent of Storage Area Required.

Solid waste and recyclables storage areas shall be provided in the number, dimensions, and types required by the department or review authority. Additional storage areas may be required, as deemed necessary by the director.

D.

Enclosure Requirements.

Storage areas shall be fully enclosed by a six-foot solid enclosure that is architecturally compatible with adjacent structures.

1.

The dimensions and materials of the enclosure shall comply with standards provided by the department.

2.

Gates shall be solid and continuously maintained in working order.

3.

A concrete apron shall be provided within the enclosure.

4.

Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter 88.34 (Landscaping Standards). See Figure 3-4

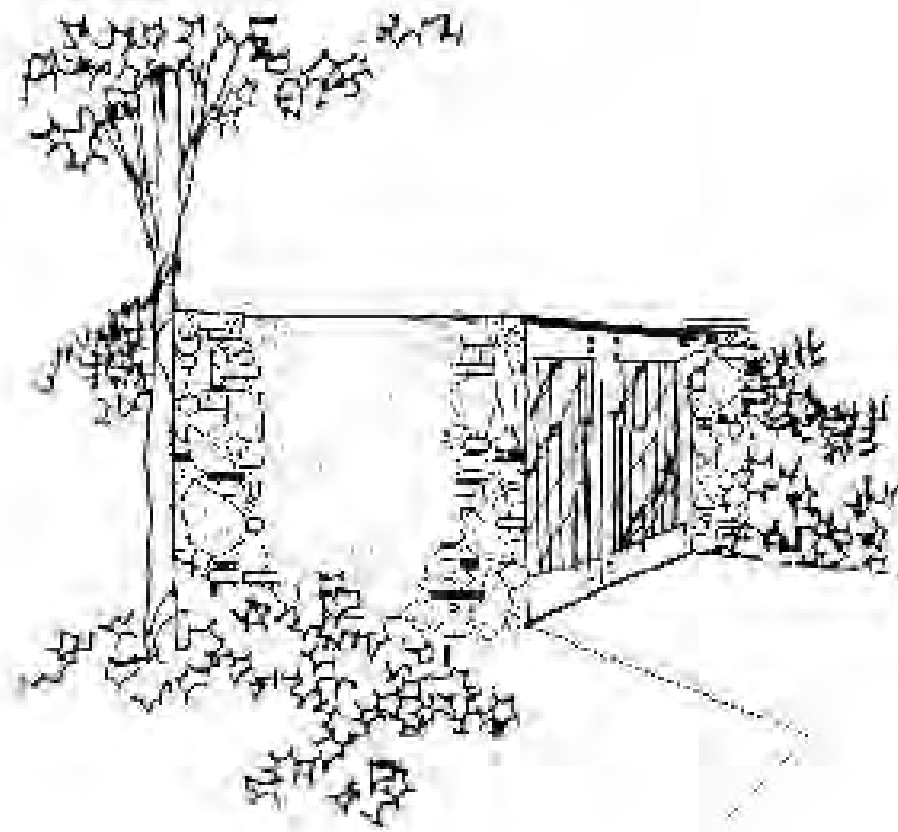


Figure 3-4 - Example of Appropriate Solid Waste Enclosure

88.30.080. - Underground Utilities.

All electric, telephone and other telecommunications facilities, street lighting wiring, cable television and other wiring conduits, shall be placed underground by the developer. This requirement shall not apply in the case of an addition to an existing structure that increases the existing floor area by less than 50 percent.

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CHAPTER 88.31. - OPERATIONAL STANDARDS

88.31.010. - Purpose and Applicability.

88.31.020. - Noise Standards.

88.31.030. - Outdoor Lighting.

88.31.040. - Performance Standards.

88.31.010. - Purpose and Applicability.

A.

Purpose.

This chapter provides standards that regulate various aspects of the operation of an approved land use, for the protection of public health, safety, and welfare.

B.

Applicability.

The requirements of this chapter shall apply to all development and land uses.

88.31.020. - Noise Standards.

A.

Purpose.

This section implements the policies of the noise element of the general plan, and provides standards for noise mitigation that are intended to protect the community health, safety, and general welfare by limiting exposure to the unhealthful effects of noise.

B.

Applicability.

No use, activity, or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:

1.

Emergencies. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;

2.

State or Federal Preempted Activities. Any activity regulated by state or federal law;

3.

Public Health and Safety Activities. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;

4.

Parks. Public agency sanctioned recreational activities and programs conducted in public parks; and

5.

Solid Waste Collection. The authorized collection of solid waste.

C.

Noise Source Standards.

1.

Noise Level Limitations. No use, activity, or process within the city shall generate noise in excess of the levels identified by Tables 3-3 and 3-4, as the noise is measured at the property line of a noise sensitive land use identified in Tables 3-3 and 3-4.

a.

If the measured ambient noise level exceeds the applicable noise level standard in any category shown in Table 3-3, the applicable standards shall be adjusted to equal the ambient noise level.

b.

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 3-3.

Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

TABLE 3-3. MAXIMUM ALLOWABLE NOISE LEVEL BY RECEIVING LAND USE

Noise Sensitive Land Use	Outdoor Activity Areas (1) (2)	Interior Spaces	
	dBA L _{dn}	dBA L _{dn}	dBA L _{eq}
Residential	65	45	N.A.
Transient lodging	65	45	N.A.

Hospitals, extended care	65	45	N.A.
Theater, auditorium	(3)	45	35
Meeting facility, public or private	65	45	40
Offices	65	45	45
School, library, museum	65	45	45
Playground, park	<u>70</u>	N.A.	N.A.

Notes:

(1)

Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.

(2)

Where it is not possible to reduce noise in outdoor activity areas to 65 dB Ldn/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 70 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

(3)

Subject to an acoustical analysis in compliance with subsection C.2

**TABLE 3-4 - NOISE STANDARDS FOR
SHORT-DURATION EVENTS NEAR RESIDENTIAL AREAS**

Sound Level	Maximum Allowable Sound Level (1)	
	Day/Evening dB <i>J(7 am to 10 pm)</i>	Night dB <i>(10 pm to 7 am)</i>
Hourly L_{eq} dB	50	45
Maximum Level, dB	<u>70</u>	65
Maximum Level, dB, for Impulsive Noise	65	60

Notes:

(1)

If the offensive noise contains a steady, audible tone (e.g., a screech or hum), is a repetitive noise (e.g., hammering), or contains speech or music, the maximum allowable sound level shall be reduced by five dB.

2.

Acoustical Analysis Required. Where the director determines that a proposed project may generate noise in excess of any limit established by Table 3-3, and/or where the use may generate noise in outdoor areas in excess of 60 dBA, the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the director.

a.

Contents. The analysis shall determine the potential for stationary source noise impacts to neighboring land uses, include field measurements to determine more precise locations for existing and projected future noise levels (based on traffic projections in the circulation element of the general plan or as otherwise accepted by the city), and recommend appropriate mitigation measures.

b.

Preferred Mitigation Measures for Receptor Sites. When development is subject to high noise levels requiring mitigation, the following measures shall be considered and preference shall be given where feasible in the following order:

(1)

Site layout, including setbacks, open space separation and shielding of noise sensitive uses with non-noise-sensitive uses;

(2)

Acoustical treatment of buildings; or

(3)

Structural measures such as constructed of earth berms and/or wood or concrete barriers; provided that no sound wall shall be located adjacent to a public street.

3.

Limitation on Hours of Construction. In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the city has established the following limits on construction, in compliance with Table [3-5](#) or as required by conditions of approval.

**TABLE [3-5](#). ALLOWABLE HOURS
OF CONSTRUCTION**

Day	Allowable Hours
Monday through Saturday	7:00 a.m. to 6:00 p.m. Extended construction hours may only be allowed by the review authority through

	conditions of approval between 6 p.m. and 10 p.m
Sunday and National Holidays	Construction activities may only be allowed by the review authority through conditions of approval between <u>9</u> a.m. and 5 p.m.

4.

Limitation on Truck Deliveries. Truck deliveries to a commercial or industrial parcel adjacent to a conforming residential use shall be limited to the hours between 7:00 a.m. and 7:00 p.m., unless the Director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

D.

Noise Receptor Standards.

Where noise-sensitive land uses are proposed in areas exposed to existing or projected noise levels in excess of the standards in Tables 3-3 and 3-4, the city shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design, so that proposed structures are designed to limit intruding noise in interior rooms to 45 dBA Ldn. At the discretion of the director, the requirement for an acoustical analysis may be waived if all of the following conditions are satisfied:

1.

The development is for less than five single-family dwellings or less than 10,000 square feet of total gross floor area for office buildings meeting facilities;

2.

The noise source in question consists of a single roadway or railroad for which up-to-date noise exposure information is available. An acoustical analysis will be required if the noise source is a stationary noise source, or if there are multiple noise sources that could affect the project;

3.

The projected future noise exposure at the exterior of proposed buildings or outdoor activity areas does not exceed 65 dBA Ldn;

4.

The topography of the area is essentially flat; and

5.

Effective noise mitigation, as determined by the director, is incorporated into the project design. The measures can include, but are not limited to, the use of building setbacks, building orientation, or noise barriers. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

E.

Noise Measurement.

In order to determine compliance with the standards in Tables 3-3 and 3-4, exterior noise levels shall be measured at the property line of the noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the "A" weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise.

(Ord. No. 06-06, § 1B, 8-7-06)

88.31.030. - Outdoor Lighting.

Outdoor lighting on private property shall comply with the following requirements.

A.

An outdoor light fixture shall be limited to a maximum height of 14 feet or the height of the nearest building, whichever is less.

B.

Outdoor lighting shall utilize energy-efficient fixtures and lamps; examples include high pressure sodium, hardwired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency.

C.

Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:

1.

Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and

2.

Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.

D.

No lighting on private property shall produce an illumination level greater than one footcandle on any property within a Neighborhood except on the site of the light source.

E.

No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the director.

88.31.040. - Performance Standards.

A.

Purpose.

This section provides performance standards that are designed to minimize various potential operational impacts of land uses and development within the city, and promote compatibility with adjoining areas and land uses.

B.

Applicability.

The provisions of this section apply to all new and existing land uses, including permanent and temporary uses, unless an exemption is specifically provided. A land use existing on the effective date of this section shall not be altered or modified thereafter to conflict with these standards.

C.

Air Emissions.

No operation or activity shall emit excessive smoke, fumes, dust, or particulate matter, or which exceed the requirements or levels specified by the South Coast Air Quality Management District.

D.

Combustibles and Explosives.

The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code, and California Code of Regulations Title 19, including the provision of adequate safety devices to guard against fire and explosion hazards, and adequate firefighting and fire suppression equipment and devices.

E.

Ground Vibration.

No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.

F.

Light and Glare.

Outdoor lighting shall comply with the requirements of Section 88.31.030 (Outdoor Lighting).

G.

Liquid Waste.

All sewage and industrial waste systems shall comply with all requirements of the county sanitation districts and the city engineer. All industrial wastes not approved for deposit in sewer lines shall be disposed of as required by the city engineer.

H.

Noise.

See Section 88.31.020 (Noise Standards).

I.

Odor.

No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at or beyond the property line of the site.

J.

Radioactivity, Electrical Disturbance or Electromagnetic Interference.

None of the following shall be emitted:

1.

Radioactivity, in a manner that does not comply with all applicable state and federal regulations.; or

2.

Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception, or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable state and federal regulations.

88.31.050. - Property Maintenance.

A.

Maintenance Standard.

Each structure and parcel within the city shall be kept and maintained in a clean, neat, orderly, operable, and usable condition, reflecting common community standards, and in compliance with Municipal Code Section 34-231 (Nuisance Abatement). This requirement applies to buildings, paving, fences, walls, landscaping, water, earth, and any other structures or natural features.

B.

Equipment Storage.

No construction equipment or other heavy equipment shall be stored on property within a neighborhood zone or other parcel where outdoor storage is not specifically allowed by the applicable zone.

C.

Use of Setbacks.

See Section 88.30.060.E (Limitations on the use of setbacks).

CHAPTER 88.32. - AFFORDABLE HOUSING INCENTIVES

[113]

88.32.010. - Purpose.

88.32.020. - Density Bonus Incentive.

88.32.030. - Types of Bonuses and Incentives Allowed.

88.32.040. - Continued Availability.

88.32.050. - Location and Type of Designated Units.

88.32.060. - Processing of Bonus Requests.

88.32.070. - Density Bonus Agreement.

88.32.080. - Control of Resale.

88.32.090. - Waiver of Standards.

88.32.010. - Purpose.

This chapter is intended to implement the housing element of the general plan and the requirements of Government Code Sections 65915 through 65918, offering incentives for the development of affordable housing for low-income, moderate-income, and senior citizen households. Where regulations are not specifically addressed in this chapter or where there are conflicts between these provisions and the provisions of Government Code Sections 65915 through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

(Ord. No. 11-04, § 2, 4-18-11)

88.32.020. - Density Bonus Incentive.

In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed housing development shall comply with the eligibility requirements specified in Government Code Sections 65915 through 65918. A density bonus and applicable incentives/concessions shall be granted if an applicant for a housing development seeks and agrees to construct a development that contains low-income, very low-income, moderate-income, and/or senior housing units, the required percentages of which are outlined in Government Code Section 65915(b)(1).

(Ord. No. 11-04, § 2, 4-18-11)

88.32.030. - Types of Bonuses and Incentives Allowed.

The amount of a density bonus, and the extent of other incentives allowed for a proposed housing development shall be determined by the council in compliance with Government Code Section 65915. An additional density bonus incentive shall be granted if an applicant proposes to construct a housing development that conforms with Government Code Section 65915(b)(1) and that includes a child care facility located on the premises of, as part of, or adjacent to the project. If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the council may modify or waive other development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

A.

Calculating Density Bonus.

The calculation of a density bonus in compliance with this subsection that results in fractional units shall be rounded up to the next whole number, as required by state law. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

B.

Other Incentives.

1.

Applicant Specified Concessions or Incentives. An applicant may submit to the city a request for specific concessions or incentives in compliance with this section.

2.

Available Concessions or Incentives. A qualifying project shall be entitled to one, two, or three of the following incentives, as allowed by Government Code Section 65915, in addition to the density bonus allowed by Section 88.32.020 and subsection A. above:

a.

A reduction in the site development standards of this Development Code (e.g. site coverage, off-street parking requirements, reduced parcel dimensions, and/or setback requirements);

b.

Approval of mixed use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located; and/or

c.

Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions.

3.

Additional Concessions or Incentives. The council shall have the discretion to approve additional concessions or incentives to a qualifying project based on the superior merits of that particular project, as determined by the council.

4.

Required Findings to Reject Concession or Incentive. The council shall grant the concession or incentive requested by the applicant unless the council makes a written finding, based upon substantial evidence, of either of the following:

a.

The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c); or

b.

The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

C.

Effect of incentive or concession.

The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

(Ord. No. 11-04, § 2, 4-18-11)

88.32.040. - Continued Availability.

The planning permit application for the affordable residential project shall include the procedures proposed by the developer to maintain the continued affordability of the designated lower income units as follows. These provisions shall apply to both rental and for-sale ownership units.

A.

Development Projects with Public Funding.

A project that receives a direct financial contribution or other financial incentives from a public source (including the city, the Department of Housing and Urban Development (HUD), or state tax credit program), or a density bonus and at least one other concession or incentive in compliance with Section 88.32.030, shall maintain

the availability of the designated lower income units for a minimum of 30 years, as required by Government Code Sections 65915(c) and 65916; or

B.

Private Development Projects—Density Bonus Only.

Privately-financed projects that receive a density bonus as the only incentive from the city shall maintain the availability of the designated lower income units for a minimum of ten years.

(Ord. No. 11-04, § 2, 4-18-11)

88.32.050. - Location and Type of Designated Units.

A.

Location/Dispersal of Units.

The designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.

B.

Phasing.

If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the city.

(Ord. No. 11-04, § 2, 4-18-11)

88.32.060. - Processing of Bonus Requests.

A.

Use Permit Required.

A request for bonus units shall require the approval of a use permit in compliance with Section 88.51.050

B.

Findings for Approval.

In addition to the findings required for the approval of a use permit in compliance with Section 88.51.050, the approval of a density bonus shall require that the commission first make all of the following additional findings:

1.

The project will be consistent with the General Plan, except as provided by this chapter with regard to maximum density, density bonuses, and other incentives and concessions;

2.

The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;

3.

Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this chapter;

4.

In the event that the city does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c); and

5.

There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

88.32.070. - Density Bonus Agreement.

A.

Procedures.

An owner/developer requesting a density bonus, shall draft, and agree to enter into, a density bonus agreement (referred to in this section as the "agreement") with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the city manager and the city attorney.

B.

Execution of Agreement.

1.

Following execution of the density bonus agreement by all parties, the city shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the county recorder's office.

2.

The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the units.

3.

The agreement shall be binding to all future owners, developers, and/or successors-in-interest.

C.

Information in Agreement.

The density bonus agreement shall include at least the following information:

1.

The total number of units approved for the housing development, including the number of designated dwelling units;

2.

A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;

3.

The marketing plan for the affordable units;

4.

The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

5.

Tenure of the use restrictions for designated dwelling units of at least ten or 30 years, in compliance with Section 88.32.040 (Continued Availability), above;

6.

A schedule for completion and occupancy of the designated dwelling units;

7.

A description of the additional incentives being provided by the city;

8.

A description of the remedies for breach of the density bonus agreement by the owners, developers, and/or successors-in-interest of the project; and

9.

Other provisions to ensure implementation and compliance with this chapter.

D.

Agreement Provisions.

The density bonus agreement shall include at least the following provisions:

1.

The developer shall give the city the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

2.

The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the city;

3.

When providing the written approval, the city shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by HUD;

4.

The city shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

5. Applicable deed restrictions, in a form satisfactory to the city attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy.
6. In any action taken to enforce compliance with deed restrictions, the city attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the city's costs of action including legal services.

E.

For-Sale Housing Conditions.

In the case of a for-sale housing development, the density bonus agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period:

1. Designated dwelling units shall be owner-occupied by eligible very low-, low-, or moderate-income households, or by qualified residents in the case of senior housing; and
2. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the city which:
 - a. Restricts the sale of the unit in compliance with this chapter during the applicable use restriction period;
 - b. Contains provisions as the city may require to ensure continued compliance with this chapter and state law; and
 - c. Shall be recorded against the parcel containing the designated dwelling unit.
3. The applicable restriction period shall be a minimum of ten years for projects with density bonus without financial subsidy or assistance and a minimum of 30 years for projects receiving financial assistance in compliance with Section 88.32.040 (Continued Availability).

F.

Rental Housing Conditions.

In the case of a rental housing development, the density bonus agreement shall provide for the following conditions governing the use of designated dwelling units during the use restriction period:

1.
The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;
2.
Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this chapter;
3.
Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and
4.
The applicable use restriction period shall be a minimum of ten years for projects with density bonus without financial subsidy or assistance and a minimum of 30 years for projects receiving financial assistance in compliance with Section 88.32.040 (Continued Availability).

(Ord. No. 11-04, § 2, 4-18-11)

88.32.080. - Control of Resale.

In order to maintain the availability of affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply.

- A.
The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the Los Angeles metropolitan area consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Prior to offering an affordable housing unit for sale, the seller shall provide written notice to the city of their intent to sell. The notice shall be provided by certified mail to the director.
- B.
Home ownership affordable units constructed, offered for sale, or sold under the requirements of this section shall be offered to the city or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the city by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the city according to the requirements of this section. The seller shall not levy or charge any additional fees nor shall any "finders fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C.

The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the city, stating the restrictions imposed in compliance with this section. the grant deed shall afford the grantor and the city the right to enforce the attached declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions as required by this section.

D.

The city shall monitor the resale of ownership affordable units. The city or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the city for appropriate action.

(Ord. No. 11-04, § 2, 4-18-11)

88.32.090. - Waiver of Standards.

A.

Judicial relief.

As provided by Government Code Section 65915(d).(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

B.

Waiver of standards preventing the use of bonuses, incentives, or concessions.

1.

As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 20.30.020 A (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.

2.

An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum lot size, side setbacks, and placement of public works improvements.

3.

The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

C.

City exemption.

Except as provided in Subsections A. and B., above, nothing in this chapter shall be interpreted to require the City to:

1.

Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2.

Grant a density bonus, incentive, or concession, or waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(Ord. No. 11-04, § 2, 4-18-11)

FOOTNOTE(S):

⁽¹¹³⁾ **Editor's note**— Ord. No. 11-04, § 2, adopted April 18, 2011, amended Ch. 88.32, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 88.32 pertained to similar subject matter. See also the Code Comparative Table. ([Back](#))

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CHAPTER 88.34. - LANDSCAPING STANDARDS

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88.34.010. - Purpose.

This chapter establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

88.34.020. - Applicability.

The provisions of this chapter apply to all land uses as follows:

A.

New Projects.

Each new nonresidential, single-family tract, and multi-family residential project shall provide landscaping in compliance with this chapter. All residential development projects shall provide street trees in compliance with Section 88.34.060.B.2.d(3).

B.

Existing Development.

The approval of a minor use permit, use permit, minor variance, or variance for physical alterations and/or a change in use within an existing multi-family or nonresidential development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this chapter.

C.

Timing of Installation.

Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 88.52.030 (Performance Guarantees).

D.

Alternatives to Requirements.

The review authority may modify the standards of this chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this chapter.

(Ord. No. 06-06, § 1B, 8-7-06)

88.34.030. - Definitions.

Definitions of certain technical terms and phrases used in this chapter are under "Landscaping Standards" in [Article 6](#) (Glossary) of this Development Code.

88.34.040. - Landscape and Irrigation Plans.

Landscaping and irrigation plans are required as follows for a new project or existing development that is subject to the requirements of this chapter in compliance with [Section 88.34.020](#) (Applicability).

A.

Preliminary Landscape Plan.

A preliminary landscape plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25 percent or more of floor area), or redevelopment of an existing use, as determined by the director. The preliminary landscape plan may take the form of the information required by subsection C. being shown on the site plan for the project.

B.

Final Landscape Plan.

After planning permit approval, a final landscape plan shall be submitted as part of the application for a building permit. A final landscape plan shall be approved by the director before the start of grading or other construction, and before the issuance of a building permit.

C.

Content and Preparation.

1.

Required Information. Preliminary Landscape plans and final landscape plans shall contain the information required for landscape plans by the department. However, at a minimum, these plans shall include the following information:

a.

Preliminary Landscape Plans. Location of proposed materials, including the identification of ground covers, shrubs, and trees.

b.

Final Landscape Plans. Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials, as well as the precise location and technical description of the irrigation system and its individual components.

2.

Preparation by Qualified Professional. Each landscape plan submitted in compliance with this chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the director to be qualified, based on the requirements of state law.

D.

Review and Approval.

After initial application, the director shall review each preliminary landscape plan and final landscape plan to verify its compliance with the provisions of this chapter. The director may approve the submittal in compliance with this chapter, or may deny or require changes to a submittal if it is not in compliance.

E.

Statement of Surety.

When required by the director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the city for a two-year period. The director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

F.

Changes to Approved Landscape Plans.

The director may authorize minor changes from the requirements of this chapter.

1.

For purposes of this section, minor changes shall be defined as changes to the final landscape plans that are not visible and do not effect the theme or character established for the subject development project.

2.

If the director determines that a requested change does not comply with the definition of minor as identified in subsection F.1, above, the applicant shall be advised to file the requested change with the applicable review authority.

88.34.050. - Landscape Location Requirements.

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

A.

Setbacks.

The setback and open space areas required by this Development Code, and easements for utilities and drainage courses shall be landscaped, except where:

1.

Occupied by approved structures or paving;

2.

A required single-family residential setback is screened from public view; or

3.

They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.

B.

Unused Areas.

Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in its natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.

C.

Requirements by Zone.

The minimum amount of each site to be landscaped with materials permeable to water shall comply with Table 3-6

**TABLE 3-6. AMOUNT OF
LANDSCAPING REQUIRED**

Land Use	Minimum Amount of Landscaping Required
Single-family residential	Front setback and all common areas, except for approved driveways and walkways
Other residential	All usable open space areas not used for decks, patios, walkways, or parking
Commercial or industrial	Required setbacks, parking areas in compliance with subsection D.
All others	At the discretion of the review authority

D.

Parking Areas.

Parking areas shall be landscaped as follows.

1.

Landscape Materials. Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.

2.

Protective Curbing. Planting areas shall be bordered by a concrete curb at least six inches high and six inches wide. The review authority may approve alternative barrier design to protect landscaped areas from damage by vehicles, and/or to provide for the infiltration of water runoff from paved surfaces.

3.

Perimeter Parking Lot Landscaping. All surface parking areas shall be provided perimeter landscaping as follows.

a.

Adjacent to Streets and Only Where Allowed by Section 88.36.090 or Preexisting Conditions.

(1)

A parking area for a nonresidential use adjoining a public street, where allowed by Section 88.36.090.C (Parking Design and Development Standards - Location) shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district or ten feet, whichever is more.

(2)

A parking area for a residential use, except for a single-family dwelling, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable neighborhood, district, or corridor.

(3)

The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(4)

Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.

(5)

Shade trees shall be provided at a minimum rate of one for every 25 linear feet of perimeter landscaped area.

(6)

Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 88.30.040.E (Height limit at street corners).

b.

Adjacent to Side or Rear Property Lines. Parking areas for nonresidential uses shall provide a perimeter landscape strip at least eight feet wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area.

c.

Adjacent to Structures.

(1)

When a parking area is located adjacent to a nonresidential structure, a minimum eight-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian accessways.

(2)

When a driveway is located adjacent to a multi-family residential structure, a minimum three-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian.

d.

Adjacent to Residential Use. A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum ten-foot width between the parking area and the common property line bordering the residential use. A solid decorative masonry wall or fence, except for approved pedestrian access, and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., nuisance noise and light/glare) as determined by the review authority. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area.

4.

Interior Parking Lot Landscaping. Multi-family, and non-residential uses shall provide landscaping within the interior of each outdoor parking area as follows.

a.

Amount of Landscaping. Planted areas within a parking lot interior shall total at least ten percent of the gross area of the parking lot, exclusive of the perimeter landscaping requirements in subsection D.3, above.

(1)

Trees shall be planted throughout the parking area at a minimum ratio of one tree for each five parking spaces, or more trees if determined by the review authority to be necessary to achieve shading of the majority of the pavement within the parking area by the mature tree canopy.

(2)

Orchard-style planting (the placement of trees in uniformly-spaced rows) is encouraged for larger parking areas.

(3)

Required shade trees shall be chosen from the city's approved canopy tree list, and shall be a minimum of five feet in height and 15-gallon container in size at the time of planting.

b.

Location of Landscaping. Landscaping shall be evenly dispersed throughout the parking area, as follows.

(1)

Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.

(2)

Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

c.

Groundwater Recharge. The design of parking lot landscape areas shall consider, and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

5.

Pavement. Outdoor parking lot paving materials in parking lots of less than 75 spaces shall be pedestrian scaled, as determined by the review authority, including bricks, colored and stamped concrete, grasscrete, and/or decomposed granite.

D.

Subdivisions.

A new subdivision shall be designed and constructed to provide landscaping as follows.

1.

Residential Subdivisions. A residential subdivision shall be provided landscaping in the form of one street tree for each 30 feet of street frontage, in the planter strip or other location approved by the review authority, landscaping with irrigation facilities for any common areas or other open space areas within the subdivision, and any additional landscaping required by the review authority. The species of street trees shall be as required by the city engineer, and the plantings shall comply with the city's standard specifications.

2.

Nonresidential Subdivisions. Nonresidential subdivisions shall be provided landscaping as required by the review authority.

(Ord. No. 06-06, § 1B, 8-7-06)

88.34.060. - Landscape Standards.

A.

Landscape Design.

The required landscape plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, desirable microclimates, and minimize water and energy demand.

1.

Plant Selection and Grouping. Plant materials shall be selected for: low water demand and drought tolerance; use of appropriate native species; adaptability and relationship to the Azusa environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability, in compliance with Section 88.34.080 (Water Efficient Landscaping), below.

a.

Plants having similar water use shall be grouped together in distinct hydrozones.

b.

The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval.

- c. Fire prevention shall be addressed on sites in the rural or highly vegetated areas of the city identified by the fire district as being fire prone by providing fire-resistant landscaping buffers between development areas and naturally vegetated areas, as identified by the review authority.

- 2. Minimum Dimensions. Each area of landscaping shall have a minimum interior width of six feet. Wherever this Development Code requires a landscaped area of a specified width, the width shall be measured exclusive of any curb or wall.

- 3. Height Limits. Landscape materials shall be selected, placed on a site, and maintained to not:

- a. Exceed a maximum height of 42 inches within a required traffic safety visibility area (Section 88.30.050.E), except for trees with the lowest portion of their canopy maintained at a minimum of eight feet above grade; or

- b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.

- 4. Protective Curbing. Required landscaping shall be protected with a minimum six-inch high concrete curb, except adjacent to bicycle paths, or where otherwise deemed unnecessary by the review authority.

- 5. Safety Requirements. Landscape materials shall be located so that at maturity they do not:

- a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;

- b. Conflict with overhead utility lines, overhead lights, or walkway lights; or

- c. Block pedestrian or bicycle ways.

- 6. Water Features. Decorative water features (e.g., fountains, ponds, pools) shall have recirculating water systems.

B.

Plant Material.

Required landscape plans shall include ground covers, shrubs, and trees, which shall be selected and installed in compliance with Section 88.34.080 (Water Efficient Landscaping), below, and as follows.

1.

Size at Time of Planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a five-gallon container for specimen shrubs, a 15-gallon container for trees, and a one-gallon container for mass planting, unless otherwise approved by the review authority on the basis that the alternate size will achieve the desired immediate effect equally well.

2.

Trees. Tree planting shall comply with the following standards. Existing trees shall be retained and preserved wherever and whenever possible.

a.

Trees shall not be planted under any structure that may interfere with normal growth (e.g., an eave, overhang, balcony, light standard, or other similar structure).

b.

Trees in landscape planters less than ten feet in width or located five feet or closer to a permanent structure shall be provided with root barriers/root barrier panels.

c.

Trees shall be staked in compliance with standards provided by the department.

d.

Number of trees:

(1)

Parking area: refer to Section 88.34.050.D., above.

(2)

Street trees: one per 30-foot length of right-of-way. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.

3.

Groundcover and Shrubs. Generally the landscaped areas shall include groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant.

a.

A minimum of two, five-gallon size shrubs shall be provided for every six feet of distance along street frontages, or as approved by the review authority.

- b. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
- c. Artificial groundcover (turf) is allowed at the discretion of the zoning administrator or his designee. Artificial shrubs shall not be allowed.
- d. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscape area. Artificial or synthetic ground covers are not allowed.
- e. Nonturf areas (e.g., shrub beds) shall be top dressed with a bark chip mulch or approved alternative.

4.

Turf. Turf shall be limited to 25 percent of the total landscaped area on the site for a drought tolerant turf variety. An infill lot, corner lot, or other parcel with more than one street frontage may be approved with turf up to 35 percent of the landscaped area on the site for a drought tolerant turf variety, where necessary to provide consistent streetscapes. No turf shall be allowed:

- a. In any area of eight feet or less in width; or
- b. On any slope exceeding ten percent. A level buffer zone of 18 inches shall be provided between bermed turf areas and any hardscape (e.g., any street, walkway, or similar feature).

5.

Soil Testing and Preparation.

- a. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area.
- b. The soil shall be prepared and/or amended to be suitable for the landscape to be installed, in compliance with Section 88.34.080 D. (Soil conditioning and mulching), below.

C.

Irrigation System Requirements.

All landscaped areas shall include an automatic irrigation system, designed and installed in compliance with Section 88.34.080 (Water Efficient Landscaping), below.

1.

Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar system) shall be used unless determined to be infeasible by the review

authority. Any alternative system shall be subject to the approval of the review authority. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Turf areas shall be sized and shaped so they can be efficiently irrigated.

2.

Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., turf, ground cover, shrub, tree areas), or a variety of sun exposures. Soil moisture-sensing devices and rain sensors shall be used on larger projects (e.g., 10,000 plus square feet of landscaped area) to minimize or eliminate over-watering.

3.

Watering shall be scheduled at times of minimal wind conflict and evaporation loss.

4.

Sprinkler heads shall have matched precipitation rates within each valve zone.

5.

Check valves are required where elevation differential may cause low head drainage.

(Ord. No. 10-01, §§ 8, 9, 3-1-10)

88.34.070. - Maintenance of Landscape Areas.

A.

Maintenance Required.

All site landscaping shall be maintained in a healthful and thriving condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; trimming; and weeding all landscaped areas. Regular maintenance programs shall include the trimming of vegetation as necessary to maintain the effective functioning of solar energy facilities and passive solar design features installed both on-site and on adjacent properties.

B.

Maintenance Agreement.

Before final building inspection or the issuance of a certificate of occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the city to guarantee proper

maintenance in compliance with subsection A. The form and content of the agreement shall be approved by the city attorney and the director.

C.

Water Waste Prohibited.

Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited. Efficient watering practices shall be conducted in compliance with Section 88.34.080 (Water Efficient Landscaping), below.

D.

Enforcement.

Failure to maintain landscape areas in compliance with this section shall be deemed a nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked.

88.34.080. - Water Efficient Landscaping.

A.

Definitions.

Except where the context of such words or phrases clearly indicates a different meaning or construction, the words, terms, and phrases used in this section shall have the following meanings ascribed to them:

Applied water. The portion of water supplied by the irrigation system to the landscape. Association. A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. Budget-based tiered-rate structure. The tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping. Certificate of Completion. The certificate required to be completed and submitted to the city certifying that the landscape project has complied with the provisions of the water efficient landscape regulations contained in this section and the guidelines. Common interest development. A community apartment project, condominium project, planned development, and stock cooperative pursuant to California Civil Code Section 1351. Ecological restoration project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem. Enforcement officer. Any employee or agent of the city authorized to enforce the provisions of the Municipal Code as designated in writing by the city. Estimated Applied Water Use. The average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the guidelines. It is based on the reference evapotranspiration rate, the size of the landscaped area, plant water use factors, and the relative irrigation efficiency of the irrigation system. ET adjustment factor or ETAF. The factor that is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this Section 88.34.080 and the Guidelines, except that the ETAF for a special landscaped area shall not exceed 1.0. Guidelines. The Guidelines for Implementation of the City of Azusa Water Efficient Landscape Regulations, which describe procedures, calculations, and requirements for landscape projects subject to this section. Hardscape. Any durable material or feature (pervious and impervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscape for purposes of this section. Homeowner installed. Any landscaping either installed by a private individual for a single-family residence or installed by a landscape professional hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns or rents. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this section to the requirements applicable to developer-installed single-family and multi-family residential landscape projects. Hydrozone. A portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated. Impervious. Any surface or natural material that does not allow for the passage of water through the material and into the underlying soil. Irrigation efficiency. The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this section is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems. Landscaped area. All the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscape, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). Landscape Documentation Package. The package of documents that a project applicant is required to submit to the city for review and approval of landscape projects, as described in the guidelines. Landscape professional. A licensed landscape architect, licensed landscape professional, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3,

5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code. Landscape project. The total area of landscape in a project, as provided in the definition of "landscaped area," meeting the requirements under this section. Local agency. A city or county, including a charter city or charter county, that is authorized by the city to implement, administer, and/or enforce any of the provisions of this section on behalf of the city. The local agency may be responsible for the enforcement or delegation of enforcement of this section, including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project. Local water purveyor. Any entity, including a public agency, city, county, or private water company that provides retail water service. Maximum Applied Water Allowance or MAWA. The upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance. Mined-land reclamation projects. Any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975. Model ordinance. The Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources in accordance with California Government Code section 65591 et seq. New construction. A new building with landscaping or a landscape-dominated project, such as a park, playground, playing field, or greenbelt or other new landscape, which may or may not have an associated building or structure. Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil. Permit. An authorizing document issued by local agencies for new construction or rehabilitated landscape. Person. Any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the city, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties. Plant factor or plant water use factor. A factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this section, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this section are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species." Project applicant. The person submitting a landscape documentation package pursuant to Section 2.1 of the Guidelines, to request a permit, plan check or design review from the city for the installation of landscape. Recycled water or reclaimed water. Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features, and which is not intended for human consumption. Reference evapotranspiration or ETo. A standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix B of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances. Rehabilitation project. A landscape project that results in the substantial removal and replacement of, and/or modifications to, existing landscaping and meets the requirements under subsections C(1)(c) and (e) of this section. Special landscaped area. An area of landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and areas where turf provides a playing surface. State. The State of California. Turf. A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses. Valve. A device used to control the flow of water in an irrigation system. Water feature. A design element where water is artificially supplied and where open water performs an aesthetic or recreational function. Water features include artificial ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools. The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation. Watering window. The time of day irrigation is allowed pursuant to any applicable city, regional, state, or local water purveyor water conservation or drought response laws, rules, policies, or regulations.

B.

Purpose and Intent.

1)

The purpose of this section is to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

2)

The intent of this section is to establish alternative regulations that are at least as effective as the State's Model Ordinance.

C.

Applicability of water efficient landscape regulations.

1)

The water efficient landscape regulations set forth in this section shall apply to the following landscape projects:

a)

New construction projects by public agencies or private developers of non-residential projects which have a proposed landscaped area equal to or greater than 2,500 square feet, and are otherwise subject to:

1.
A discretionary approval of a landscape plan, or
2.
A ministerial permit for a landscape or water feature;

b)

New construction projects by private developers, associations, or property managers of residential projects which have a proposed landscaped area equal to or greater than 2,500 square feet, and are otherwise subject to:

1.
A discretionary approval of a landscape plan, or
2.
A ministerial permit for a landscape or water feature;

c)

Landscape rehabilitation projects by public agencies, private developers, associations, or property managers of residential or non-residential projects which:

1.
Have a proposed landscaped area equal to or greater than 2,500 square feet,
2.
Propose to rehabilitate 50 percent or more of the existing landscaped area, and
3.
Are otherwise subject to:
 - (i)
A discretionary approval of a landscape plan, or
 - (ii)
A ministerial permit for a landscape or water feature;

d)

Homeowner installed landscape for new construction of single-family or multiple-family residential property, which have a proposed landscaped area equal to or greater than 5,000 square feet, and are otherwise subject to:

1.
A discretionary approval of a landscape plan, or
2.
A ministerial permit for a landscape or water feature;

e)

Homeowner installed landscape rehabilitation projects for single-family or multiple-family residential property, which:

1. Have a proposed landscaped area equal to or greater than 5,000 square feet,
2. Propose to rehabilitate 50 percent or more of the existing landscaped area, and
3. Are otherwise subject to:
 - (i) A discretionary approval of a landscape plan, or
 - (ii) A ministerial permit for a landscape or water feature.

2)

This section does not apply to:

- a) Registered local, state, or federal historical sites;
- b) Ecological restoration projects that do not require a permanent irrigation system;
- c) Mined-land reclamation projects that do not require a permanent irrigation system;
- d) Plant collections, as part of botanical gardens and arboretums open to the public;
- e) Cemeteries; and
- f) Any other new landscape installation project and landscape rehabilitation project not listed in this section.

3)

Notwithstanding the provisions of this section, Sections 2.8 and 2.9 of the Guidelines shall apply to cemeteries.

4)

A landscape design plan for projects in fire-prone areas and fuel modification zones shall comply with requirements of the Los Angeles County Fire Department, where applicable. When conflicts between the provisions of this section and fire safety design elements exist, the fire safety requirements shall have priority.

D.

Implementation procedures.

- 1)

Prior to the issuance of any permits, a landscape documentation package shall be submitted to the city for review and approval of all landscape projects subject to the provisions of this section. Any landscape documentation package submitted to the city shall comply with the provisions of the guidelines.
- 2)

The landscape documentation package shall include a certification by a landscape professional appropriately licensed in the state stating that the landscape design and water use calculations have been prepared by or under the supervision of such licensed landscape professional and are certified to be in compliance with the provisions of this section and the guidelines.
- 3)

Landscape and irrigation plans shall be submitted to the city for review and approval with appropriate water use calculations as set forth in the guidelines.
- 4)

Water use calculations shall be consistent with calculations contained in the guidelines.
- 5)

Verification of compliance of the landscape installation with the approved plans shall be obtained through a certificate of completion as provided in the guidelines, and where applicable, in conjunction with a certificate of use and occupancy or permit final process.

E.

Landscape Water Use Standards.

- 1)

For new landscape installation or rehabilitated landscape projects subject to this section, the estimated applied water use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the city; as provided in the guidelines.
- 2)

Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules, regulations, and requirements, including any established watering windows, and shall be subject to the penalties and incentives for water conservation and water waste prevention as determined and

implemented by the applicable local water purveyors or as mutually agreed by the local water purveyors and the city.

F.

Enforcement and administration.

1)

The city manager is authorized to administer and enforce the provisions of this section and the guidelines. Any city authorized personnel or enforcement officers may exercise any enforcement powers as set forth in the Municipal Code.

2)

The city may delegate to, or enter into a contract with, a local agency or other person to implement and administer any of the provisions of this section on behalf of the city.

G.

Guidelines for Implementation of the Water Efficient Landscape Regulations.

The city shall adopt guidelines for the implementation of this section. Such guidelines may be amended from time to time by resolution of the city council. Notwithstanding the forgoing, the city manager may establish any forms or other related documents to administer compliance with the guidelines as he or she deems appropriate and in furtherance of this section.

H.

Recovery of costs.

1)

The city manager or his or her designee shall serve an invoice for costs upon the person or responsible person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the city. If any person or responsible person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this section, then the city may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

2)

The city shall impose any other penalties or regulatory fees, as fixed from time to time by resolution of the city council, for a violation or enforcement of this section.

3)

In addition to the costs which may be recovered pursuant to the Municipal Code, and in order to recover the costs of the water efficient landscape regulatory program set forth in this section, the city council may, from time to time, fix and impose by resolution fees and charges. The fees and charges may include, but are not limited to, fees and charges for:

- a) Any visits of an enforcement officer, or other city staff or authorized representative of the city for time incurred for inspections of property;
- b) Any monitoring, inspection, and surveillance procedures pertaining to enforcement of this section;
- c) Enforcing compliance with any term or provision of this section;
- d) Any other necessary and appropriate fees and charges to recover the cost of providing the city's water efficient landscape regulatory program.

(Ord. No. 10-02, § 2, 3-1-10)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS >> CHAPTER 88.36. - PARKING AND LOADING >>

CHAPTER 88.36. - PARKING AND LOADING

88.36.010. - Purpose.

88.36.020. - Applicability.

88.36.030. - General Parking Regulations.

88.36.050. - Number of Parking Spaces Required.

88.36.060. - Disabled Parking Requirements.

88.36.070. - Bicycle and Motorcycle Parking.

88.36.080. - Reduction of Parking Requirements.

88.36.090. - Parking Design and Development Standards.

88.36.100. - Driveways and Site Access.

88.36.110. - Loading Space Requirements.

88.36.120. - Designation of Off-Site Parking and Loading Spaces.

88.36.130. - Commercial, Oversized and Recreational Vehicles on Private Property.

88.36.010. - Purpose.

The requirements of this chapter are intended to ensure that sufficient off-street motor vehicle parking facilities are provided for all uses and structures, and that parking facilities are properly designed, attractive, and located to be unobtrusive, generally to the rear of the site, while meeting the needs of the specific use or structure.

88.36.020. - Applicability.

A.

Off-Street Parking Required.

Each new land use and structure, including a change or expansion of a land use or structure shall be provided continuously maintained off-street parking and loading areas in compliance with this chapter. A land use shall not be commenced and a structure shall not be occupied until the improvements required by this chapter are completed and approved by the director.

B.

Parking Required Prior to Occupancy or Use.

A new or altered structure shall not be occupied, and a new land use not requiring a structure shall not be established, until all off-street parking and loading facilities required by this chapter are in place and approved by the city.

C.

Maintenance of Required Parking.

Off-street parking and loading spaces required by this chapter shall be continuously maintained by the property owner for the use of tenants of the premises, and for callers, clients, customers, employees, and visitors. The continuance and maintenance of the required spaces shall be the obligation of the owner of the property upon which the use or structure is located, as long as the use requiring the spaces continues and the structure exists.

D.

Modification of Parking Requirements Through Discretionary Permit Approval.

The review authority may require provision of more off-street parking and loading spaces than otherwise required by this chapter as a condition of approval of a discretionary permit where the review authority determines that the circumstances of the particular case require a different number of spaces than required by this chapter.

(Ord. No. 06-06, § 1B, 8-7-06)

88.36.030. - General Parking Regulations.

A.

Parking and Loading Spaces to be Permanent.

Each parking and loading space shall be permanently and continuously available, marked, and maintained for parking or loading purposes for the use it is intended to serve. The approval of a temporary use permit (Section 88.51.030) may allow the temporary use of a parking or loading space for other purposes.

B.

Location of Parking on a Site.

Parking and loading spaces shall be located on a site as required by Article 2 (Urban Standards) for the applicable neighborhood, district, or corridor.

C.

Parking and Loading to be Unrestricted.

An owner, lessee, tenant, or other person having control of the operation of a premises for which parking or loading spaces are required by this chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the director.

D.

Vehicles for Sale.

No motor vehicle or other personal property shall be parked on private property for the purpose of displaying the vehicle or other personal property for sale, hire, or rental, unless the property is appropriately zoned, approved by the city for that use, and the person or business at that location is licensed to sell vehicles or other personal property. However, one automobile or truck, not exceeding one-ton capacity, owned by the owner, renter, or lessee of the property may be displayed for the purpose of sale for a maximum of one month.

E.

Reserved.

(Ord. No. 08-07, § 2, 6-16-08)

88.36.050. - Number of Parking Spaces Required.

Each use shall provide off-street parking in compliance with this section, except as otherwise provided by [Section 88.36.080](#) (Reduction of Parking Requirements).

A.

General Parking Requirements.

Each land use shall be provided the number of off-street parking spaces required by Table 3-7 for the applicable land use type; except that proposed development and new land uses within the Downtown District shall instead comply with subsection B.

B.

Downtown Parking Requirements.

Proposed development and new land uses within the DTC, DCC, and DTV zones shall provide a minimum of two and one-half off-street parking spaces for each 1,000 square feet of floor area for non-residential uses, and one and one-half off-street parking spaces for each dwelling unit.

C.

Calculations.

If a calculation to determine the number of parking spaces required by this section results in a fractional number of parking spaces, the number shall be rounded up to the next whole space.

D.

Expansion of Structure, Change in Use.

When a structure is enlarged, or when a change in its use requires more off-street parking than the previous use, additional parking spaces shall be provided in compliance with this chapter except where the number of additional spaces required is ten percent or less of the number of existing spaces.

E.

Excessive Parking.

The city discourages providing more off-street parking spaces than required by this chapter, to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces. The provision of off-street parking spaces for nonresidential land uses in excess of the requirements in Article 2 is allowed only with use permit approval, and only when additional landscaping and pedestrian amenities are also provided to the satisfaction of the review authority.

F.

Nonconforming Parking.

A structure with nonconforming off-street parking may be physically changed or undergo a change in use subject to the following provisions.

1.

Residential Uses. No additional parking spaces shall be required; provided, the change does not increase the original floor area by more than 25 percent, nor increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access. New open patios are not considered an increase of the original floor area.

2.

Nonresidential Uses. The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this chapter for any additional floor area. If the use of the structure is changed to one that requires more parking than the previous use, the difference between the parking spaces required for the previous use and the new use shall be provided.

3.

Waiver by Commission. The commission may waive covered parking requirements when a nonconforming structure is proposed for rehabilitation if the commission determines, in compliance with Section 88.51.050 (Use Permits and Minor Use Permits), that the existing structure location, lot size, or topography renders the requirement unreasonable.

TABLE 3-7. PARKING REQUIREMENTS BY LAND USE

Land Use Type:	Vehicle Spaces Required
<p>Note: gsf means "gross square feet of floor area"</p>	
All industry, manufacturing and processing, and wholesaling uses listed in Chapter 88.24 , except the following.	<p>1 space for each 500 sf of building and outdoor activity area;</p> <p>1 space for each 250 sf of office area;</p> <p>1 space for each company vehicle.</p>
Industrial research and development, laboratory	1 space for each 500 sf of floor area, plus 1 space for each company vehicle, with a minimum total of 6 spaces required.
Recycling facility	
Auto/vehicle wrecking, scrap yard	1 space for each 7,000 sf of yard area for first 2 acres; 2 spaces per acre for each additional acre; within a minimum total of 5 spaces in all cases.
Large collection facility	Determined by Minor Use Permit.
Small collection facility	Determined by Minor Use Permit.
Storage - Personal storage facility (mini-	1 space for each 2,500 sf of warehouse area, plus

storage)	additional spaces as required by Minor Use Permit for associated residential use.
Warehouse used exclusively for storage	1 space for each 1,000 sf of warehouse area; 1 space for each 300 sf of office area.
Commercial recreation facilities - Indoor	
Arcade, billiards, pool	1 space for each 150 sf of floor area
Bowling alley	5 spaces for each lane, plus as required by this table for accessory uses.
Skating rink	1 space for each 100 sf of rink, plus as required by this table for accessory uses.
Commercial recreation facility - Outdoor	Determined by Use Permit
Golf course - Spaces required as follows, plus as required by this table for accessory uses (e.g., shop, bar, restaurant, etc.)	
Golf course	4 spaces for each hole.

Golf driving range	1 space for each tee.
Miniature golf course	3 spaces for each hole.
Health/fitness facility	1 space for each 100 sf of floor area.
Library, museum	1 space for each 300 sf of floor area.
Meeting facility, public or private	1 space for each 8 fixed seats (or 144 in. of bench seating; or 1 space for each 100 sf of floor area if no seats are provided; including classrooms.
School (public or private)	
Elementary or middle school	1.5 space for each classroom, plus 1 space per 5 fixed seats in auditorium, gym, or other assembly facility, or 1 space for each 35 sf of floor assembly floor area with no fixed seats.
Secondary (high) school	1.5 spaces for each classroom, plus 1 space for each 5 students based on maximum student capacity.

College, university	1 space for each employee, plus 1 space for each 5 students based on maximum student capacity.
Specialized education/training	1 space for each 3 students, plus one space for each employee.
Studio (art, dance, martial arts, music, etc.)	1 space for each 100 sf of floor area.
Swimming pool (public, private and commercial)	1 space for each 100 sf of pool deck area.
Tennis/racquetball/handball or other court	3 spaces for each court, plus as required by this table for accessory uses.
Theater	
Cinema	1 space for each 5 seats; plus 7 employee spaces for a multi-screen facility and 5 employee spaces for single-screen facility.
Live performance	1 space for each 4 seats.

Caretaker/manager unit	2 spaces for each unit.
Rowhouse, townhome, and courtyard units:	
Studio or and one-bedroom unit	1 space within a garage for each unit.
Two to four bedroom units	2 spaces within a garage for each unit.
5 or more bedroom units	3 spaces within a garage for each unit.
Guest parking	1 guest space for each 3 units in a project of five or more units.
Duplex	2 spaces within a garage for each unit.
Emergency shelter	1 space for each 5 beds and 2 additional spaces.
Live/work unit	2 spaces for each unit.

Mobile home	
Individual mobile home	2 spaces within a garage.
Mobile home within a mobile home park	2 spaces for each mobile home, plus 1 additional space for each 4 mobile homes shall be provided for guest parking, which shall be dispersed throughout the park.
Multi-family dwelling - apartments	
Studio or and one-bedroom unit	1 covered space within a garage for each unit.
Two or more bedroom unit	2 covered spaces within a garage for the first 2 bedrooms, plus one additional space, covered or uncovered, for each additional bedroom.
Guest parking for all of the above	1 space for each 3 units in a project of 5 or more units.
Organizational house	1 space for each bedroom.
Residential care home	

Six or fewer clients	2 covered spaces within a garage.
Seven or more clients	1 space for each 3 beds, plus space for on-site employee housing.
Rooming or boarding house	1 space for each bedroom.
Second unit or carriage house	As required by Section 88.42.190 (Second Units and Carriage Houses).
Senior housing project	1 space for each unit in a garage, plus 1 guest parking space for each 4 units.
Single-family dwelling, detached	2 spaces within a garage for dwelling with 4 or fewer bedrooms; 3 spaces within a garage for dwelling with 5 or more bedrooms.
Single room occupancy (SRO)	1 space for each unit.
All "Retail Trade" uses listed under "Retail Trade" in Article 2 , except the following:	1 space for each 250 sf of floor area

Auto and vehicle sales and rental	1 space for each 2,000 sf of site area.
Bar/tavern, night club (not within a retail complex)	1 space for each 4 fixed seats, or 20 spaces for each 1,000 sf of seating area if there are no fixed seats.
Building and landscape materials	1 space for each 500 gsf of indoor display area for first 10,000 gsf, 1 space for each 1,000 gsf of indoor display area over 10,000, and 1 space for each 1,000 gsf of outdoor display area.
Furniture, furnishings and appliance store	1 space for each 500 gsf of floor area.
Multi-tenant center:	1 space for each 350 gsf of floor area.
Less than 30,000 gsf	1 space for each 250 gsf of floor area plus 1 per tenant space.
30,000 gsf to 100,000 gsf	1 space for each 300 gsf of floor area.
More than 100,000 gsf	1 space for ech 350 gsf of floor area.
Restaurant - Table service	1 space for each 3 seats.

Restaurant - Counter service or entirely take-out	1 space for each 400 gsf of floor area.
Swap meet, flea market, and similar uses	2 spaces per vendor, plus 1 space for each 100 gsf of floor area or ground area used for sales or display.
Bank, financial service	1 space for each 200 gsf of floor area; 4 spaces minimum.
Child day care	See Section 88.42.060
Equipment rental	1 space for each 300 gsf of floor area, plus 1 space for each 1,000 gsf of outdoor storage and rental area.
Lodging	
Bed and breakfast inn	1 space for each guest room, plus 2 covered spaces for the resident family.
Hotel or motel	1 space for each guest room, plus required spaces for accessory uses.

Medical services	
Clinic, doctor office, laboratory	1 space for each 300 gsf of floor area.
Hospital	1 space for each 2 patient beds the facility is licensed to accommodate, plus 1 space for each employee on largest shift.
Mortuary, funeral home	1 space for each 8 fixed seats (or 144 in. of bench seating; or 1 space for each 100 gsf of floor area if no seats are provided.
Offices	
Business and service	1 space for each 300 gsf of floor area; 4 spaces minimum.
Processing	1 space for each 150 gsf of floor area.
Professional	1 space for each 300 gsf of floor area; 4 spaces minimum.

Personal services - All except the following	1 space for each 250 gsf of floor area.
Laundromat	1 space for each 3 washing machines.
Vehicle services - All except the following	(All customer parking shall be clearly marked and not be used for parking of unregistered vehicles. No damaged, inoperative, wrecked, or abandoned vehicles shall be stored in any exterior area for more than five days.) 2 spaces, plus 3 spaces for each service bay (service bays do not count as spaces).
Car wash - Self service	2 spaces for each wash bay (wash bays do not count as spaces).
Car wash - Full service	4 spaces for each 20 ft. of length of washing structure or area.
Veterinary clinic, animal hospital, kennel	1 space for each 300 gsf of floor area; 4 spaces minimum.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, § 10, 3-1-10; Ord. No. 11-04, § 2, 4-18-11; Ord. No. 11-016, § 5, 10-24-11)

88.36.060. - Disabled Parking Requirements.

A.

Accessibility Requirements.

Special provisions for access by the physically handicapped from public rights-of-way, across intervening spaces, and into structures, including parking facilities specifically designed and located for the use of the disabled/handicapped, shall be required. Standards for the facilities shall be based on the standards of the American Standards Association and/or other applicable guidelines.

B.

Number of Spaces Required.

Parking spaces for the disabled shall be provided in compliance with the California Building Standards Code, the Federal Accessibility Guidelines, and/or California Code of Regulations Title 24, as applicable. Parking spaces required for the disabled shall count toward compliance with the number of off-street parking spaces required by Section 88.36.050 (Number of Parking Spaces Required).

88.36.070. - Bicycle and Motorcycle Parking.

A.

Bicycle Parking.

Each multi-family project and nonresidential land use shall provide bicycle parking in compliance with this section.

1.

Number of Bicycle Spaces Required. Multi-family, retail commercial, and office uses shall provide bicycle parking spaces equal to a minimum of one bicycle space for every 20 motor vehicle spaces up to 100 spaces. One additional bicycle space shall be provided of each additional 100 spaces or fraction. A minimum of two bicycle spaces shall be provided in all cases. Required bicycle spaces shall distributed in locations convenient to building entrances, to serve residents, customers, and employees of the project.

2.

Bicycle Space Design and Devices. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle, shall be a minimum of two feet in width and six feet in length, with a minimum of seven feet of overhead clearance, installed and maintained in compliance with city standards, and shall be conveniently located and generally within close proximity to the primary entrance of the structure it is designed to serve.

B.

Motorcycle Parking.

A parking lot with 50 or more auto parking spaces shall provide motorcycle parking spaces conveniently located near the primary entrance of a structure, accessed by the same aisles that provide access to the motor vehicle parking spaces in the parking lot.

1.

Number of Spaces Required. A minimum of one motorcycle parking space shall be provided for each 50 motor vehicle spaces or fraction thereof.

2.

Space Dimensions. A motorcycle parking space shall have minimum dimensions of four feet by seven feet.

88.36.080. - Reduction of Parking Requirements.

A.

Shared On-Site Parking.

Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be allowed through use permit approval. Approval shall also require a covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity, in compliance with Section 88.36.120 (Designation of Off-Street Parking and Loading Spaces).

B.

Reduction by Variance.

The review authority may reduce the number of parking spaces required by Section 88.36.050 (Number of Parking Spaces Required) through a variance approval, based on quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.).

C.

Reduced Parking for Restricted Senior Housing Projects.

The review authority may reduce the number of parking spaces required by Section 88.36.040 (Number of Parking Spaces Required) for senior housing projects, for persons aged 55 and over, based on quantitative information provided by the applicant that documents the need for fewer spaces for these types of residential development projects.

D.

Waiver of Covered Parking Requirement for Affordable Housing Units.

The review authority may waive the requirement that parking be covered for affordable housing units in compliance with Section 88.32.030 (Types of Bonuses and Incentives Allowed).

E.

Reduced Parking for Mixed Use Projects.

The review authority may reduce the number of parking spaces required by Section 88.36.050 (Number of Parking Spaces Required) for a mixed use project developed in compliance with Section 88.42.120, based on quantitative information provided by

the applicant that documents the need for fewer spaces for these types of residential development projects.

F.

Alternative Parking Arrangements for the Park Once Districts.

Alternative parking may be approved by the review authority for a project located in the Downtown District that participates in a city park once program (Section 88.24.010.B.5), or in another park once district established by the city.

(Ord. No. 11-016, § 4, 10-24-11)

88.36.090. - Parking Design and Development Standards.

Required parking areas shall be designed and constructed in compliance with this Section.

A.

Location of Parking.

Off-street parking shall be located in compliance with the parking placement requirements of Article 2 for the applicable neighborhood, district, or corridor.

Required off-street parking shall be located on the same site as the use served, except for:

1.

Mixed use projects developed in compliance with Section 88.42.120; and

2.

Nonresidential parking, which may be located within 300 feet of the site served, provided that the review authority determines that convenient pedestrian access exists between the site and the location of the parking; and

3.

Development that participates in a city park once program.

B.

Access to Parking.

Access to parking shall be provided as follows, except for individual single-family dwellings, which are exempt from the requirements of this subsection B. Site design shall minimize the amount of paved surface and driveway length while providing for safe and suitable access for vehicular circulation.

1.

Street Access Points. Parking areas shall provide suitable maneuvering area so that vehicles exit to a street in a forward direction. Parking lots shall be designed to prevent access at any point other than at designated access drives.

2.

Queuing. A commercial or industrial use that is designed to provide 20 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum

distance of 20 feet from the street right-of-way, to provide a queuing area for vehicles entering and exiting the parking area.

C.

Access to Adjacent Sites.

1.

Applicants for nonresidential development projects are encouraged, and may be required to provide on-site vehicle access to parking areas on adjacent nonresidential properties to provide for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the director, guaranteeing the continued availability of the shared access between the properties.

2.

Appropriate shared pedestrian access between adjacent properties, including residential developments, is also strongly encouraged, and may be required.

D.

Parking Stall and Aisle Dimensions.

Each parking stall and parking lot aisle shall comply with the minimum dimension requirements in Tables 3-8 and 3-9, and as illustrated in Figure 3-5

TABLE 3-8. MINIMUM PARKING STALL AND LOT DIMENSIONS

Length	Width
20 feet including bumper overhang. See subsection I. (below)	9 ft
20 feet for residential garage stalls	10 ft for residential garage stalls
24 feet for parallel stalls	8 ft 10 ft when adjacent to a wall

36 feet for 2-car tandem stalls	10 ft for tandem
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TABLE 3-9. PARKING AISLE WIDTH

Angle of Parking Spaces to Aisle	Minimum Aisle Width
45 degrees	15 feet
Greater than 45 degrees, but less than 60 degrees	18 feet
Greater than 60 degrees, but less than 90 degrees	20 feet
90 degrees	24 feet
One way driveways without parking	12 feet
Two way driveways without parking	18 feet

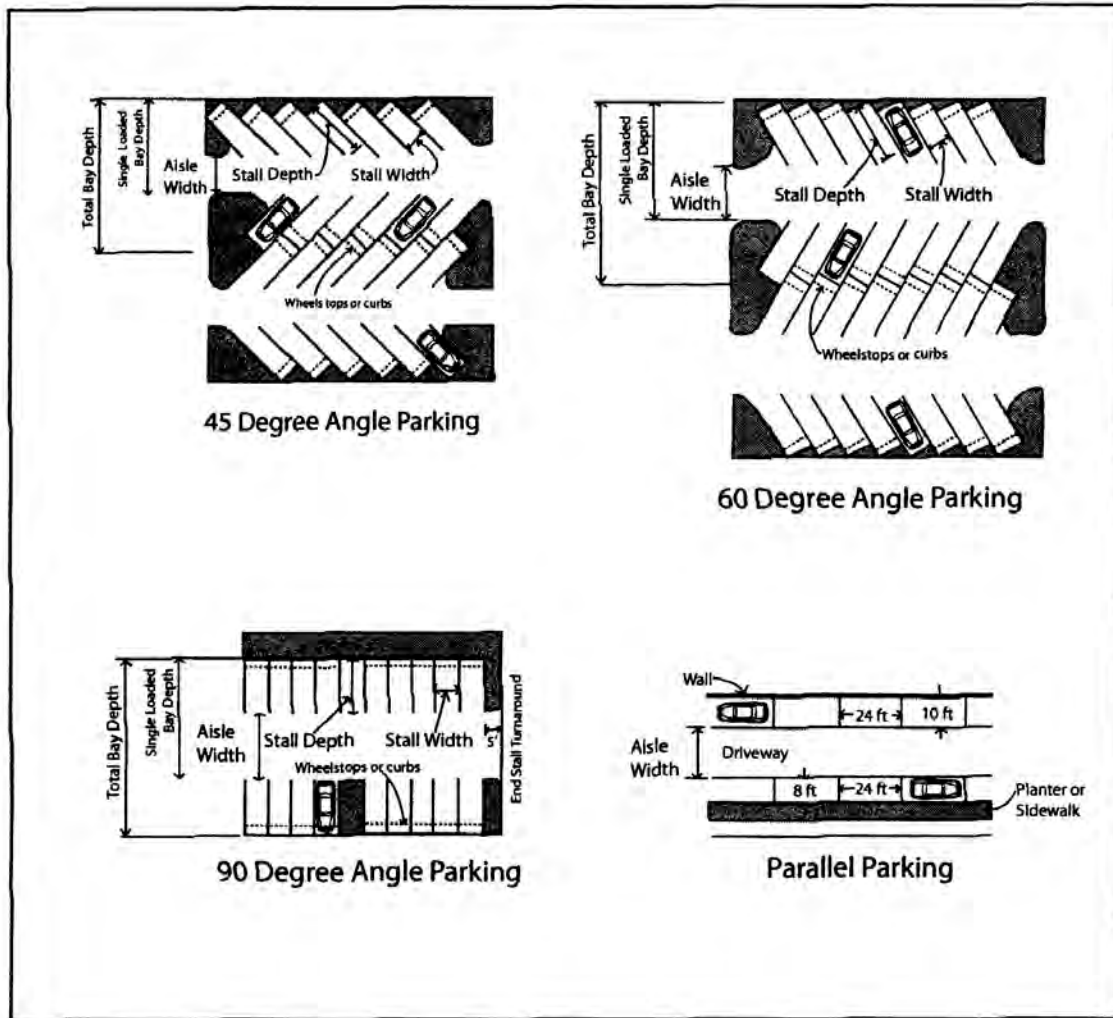


Figure 3-5 - Parking Lot Dimensions

E.

Tandem Parking.

The term "tandem space or stall" in subsections E.1 and E.2 below shall mean a parking stall that is not independently accessible because another stall is located immediately behind it. Tandem parking is allowed only for:

1. A multi-family residential project, where a maximum of 25 percent of the spaces required for the project may be authorized as tandem through minor use permit approval; or
2. A single-family dwelling, where one of three required spaces may be tandem.

F.

Landscaping.

Landscaping shall be provided in compliance with Section 88.34.050.D (Landscape Area Requirements - Parking Areas).

G.

Lighting.

The lighting of parking spaces and driveway aisles shall comply with Section 88.30.060 (Outdoor Lighting).

H.

Striping and Identification.

Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface. Car pool spaces shall be clearly identified for car pool use only. The striping and identification shall be continuously maintained in a clear and visible manner. Changes to parking space or lot striping shall require the prior approval of a re-striping plan by the director.

I.

Surfacing.

All parking spaces and maneuvering areas required by this section, and as shown on the approved plans, shall be graded and well-drained, shall be permanently maintained with dust-free surfacing, and in all zoning districts shall be paved with two inches of asphaltic concrete, or other all-weather surfacing as authorized by the city engineer and fire chief (e.g., turf block or other permeable surfacing materials that provide for water infiltration into the ground).

J.

Wheel Stops/Curbing.

1.

Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area, subject to the approval of the review authority.

2.

When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

K.

Structured Parking.

Parking structures shall be designed so that, at minimum, the street level is "wrapped" with commercial or residential uses, as allowed by the applicable zoning, so that no parking space is visible from the street.

1.

Where a parking structure faces residential uses, the entire facade of the parking structure shall be wrapped with active use space other than parking or access to parking.

2.

Where upper floor wrapping is not required, the exterior facades of parking structure upper floors shall be designed to approximate the appearance of adjacent commercial structures, as determined by the review authority.

3.

Rooftop parking adjacent to a residential use shall be enclosed by a wall or other appropriate element within an adequate distance, as determined by the review authority, to prevent adverse visual and noise impacts.

L.

Residential Covered Parking Design.

Any structure provided to shelter or otherwise cover a vehicle parked on a site that is developed with one or more dwellings shall be of the same architectural style and exterior materials as the primary structures on the site, and shall comply with all applicable setback and parking location requirements of Article 2. A temporary or movable structure or other device for sheltering or covering one or more vehicles shall not be placed on a site in any location visible from a street.

(Ord. No. 06-06, § 1B, 8-7-06)

88.36.100. - Driveways and Site Access.

Each driveway providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and permanently maintained as follows.

A.

Number of Driveways.

1.

Single-Family Dwellings. A parcel with a single-family dwelling shall be allowed only one driveway, unless authorized by minor use permit.

2.

Multi-Family and Nonresidential Projects.

a.

A parcel with a multi-family or nonresidential project shall be limited to a maximum of two driveways, unless the review authority determines that more than two driveways are required to accommodate the traffic anticipated for the project. In making its determination, the review authority may consider any relevant information (e.g., a traffic analysis) provided by the applicant.

b.

Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized.

B.

Location of Driveways.

Within the DTC and DTV districts, a driveway shall not access the property across a property line adjacent to a street unless the director determines that no safe access to parking on the rear of the site can be obtained from an alley, the side street of a corner lot, or across adjacent parcels, or that access from a street frontage is required for a parking structure. An allowed driveway shall comply with location requirements established by the city engineer.

C.

Driveway Width and Length.

1.

Single-Family Dwellings. A driveway that accesses the garage of a single-family dwelling from the fronting street shall have a minimum length of 20 feet measured from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk. A driveway accessing a garage from an alley shall have a minimum length of five feet. The minimum width shall be 12 feet and the maximum width shall be 20 feet.

2.

Multi-Family and Nonresidential Projects. The minimum length of a driveway accessing multi-family parking shall be as required by subsection C.1 for garages with individual access from the fronting street, and shall be 20 feet for a driveway providing access from an alley. The minimum length of a driveway providing access to nonresidential parking shall comply with the queuing requirements in Section 88.36.090.B.2 (Access to parking - Queuing). The minimum width of driveways providing access to multi-family and nonresidential parking spaces shall comply with the requirements for parking lot aisle widths in Table 3-9; provided that the maximum driveway width shall be 26 feet, exclusive of any median divider.

D.

Clearance from Obstruction.

1.

The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facility. Driveways shall have a minimum overhead clearance of 14 feet in height; except within a parking structure, which may be reduced by the review authority to seven feet, six inches.

2.

Driveways to residential garages must be maintained free of obstructions to allow vehicles to access garage parking stalls. A turning radius of 24 feet shall be used to determine accessibility.

E.

Surfacing.

All driveways required by this section, and as shown on the approved plans, shall be surfaced in compliance with Section 88.36.090.H, except that a driveway with a slope of ten percent or greater shall be paved with asphalt or concrete in all cases.

(Ord. No. 06-06, § 1B, 8-7-06)

88.36.110. - Loading Space Requirements.

A.

Number of loading spaces required.

Nonresidential buildings shall provide off-street loading spaces in compliance with Table 3-10. Requirements for uses not listed shall be determined by the director based upon the requirements for comparable uses.

TABLE 3-10. REQUIRED LOADING SPACES

Type of Land Use	Loading Spaces Required
Retail or service	
Stand-alone market	1 space
Facility with 3 or more tenants, and less than 30,000 sf of leasable area.	1 space
Facility with 30,000 sf or more of leasable area	1 space, plus additional spaces as required by the review authority

Hotel, motel, hospital, and other facility with overnight accommodations and 10 or more beds	1 space
Manufacturing, storage facility, warehouse, or other industrial use	
10,000 to 40,000 sf	1 space
40,000 to 160,000 sf	1 space, plus 1 additional space for each 40,000 sf or fraction thereof

B.

Standards for Loading Areas.

Off-street loading areas shall comply with the following standards. These standards and the requirements of subsection A. may be reduced by the review authority as part of project review and approval, where the review authority first determines that the delivery, operating, and shipping characteristics of the use do not require the number or type of loading spaces required by this Section.

1.

Location. Loading spaces shall:

a.

Not be located in a required front, side, or rear setback;

b.

Be as near as possible to the primary structure and limited to the rear two-thirds of the parcel, if feasible;

c.

Be situated to:

(1)

Ensure that the loading facility is adequately screened from abutting properties and streets;

(2)

Ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required setback, adjacent public right-of-way, or other on-site traffic circulation areas;

(3)

Ensure that vehicular maneuvers occur on-site; and

(4)

Avoid adverse impacts upon neighboring residential properties.

d.

Be located on the same site with the use for which the berths are required.

2.

Dimensions. Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.

3.

Accessible from a Street or Alley. Each loading space shall be accessible from a street or alley.

4.

Access Approved by City Engineer. Entrances and exits shall be provided at locations approved by the city engineer.

5.

Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting shall be deflected away from abutting residential sites and installed and maintained in compliance with Section 88.30.060 (Outdoor Lighting).

6.

Screening and Landscaping Required. Loading areas shall be screened from abutting properties and streets with dense landscaping or solid decorative masonry walls with a height subject to the approval of the review authority.

a.

Where a loading area abuts a street or another site, a landscaped strip not less than eight feet in depth shall be planted, and permanently maintained with, plant materials subject to the approval of the review authority, except that within 50 feet of a street intersection, the height of the plant material, other than trees, shall not exceed 36 inches.

b.

The review authority may require additional screening and/or landscaping.

7.
Surfacing. All loading spaces, access driveways, and maneuvering areas required by this section, and as shown on the approved plans, shall be graded and well-drained, shall be permanently maintained with dust-free surfacing, and shall be paved with asphalt, concrete, or other all-weather surfacing approved by the city engineer.
8.
Striping. Loading spaces shall be striped, and identified for "loading only." The striping and "loading only" notations shall be continuously maintained in a clear and visible manner.
9.
Loading Ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances, and shall be subject to the approval of the city engineer.
10.
Vehicle Repair Prohibited. Off-street loading facilities and areas required by this section shall be maintained for the duration of the use requiring the area, and no repair work or servicing of vehicles, except for emergency service of stalled vehicles, shall be allowed.

(Ord. No. 06-06, § 1B, 8-7-06)

88.36.120. - Designation of Off-Site Parking and Loading Spaces.

A.

Covenant, Lease, or Other Agreement Required.

1.
When off-street parking or loading facilities are provided on a site other than the site on which the use or structure to be served by the parking or loading facilities is located, a recordable covenant, easement, or other agreement, acceptable to the city attorney, shall be recorded in the county recorder's office.
2.
The parties to the covenant, easement, or agreement shall include the owner of the off-site parking spaces and the owner of the subject site, with covenants reflecting the conditions of approval and the off-site parking plan approved by the city.

B.

Facilities Shall Not be Used for Any Other Purpose.

The recordable covenant, easement, or other agreement designating the off-street parking or loading facilities and the use or structure to be served, with legal descriptions of both sites, shall also certify that the off-street parking or loading

facilities shall not be used for any other purpose unless the restriction is removed by resolution of the commission, in compliance with subsection E., below.

C.

Certificate of Occupancy.

No certificate of occupancy shall be issued until an attested copy of the recorded covenant, easement, or other agreement has been filed with the director.

D.

Loss of Off-Site Spaces.

1.

Notification to the City. The owner or operator of a business that uses approved off-site spaces to satisfy the parking requirements of this chapter shall immediately notify the director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the agreement between the parties.

2.

Effect of Termination of Agreement. Upon notification that the agreement for the required off-site parking has terminated, the director shall determine a reasonable time in which one of the following shall occur:

a.

Substitute parking is provided that is acceptable to the director; or

b.

The size or capacity of the use is reduced in proportion to the parking spaces lost.

E.

Commission's Action to Remove Restriction.

Upon submission of satisfactory evidence that other off-street parking or loading facilities have been provided in compliance with the requirements of this chapter, or that the use has ceased, or the structure has been removed or altered so as to no longer require the off-street parking or loading facilities, the commission shall remove the restriction.

88.36.130. - Commercial, Oversized and Recreational Vehicles on Private Property.

A.

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial vehicle means a motor vehicle of a type required to be registered under the California Vehicle Code, or maintained for the transportation of persons for hire,

compensation, or profit or designed, used, or maintained primarily for the transportation of property.

Curb means an edging (as of concrete) built along a street to form part of the gutter and edge of the street.

Gross vehicle weight rating (GVWR) means the weight specified by the manufacturer as the loaded weight of a single vehicle.

Gross combination weight rating (GCWR) means the weight specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a weight specified by the manufacturer, GCWR shall be determined by adding the GVWR of the power unit and the total unladen weight of the towed units and any load thereon.

Oversized vehicle shall be defined as any vehicle whether motorized or non-motorized, that exceeds 23 feet in length, or 80 inches in width or 96 inches in height regardless of its weight. Any extension caused by any minor, load height or any accessory attached to such vehicle shall be considered part of the measured distance.

Notwithstanding the length, width, and height requirements for an oversized vehicle, the following vehicles shall also be considered oversized vehicles subject to the prohibitions contained in this section:

1.
Buses as defined in the California Vehicle Code;
2.
Trailer coaches as defined in the California Vehicle Code; and

Park means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

Recreational vehicle shall be defined as a motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational purposes or emergency occupancy. Recreational vehicle shall also include:

1.
Camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy;
- 2.

Motor home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy;

3.

Slide-in camper. A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.

4.

Travel trailer. A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy or travel trailers carrying off-highway vehicles.

5.

Off Highway vehicles. Vehicles that are subject to the provisions of California Vehicle Code, Section 38010(a), that include, but are not limited to (a) any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation identification device issued pursuant to Vehicle Code, Section 38088; (b) any snowmobile or other vehicle designed to travel over snow or ice, as defined in Vehicle Code, Section 557; and (c) any motor vehicle commonly referred to as a sand buggy, dune buggy, or all terrain vehicle.

Right-of-way means a corridor or strip of land, either public or private, on which a right of passage has been recorded and over which are built roadways, curbs and parkways.

Semitrailer means a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Trailer means a vehicle designed for carrying persons or property on its own structure and for being drawn by a vehicle. "Trailer" includes a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles of a trailer.

Truck tractor means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section, "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

Unladen weight means the weight of a vehicle equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law, and unless exempted under California Vehicle Code Section 661, any special cabinets, boxes or body parts permanently attached to the vehicle, and any machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle.

Vehicle means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

B.

Application.

These regulations shall apply only in Neighborhood districts and sub-districts as defined in this article.

C.

Regulations.

The following regulations shall apply to the parking and/or storage of commercial, oversized and recreational vehicles:

1.

No commercial vehicle, trailer, truck tractor or oversized vehicle may be parked on private property, except:

a.

While loading or unloading goods or materials when delivered to the property; and/or

b.

When the vehicle is parked in connection with providing services to or on the property.

2.

Recreational vehicles may be parked and/or stored on private property, subject to the following:

a.

A maximum of one recreational vehicle may be parked and/or stored in a front yard setback or a residential driveway, provided that all of the following are met: (1) The entire recreational vehicle fits over a paved surface; (2) The recreational vehicle is parked and/or stored behind a public sidewalk, where applicable; (3) The recreational vehicle is parked and/or stored behind the property line and does not encroach into a public parkway containing a sidewalk; and (4) Where there is no sidewalk the recreational vehicle is parked at least eight

feet from the face of the curb, or eight feet from the beginning of the paved street.

b.

Notwithstanding limitations on paved surfaces in front yard setbacks, a paved surface used for the lawful parking and/or storage of a recreational vehicle shall combined with existing lawful driveways shall generally not exceed 40 percent of the total width of the front yard setback. Installation of more than one driveway or combined driveways may be permitted subject to the submittal and approval of a temporary use permit and shall be in accordance with Section 88.36.100. Driveway locations and ultimate widths shall be established as part of the temporary use permit.

c.

Recreational vehicles may be parked and/or stored on side yards, as long as the entire recreational vehicle is parked and/or stored on a paved surface and there is a clearance of not less than three feet from the residential structure over the entire length of the recreational vehicle.

d.

Recreational vehicles may be parked and/or stored on rear yards, as long as the entire recreational vehicle is parked and/or stored on a paved surface and there is a clearance of not less than three feet from all parts of the residential structure.

e.

Recreational Vehicles parked or stored in front yard driveways must be parked perpendicular to the front yard propertyline and where possible facing forward for safer egress into the public right-of-way.

f.

Recreational vehicles parked and/or stored in a front yard driveway must be registered and operational. Recreational vehicles shall be maintained clean and in repair and shall not leak any fluids (oil, coolant, etc.). No person shall dump or dispose of any recreational vehicle waste except in certified waste disposal canisters.

g.

Recreational vehicles that are stored on property may be protected with an appropriate cover. An appropriate cover shall be a snap-up cover or snug zip-up cover made of canvas, polyester, vinyl or other weather resistant material, customized to fit over the recreational vehicle. No recreational vehicle shall be parked or stored anywhere on the property under a temporary accessory structure (i.e., canopy, tent, tarp, or similar structure).

h.

Recreational vehicles may be temporarily connected to an electrical outlet only while parked within the private property for a period not to exceed 72 hours and for the sole purpose of loading and unloading the recreational vehicle and getting it ready for a trip.

(Ord. No. 08-07, § 3, 6-16-08)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS >> CHAPTER 88.38. - SIGNS >>

CHAPTER 88.38. - SIGNS

88.38.010. - Purpose.

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88.38.030. - Sign Permit and Master Sign Plan Requirements.

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88.38.040. - Prohibited Signs.

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88.38.070. - Standards for Specific Sign Types.

88.38.080. - Nonconforming Signs.

88.38.090. - Judicial Review.

88.38.010. - Purpose.

The regulations established by this chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the city, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

A.

Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;

B.

Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the city as a place to live, work, and shop;

C.

Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and

D.

Safeguard and protect the public health, safety, and general welfare.

88.38.020. - Applicability.

A.

Signs Regulated.

The requirements of this chapter shall apply to all signs in all zoning districts.

B.

Applicability to Sign Content.

The provisions of this chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial. In each instance and under the same conditions under which this chapter permits any sign or commercial message, a noncommercial message or sign may be substituted.

C.

Definitions.

Definitions of the specialized terms and phrases used in this chapter may be found in Article 6 (Glossary) under "Sign."

88.38.030. - Sign Permit and Master Sign Plan Requirements.

A.

Sign Permit and/or Master Sign Plan Required.

1.

Approval Required. No sign shall be constructed, installed, or modified, unless a sign permit and, where applicable a master sign plan approval is first obtained in compliance with this section, or the sign is allowed without sign permit by Section 88.38.035 (Exemptions from Sign Permit Requirements).

2.

Compliance with Standards Required. No sign permit or master sign plan shall be approved for an existing or proposed sign unless the sign is in compliance with all applicable requirements of this chapter.

3.

Building Permit Required. A building permit may also be required.

4.

Compliance with Permit and/or Plan Required. After approval of a sign permit and/or sign plan, each sign site shall comply with the permit and plan.

5.

Temporary Signs. Temporary signs shall comply with Section 88.38.070.G (Temporary signs).

B.

Review Authority.

The director shall review all sign permit and master sign plan applications and approve only those that comply with the findings required in subsection E. (Findings for approval).

1.

Timing of Decision. Sign permits and master sign plans shall be approved by the director within 30 days of their applications being found complete in compliance with 88.50.060 (Initial Application Review), except that where the proposed signs are for a project requiring minor use permit approval, the sign permit or master sign plan shall be approved or denied at the same time as the minor use permit application.

2.

Commission Referral on Use Permit Project. The director may also refer a sign permit application to the commission for review and decision at the same time as commission consideration of a use permit for the same project.

3.

Conditions of Approval. The review authority may require conditions of approval that are deemed reasonable and necessary to achieve the purpose, intent, and objectives of this chapter.

4.

Appeal. Decisions to approve or deny applications for sign permits and master sign plans may be appealed in compliance with Chapter 88.56 (Appeals).

C.

Sign Permit Procedures.

1.

Application Requirements. An application for a sign permit shall be prepared by the property owner, filed, and processed in compliance with Chapter 88.50 (Planning Permit Filing and Processing).

2.

Application Contents. Each application shall include all of the following:

a.

Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and adjacent properties, structures, and uses;

b.

A complete color scheme for the sign, and design drawing of the sign;

c.

Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter;

d.

Written permission from the property owner for the placement of the proposed signs on the site;

e.

Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the parcel;

f.

An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;

g.

If a sign permit application is filed for a site where signs exist, the application shall include a schedule for bringing into conformance within three years of the application date, all signs not conforming with the requirements of this chapter as of the date of application; and

h.

Other information as required by the department.

D.

Master Sign Plan Required.

1.

When Required. A master sign plan shall be required for:

a.

A new nonresidential project with four or more tenants;

b.

A site where the total area of signs for any use exceeds 100 square feet; or

c.

Major rehabilitation work on an existing nonresidential project with four or more tenants, that involves exterior remodeling, and/or the application proposes modification to 50 percent or more of the existing signs on the site within a 12-month period. For the purposes of this chapter, major rehabilitation means adding more than 50 percent to the gross floor area of the structure(s), or exterior redesign of more than 50 percent of the length of any facade within the project.

Each sign installed or replaced within the nonresidential project shall comply with the approved master sign plan.

2.

Content of Plan.

a.

A sign plan shall include all the information and materials required by subparagraph C.2 (Application contents), and shall provide standards

for the uniform style, construction, height, size, and placement of signs within the proposed project.

b.

A master sign plan shall be included with any planning permit required by the city for the development of the parcel on which the sign is proposed to be located, and shall be processed simultaneously with the other plan;

E.

Findings for Approval.

The approval of a sign permit or master sign plan shall require that the review authority first make all the following findings, as applicable.

1.

Sign Permit Findings. The proposed sign complies with the standards of Sections 88.38.060 (Zoning District Sign Standards) and 88.38.070 (Standards for Specific Types of Signs), and is in substantial conformance with the design criteria in Subsection 88.38.050.G (Design criteria for signs).

2.

Master Sign Plan Findings. The proposed signs:

a.

Are consistent with the purposes of this chapter in Section 88.38.010

b.

Comply with all applicable standards and requirements of in this chapter, including Sections 88.38.050 (General Requirements for All Signs) through 88.38.070 (Standards for Specific Types of Signs);

c.

Are of a color, height, letter type, location, material, shape, size, and style that is appropriate for the use of the premises, enhancing to the premises, and harmonious with the surrounding neighborhood.

F.

Expiration and Extension of Sign Permit or Approval.

1.

Approval of a sign permit or sign plan shall expire 12 months from the date of approval unless the sign has been erected or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit, the applicant may apply to the department for an extension of an additional 12 months from the original date of expiration. The director may make minor modifications, or may deny further extensions of the approved sign at the time of extension.

2.

The expiration date of the sign permit or sign plan shall be automatically extended to concur with the expiration date of the companion building permit or other applicable permits.

88.38.035. - Exemptions from Sign Permit Requirements.

The following signs are allowed without sign permit or master sign plan approval, provided that they comply with Section 88.38.050 (General Requirements for All Signs), and any required building permit is obtained.

A.

Nonstructural Modifications and Maintenance.

1. Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs;
2. Nonstructural modifications of the face or copy of an existing conforming sign installed in compliance with a sign plan; provided, the modifications are consistent with the approved master sign plan; and
3. The normal maintenance of conforming signs, except as identified in Subsection 88.38.080.B (Maintenance and changes).

B.

Temporary Signs.

The following temporary signs are allowed, subject to the approval of a temporary sign permit from the Economic and Community Development Department, Planning Division, of the City of Azusa.

1. Real Estate Signs. Real estate signs are allowed without a sign permit in compliance with California Civil Code Section 713, and subject to the following requirements.
 - a. Districts, Corridors and Neighborhood Centers. Properties within the districts, corridors and neighborhood centers identified by Article 2 (Urban Standards) shall be allowed one, two-sided real estate sign, of no more than six square feet each side, with a maximum height for freestanding signs of six feet, for each parcel frontage.
 - b. Neighborhoods. Properties within the neighborhoods identified by Article 2, other than neighborhood centers, are allowed the following real estate signs.

(1)

On-Site Signs. One residential real estate sign not more than six square feet in area, advertising the sale or lease of a parcel or structure, may be located on the property it advertises.

(2)

Off-Site Directional Signs. Off-site real estate directional signs not more than six square feet in area may be located on private property, provided that they do not obstruct or impede pedestrian or vehicular traffic, and are not secured to prevent removal. No real estate sign shall be permitted within the public right-of-way.

2.

Political or Social Issue Signs. Political or social issue signs are allowed without a sign permit provided that the signs:

a.

Are placed on private property, and shall not exceed a total aggregate area of:

(1)

Residential zoning district: 24 square feet; and

(2)

Nonresidential zoning district: 80 square feet.

b.

May only be installed on private property with the property owner's consent;

c.

Shall be removed within ten days after the conclusion of the political campaign or event to which they relate;

d.

Signs not removed shall be removed by the city at the expense of the political candidate or organization involved;

e.

Are not placed within 15 feet of a fire hydrant, street sign, or traffic signal, or interfere with, confuse, obstruct, or mislead traffic;

f.

Are not placed unlawfully. Placement of signs in the public right-of-way in violation of this chapter or any other provisions of the Municipal Code is a nuisance, and any signs so placed may be removed summarily and disposed of by the city, after reasonable notice is provided to the candidate or political organization that sponsored the sign.

3.

On-Site Human Directional and Advertising Signs.

On-site human directional and advertising signs shall be permitted on the same property as the sign directs or advertises. Such signs shall not be carried in a manner that creates a safety hazard to patrons of the property upon which such sign is carried.

C.

Civic and Governmental Signs.

Signs installed or authorized by the city, county, or a federal or state governmental agency, including but not limited to the following:

1. Emergency and warning signs necessary for public safety or civil defense;
2. Traffic signs erected and maintained by an authorized public agency;
3. Legal notices, licenses, permits, and other signs required to be displayed by law;
4. Signs showing the location of public facilities (e.g., public telephones, restrooms, and underground utilities).
5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.
6. Signs identifying one or more of the following entities:
 - a. Services clubs, such as Rotary, Kiwanis, etc.;
 - b. City districts or points of interest;
 - c. Charitable organizations;

D.

Miscellaneous Signs.

1. Address numbers not exceeding 12 inches in height;
2. Official flags.
 - a. Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies; provided that the length of a flag other than the U.S. flag shall not exceed one-

fourth the height of the flag pole, and the flag is not used for commercial advertising.

b.

The maximum allowed height of a flag pole shall be:

(1)

Residential zoning district: 12 feet; and

(2)

Nonresidential zoning district: 30 feet.

c.

No private flag pole shall be located within the public right-of-way.

3.

Symbols, pictures, patterns, and illumination approved as architectural ornamentation or decoration by the review authority;

4.

Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones, provided that none of these exceed four square feet;

5.

Service station price signs required by state law;

6.

Holiday window displays;

7.

On-site human directional signs. Provided that such signs shall not be carried in a manner that creates a safety hazard to patrons of the property upon which such sign is carried.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, §§ 4—6, 6-16-08; Ord. No. 10-01, § 11, 3-1-10)

88.38.040. - Prohibited Signs.

All signs not expressly allowed by this chapter shall be prohibited. Examples of prohibited signs include the following:

A.

Abandoned signs;

B.

Animated signs, including electronic message display signs whose message changes more frequently than once every five minutes, and variable intensity, blinking, or flashing signs, or signs that emit a varying intensity of light or color, except time and temperature displays (which are not considered signs). An electronic message display, including time, date, temperature, weather, directional information, or other public service messages of interest to the general public, where the display changes less frequently than once every five minutes, shall not be considered an animated sign.

Notwithstanding the above restrictions, the existing reader board sign on Azusa Avenue and the I-210 Freeway, as maintained or remodeled, shall be exempt from the above provision.

C.

Balloons and other inflatable devices, except on a site owned by the city and except as provided for in Subsection 88.38.070.F. Temporary signs;

D.

Billboards (e.g., permanent off-site signs);

E.

Can (cabinet) signs, except that an internally illuminated metal frame sign with a face that consists of a company logo is permitted when used in conjunction with a sign comprised of individual letters;

F.

Moving signs, except barber poles;

G.

Obscene signs, as obscenity is defined by state law;

1.

Off-site human directional and advertising signs.

H.

Pennants and streamers, except in conjunction with an athletic event, carnival, circus, or fair, or as allowed in Subsection 88.38.070.F (Temporary signs);

I.

Pole signs, and other freestanding signs over six feet in height, except for freeway signs in compliance with Subsection 88.38.070.C;

J.

Roof mounted signs;

K.

Because of the city's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;

L.

Signs in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as approved by the review authority, or as may be required for safety and convenience and for control of vehicular and pedestrian traffic within the premises of the subject use;

M.

Signs attached to or suspended from a boat, float, vehicle, or other movable objects parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;

N.

Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree;

O.

Signs with reflective material;

P.

Signs within the public right-of-way, except as provided by Subsection 88.38.050.E (Signs placed within the public right-of-way).

Q.

Signs in storage or in the process of assembly or repair, located outside on premises other than that advertised in the signs, that are visible from a public right-of-way; and



Figure 3-6 - Sign Area Measurement

R.

Temporary and portable signs, except as specifically allowed by Subsection 88.38.070.F (Temporary signs).

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, § 7, 6-16-08)

88.38.050. - General Requirements for All Signs.

The following rules shall govern the computation of sign area:

A.

Sign Area Measurement.

The measurement of sign area to determine compliance with the sign area limitations of this chapter shall occur as follows.

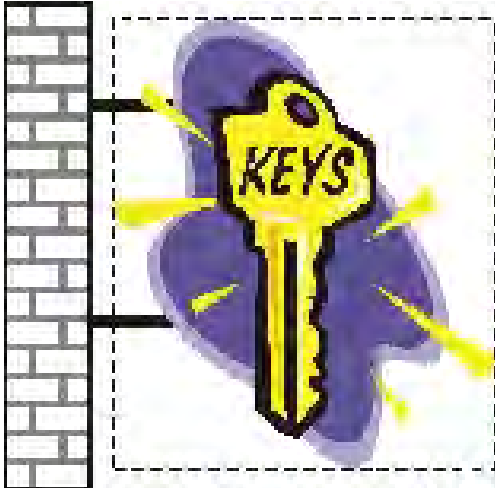


Figure 3-7 - 3-D Measurement

1.

Surface Area. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 3-6.

2.

Sign Structure. Supporting bracing or framework that is clearly incidental to the display itself shall not be computed as sign area.

3.

Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces; except that where the two faces are parallel and not separated by more than one foot, only the area of one face shall be counted.



Figure 3-8 - Sign Height Measurement

4.

Three-Dimensional Objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure 3-7.

5.

Time and/or Temperature Device. The area of a time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area.

B.

Sign Height Measurement.

The height of a sign shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade, to the top of the highest attached component of the sign. See Figure 3-8.

1.

Grade. Normal grade shall be construed to be the lower of either the:

a.

Existing grade before construction; or

b.

Newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.

2.

Where Normal Grade Cannot be Determined. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumptions that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

C.

Sign Height Limitations.

1.

Maximum Height for Freestanding Signs. A freestanding sign shall not exceed a height of six feet above normal grade, except for a freeway oriented sign in compliance with Subsection 88.38.070.C.

2.

Maximum Height for Signs on Structures. The top of a sign mounted on a structure (e.g., a building wall, or base structure for a freestanding sign), shall not extend higher than the lesser of:

a.

The window sills of the second floor;

b.

The top of the wall to which the sign is attached, in the case of a one-story structure; or

c.

20 feet above normal grade.

See Section 88.38.070.C for exceptions to the above requirements for freeway oriented signs.

D.

Sign Location Requirements.

Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this chapter.

1.

Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by this chapter.

2.

No sign shall project over public property, or the public right-of-way, except where the city has granted an encroachment permit in addition to a sign permit.

3.

No sign shall be placed so as to interfere with the operation of a door or window.

E.

Signs Placed Within the Public Right-of-Way.

1.

No sign shall be posted on a public utility pole, light standard, or tree, or otherwise within the public right-of-way, except for:

- a. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;
- b. Bus stop signs installed by a public transit company;
- c. Informational signs of a public utility regarding its lines, pipes, poles, or other facilities;
- d. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized within the public right-of-way;
- e. A sign installed in conjunction with a city approved sidewalk or parking lot sale or exhibit; or
- f. A sign specifically approved and placed by, or on behalf of, the city, to promote city functions, community and economic development efforts, including business retention efforts undertaken by or on behalf of the city, civic involvement, holiday and patriotic themes.

2. Placement of these signs shall be subject to specific conditions, contained in a required temporary sign permit, pertaining to secure placement and fastening, duration, and maintenance/cleanup to assure that the signs are securely fastened, provided however, that signs may not be nailed, screwed or stapled to trees and do not create traffic hazards or litter.

3. Any sign installed or placed within the public right-of-way other than in compliance with this section shall be forfeited to the public and be subject to confiscation.

4. In addition to other remedies identified in the Municipal Code, the city shall have the right to recover from the owner, or person placing the sign, the full costs related to the removal and disposal of the sign.

F.

Sign Design, Construction, and Maintenance.

All signs shall be designed, constructed, and continuously maintained in compliance with the following standards:

1. Compliance with Applicable Provisions. All signs shall comply with the applicable provisions of the uniform codes of the city, any other applicable city ordinances, resolutions, or regulations, and this chapter.
2. Permanent Materials and Attachment. Except for banners, flags, temporary signs, and window signs conforming with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

G.

Design Criteria for Signs.

The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved.

1. Color. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the structure colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
2. Design and Construction.
 - a. A proposed permanent sign shall be designed by a professional (e.g., architect, building designer, landscape architect, interior designer, or one whose principal business is the design, manufacture, or sale of signs), or others who are capable of producing professional results.
 - b. Each permanent sign shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.
3. Materials and Structure.
 - a. Sign materials (including framing and supports) shall be representative of the type and scale of materials used on the site of

the sign. Sign materials shall match those used on the structure and on other signs.

b.

Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

c.

The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.

d.

The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the structure's wall(s).

4.

Street Address. The review authority may require that a sign include the street address of the site, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.

H.

Copy Design Guidelines.

The city does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

1.

Sign copy should relate only to the name and/or nature of the business or commercial center.

2.

Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.

3.

The area of letters or symbols should not exceed 40 percent of the background area in commercial districts or 60 percent in residential districts.

4.

Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

I.

Sign Lighting.

Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

1.
External light sources shall be directed and shielded so that they do not produce glare on any object other than the sign, and/or off the site of the sign.
2.
The light illuminating a sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties.
3.
Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
4.
Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
5.
Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
6.
Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.
7.
Light sources shall utilize hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps shall be prohibited.

J.

Maintenance of Signs.

1.
Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2.
Any repair to a sign shall be of equal or better in quality of materials and design as the original sign.
3.
A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Municipal Code.
4.
When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. When an existing wall

sign is removed or replaced, all holes, faded wall surfaces shall be repaired and painted to match the surrounding wall surface.

5.

Unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.

(Ord. No. 06-06, § 1B, 8-7-06)

88.38.060. - Sign Standards by Area.

Each sign shall comply with the sign type, area, height, and other restrictions provided by this section, except as otherwise expressly provided in Subsection 88.38.030.F (Signs and sign changes allowed without a sign permit) or [Section 88.38.070](#) (Standards for Specific Types of Signs).

A.

Neighborhoods.

Each sign in a NG1, NG2, or NG3 zone established by Article 2 shall comply with the following requirements.

TABLE 3-11. SIGN STANDARDS FOR NEIGHBORHOODS

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Single-Family Dwellings, Duplexes, Triplexes, Fourplexes			
Wall	Below edge of roof	1	1 sf
Multi-Family Projects and Structures			
Wall or	Wall signs: below edge of roof;	1 of either allowed sign type per	12 sf maximum each; 24 sf total for all

freestanding	Freestanding: 4 ft	entrance or street frontage	signs
Non-Residential Uses			
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 4 ft	1 of either allowed sign type per entrance or street frontage	12 sf maximum each; 24 sf total for all signs

B.

Districts, corridors, and neighborhood centers.

Each sign in the district, corridor, and NC zones established by Article 2 shall comply with the requirements in Table 3-12 in addition to the provisions of Section 88.38.070 (Standards for Specific Types of Signs), as applicable.

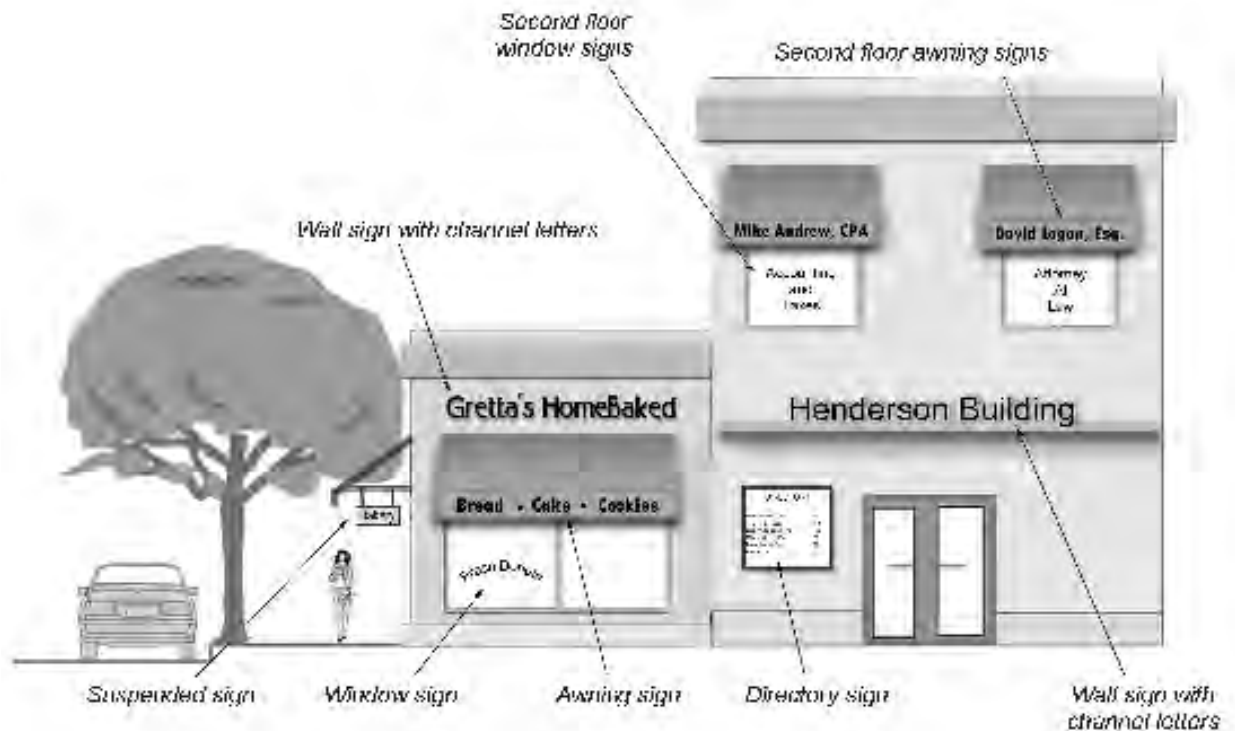


Figure 3-9 - Examples of Sign Types

TABLE 3-12. SIGN STANDARDS FOR DISTRICTS, CORRIDORS AND NEIGHBORHOOD CENTERS

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area
Ground-mounted and Ground-floor Signs			
Awning	Below roof (1)	Single tenant site or building: 3 of any combination of allowed sign types per primary building frontage.	Maximum sign area per parcel. The total sign area on a parcel shall comply with the following requirements.

Freestanding	6 ft.	1 of any allowed sign type per secondary building frontage. Site or structure with 4 or more tenants: 1 of any allowed sign type per business frontage, unless additional signs are authorized by the review authority through a Master Sign Plan approval.	1. 1 sf for each linear ft. of primary building frontage. 2. 0.5 additional sf for each linear foot of secondary building frontage. 3. Each use is allowed a total sign area of at least 25 sf regardless of frontage length. 4. The total sign area per use shall not exceed 100 sf, without Master Sign Plan approval. Maximum sign area per building frontage. The total area of all signs on a single structure frontage shall not exceed the total linear feet of that frontage shall not exceed the total linear feet of that frontage. Site with 4 or more tenants: is allowed an additional freestanding identification sign of 0.25 sf for each linear ft. of total primary structure frontage, up to 100 sf maximum.
Projecting, Wall Mounted and Wall-painted	Below roof (1)		
Suspended	Below eave/ canopy; at least 8 ft. above a walking surface		
Temporary	See Section 88.38.070.F		
Window	See Section 88.38.070.H		
Second Floor Signs			
Awning, Projecting, Wall	Below roof (1)	1 per tenant space	12 sf for each tenant. 1 directory sign not to exceed 12 sf is also allowed to identify upper floor occupants.
Window	See Section 88.38.070.H		

Indoor Signs, and Outdoor Signs Not Visible from a Street		
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (1)	See Section 88.38.070 , as applicable

Notes:

(1)

At least one foot below the top of a parapet, the sill of a second floor window, and/or the lowest point of any cornice or roof overhang.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, § 12, 3-1-10)

88.38.070. - Standards for Specific Sign Types.

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this section shall be included in the calculation of the total sign area allowed on a parcel by [Section 88.38.060](#) (Sign Standards by Area), unless this section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of [Section 88.38.060](#), and all other applicable provisions of this chapter.

A.

Awning Signs.

The following standards apply to awning signs in all zoning districts where allowed by Section 88.38.060 (Sign Standards by Area).

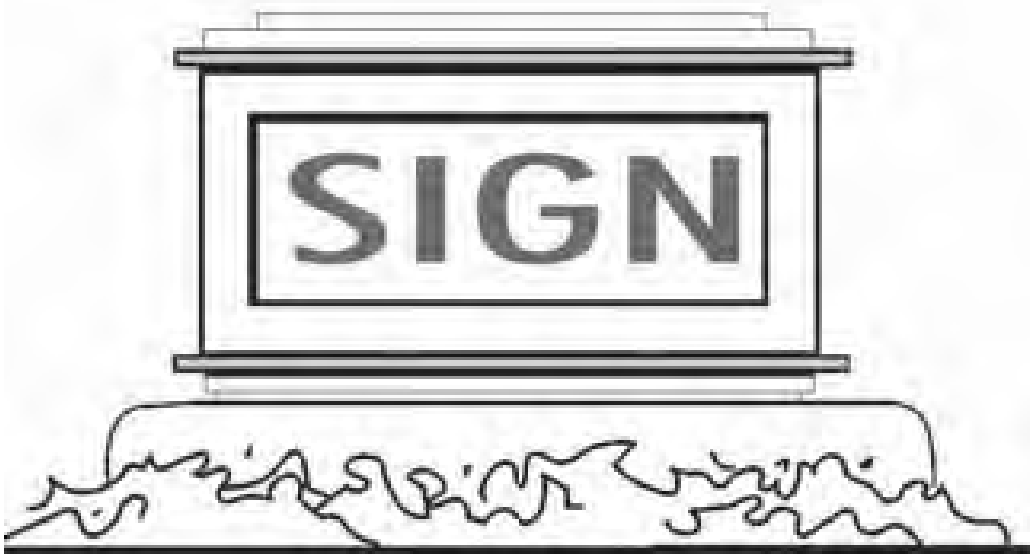


Figure 3-10 - Awning Sign

1. Signs on awnings are limited to ground level or second story occupancies only.
2. Awnings shall not be internally illuminated. Direct exterior lighting may be allowed. Translucent awning materials are prohibited.

B.

Freestanding Signs.

The following standards apply to freestanding signs in all zoning districts where allowed by Section 88.38.060 (Sign Standards by Area).

1. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The review authority may waive this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.



Figure 3-11 - Freestanding Sign

2.

A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the review authority.

3.

To assist emergency response personnel in locating the site, freestanding signs should contain an illuminated street address plate. Numbers should be a minimum of six inches in height. Street address numbers not exceeding six inches in height shall not be included in calculations of allowed sign area.

C.

Freeway-Oriented Signs.

A freeway-oriented sign may be approved in compliance with the following requirements.

1.

Permit Requirement. Use permit approval is required for a freeway-oriented sign.

2.

Where Allowed. Use permit approval may allow a freeway-oriented sign on a parcel on the north or south sides of the Interstate 210 freeway only on a parcel abutting the freeway right-of-way.

3.

Design Standards. The review authority shall ensure that an approved freeway sign is no larger or higher than the minimum necessary for reasonable visibility, as determined by the review authority.

4.

Required Findings. The approval of a use permit for a freeway-oriented sign shall require that the commission first find that the use or site cannot be adequately identified by other signs allowed within the applicable zoning district, in addition to the other findings required for use permit approval by Section 88.51.050

D.

Murals.

A mural placed on the wall of a structure may be allowed in any commercial or industrial zoning district subject to minor use permit, and as follows.

1.

A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 88.38.060 (Sign Standards by Area); a mural with text shall comply with the sign area limitations applicable to the site.

2.

Murals that illustrate the local setting and history as sources of inspiration are encouraged.

3.

The approval of a mural shall require that the review authority first find that the size, colors, and placement of the mural are visually compatible with the structure architecture, and that the mural will serve to enhance the aesthetics of the city.

E.

Projecting Signs.

The following standards apply to projecting signs in all zoning districts where allowed by Section 88.38.060 (Sign Standards by Area).



Figure 3-13 - Projecting Sign

1.

The maximum projection of a sign from a structure wall over a public right-of-way shall not exceed 36 inches over a sidewalk. Larger projections from the structure wall over private property may be approved by the review authority. Any projection over a public right-of-way shall require an encroachment permit.
2.

The top of a projecting sign shall not exceed the lesser of 14 feet, eave height, parapet height, or sill height of a second floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
3.

A projecting sign shall maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.
- 4.

Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged. See Figure 3-14.

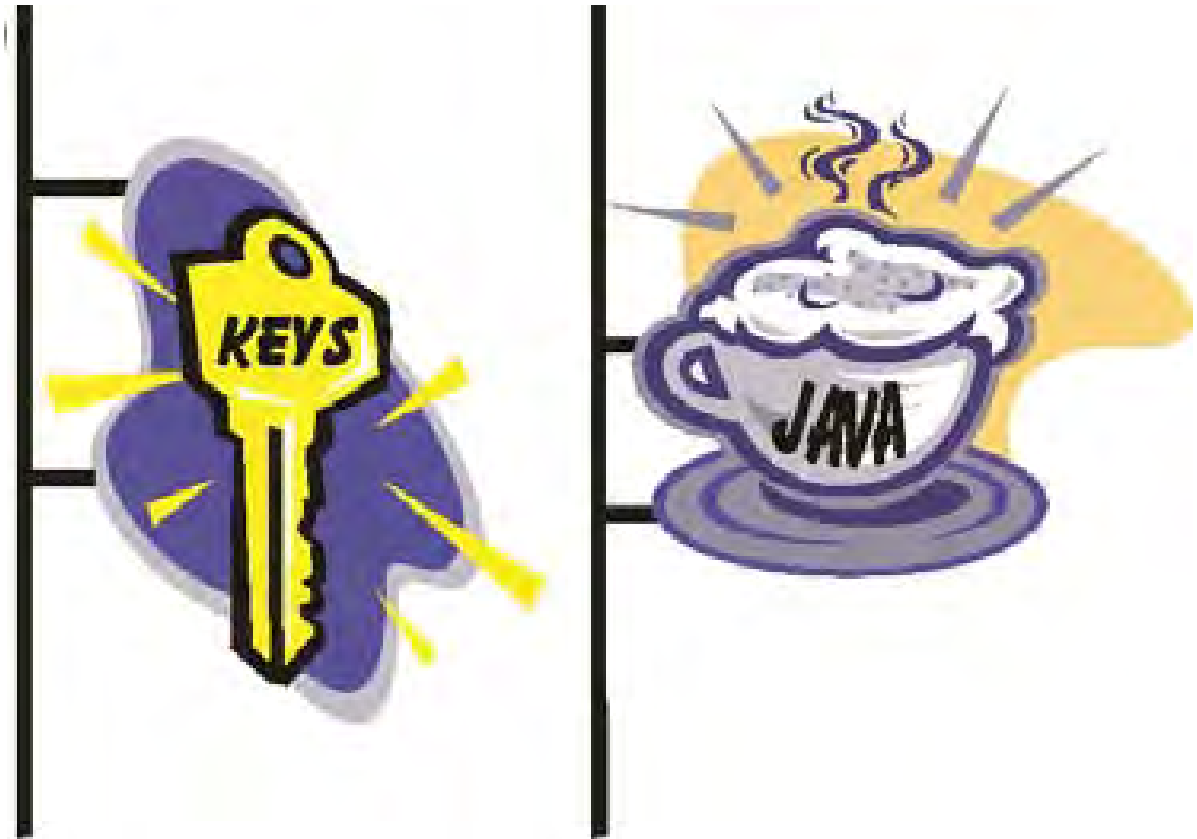


Figure 3-14 - Use of Icons/Symbols

5. Each sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage.
6. Sign supports shall be well-designed and compatible with the design of the sign.
7. Interior illuminated boxed display signs (i.e., "can" signs) are prohibited.

F.

Temporary signs.

The following temporary signs are allowed subject to the approval of a temporary sign permit from the Planning Division. All temporary signs shall be maintained in good repair and properly secured so as not to create a public safety hazard.

1.

Banners and Pennants. Temporary banners and pennants on the site of a non-residential use shall comply with the following requirements.

a.

A licensed business may be allowed the use of banners and/or pennants with temporary sign permit approval, only as follows:

(1)

For a maximum of 30 days after the first opening of the business on the site, or a change in the ownership of the business; and

(2)

For a maximum aggregate total of 30 days in any calendar year, in addition to the time allowed by Subsection F.1.a(1).

b.

The application for a temporary sign permit for banners or pennants shall include the dates proposed by the applicant for scheduled banner use.

c.

A bond shall be posted for a banner permit as required by the director. The bond may be revoked if the temporary banners are not removed within two days following their scheduled use.

2.

Construction Signs. Construction identification signs may be allowed in all zoning districts with sign permit approval, in compliance with the following standards:

a.

Only one sign, per street frontage located on-site, shall be allowed;

b.

The area and height of the sign shall not exceed;

Parcel size	Max Sign Area	Max Height
Less than 1 acre	32 sf	6 ft
1 acre — 4 acres	64 sf	10 ft

greater than 4 acres	100 sf	15 ft
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c.

The sign shall not be illuminated.

3.

Off-Site Directional Signs. Because of the city's compelling interest in ensuring traffic safety, and the city's interest in improving public convenience, off-site directional signs may be allowed in compliance with the requirements of this subsection, and subject to the approval of a sign permit.

a.

Where Allowed. A directional sign may be approved within the districts and corridors established by Article 2, only on sites where:

(1)

The review authority determines that a property owner has taken advantage of all permanent signs allowed by this chapter, and site visibility remains seriously impaired; and

(2)

The structure to which directions are being provided is on a parcel that is located more than 150 feet from a predominant public street frontage, the site is developed with all other signs allowed by this chapter, and the business entry and the other exterior signs allowed for the site by this chapter are not visible from the predominant public street. The "predominant public street" is the major vehicular route that provides access to the site and surrounding area.

b.

Sign Standards. An approved directional sign shall comply with all the following requirements, the other standards of this section for the type of sign being proposed (e.g., freestanding, projecting, wall, etc.), and the sign standards for the applicable zoning district in Section 88.38.060 (Sign Standards by Area).

(1)

Number, Size, and Height Limitations. Only one off-site directional sign shall be allowed. The sign shall not exceed an area of four square feet.

(2)

Design and Construction Standards. The appearance of the sign, including any graphics and/or text, will reflect attractive, professional design, and that the sign will be durable and stable when in place.

(3)

Placement Requirements. The sign shall be placed only on private property, at the location specified by the sign permit.

4.

Subdivision Directional Signs, Off-Site. Off-site signs providing directions to a new subdivision may be allowed with sign permit approval and shall comply with the following standards:

a.

The signs shall be located on private property (not within any public right-of-way) except in accordance with subdivision g. below;

b.

The total area of each sign shall not exceed 12 square feet;

c.

The height of each sign shall not exceed six feet;

d.

The signs shall not be illuminated;

e.

The signs may be displayed only during the two years following date of recreation of the final map, or until all of the units have been sold, whichever first occurs; and

f.

The signs shall not affect pedestrian or vehicular safety.

g.

For subdivisions consisting of more than 100 parcels, subdivision directional signs may be located within a public right-of-way pursuant to a master sign plan. The number, height and size of each sign shall be established through the approval of the master sign plan.

5.

Subdivision Signs, On-Site. On-site subdivision identification signs may be allowed with sign permit approval, in compliance with the following standards:

a.

A maximum of two on-site signs may be located within the project boundaries; provided, no more than one sign for each street frontage is allowed, and multiple signs shall be separated by a minimum of 75 feet.

b.

The area of each sign shall not exceed 24 square feet;

- c. Sign height shall not exceed six feet;
- d. The signs shall not be illuminated; and
- e. The signs may be displayed only during the two years following date of recordation of the final map, or until all of the units have been sold, whichever first occurs.

6. Balloon Signs and Other Inflatable Devices. Balloons and other inflatable devices on private property shall be allowed with a temporary sign permit for a maximum of 30 days per year.

7. Additional Temporary Sign Standards and Guidelines.

- a. Temporary signs shall not be placed over public property or public rights-of-way.
- b. Temporary signs shall not interfere with the operation of doors or windows.
- c. Temporary signs shall not be posted on public facilities (i.e., utility poles, light standards, sign posts, trees, etc.)
- d. Suspended temporary signs shall be at least eight feet above walking surfaces and 16 feet minimum above driving surfaces.
- e. Temporary wall or suspended signs shall not exceed ten percent the total square footage of the surface of the front building facade and may be mounted on any building wall surface.
- f. Temporary window signs shall not exceed the maximum 20 percent coverage of the total window area, including any permanent window signs.

G.

Wall Signs.

The following standards apply to wall signs in all zoning districts where allowed by Section 88.38.060 (Sign Standards by Area).



Figure 3-15 - Wall Sign

1. A wall sign may be located on any primary or secondary structure frontage.
2. The area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
3. A wall sign shall not project more than 12 inches from the surface to which it is attached.

H.

Window Signs.

The following standards apply to permanent window signs where allowed by Section 88.38.060 (Sign Standards by Area).

1. Maximum Sign Area. Permanent window signs shall not occupy more than 20 percent of the total window area.
- 2.

Sign Location. Signs shall be allowed only on windows located on the ground level and second story of a structure frontage.

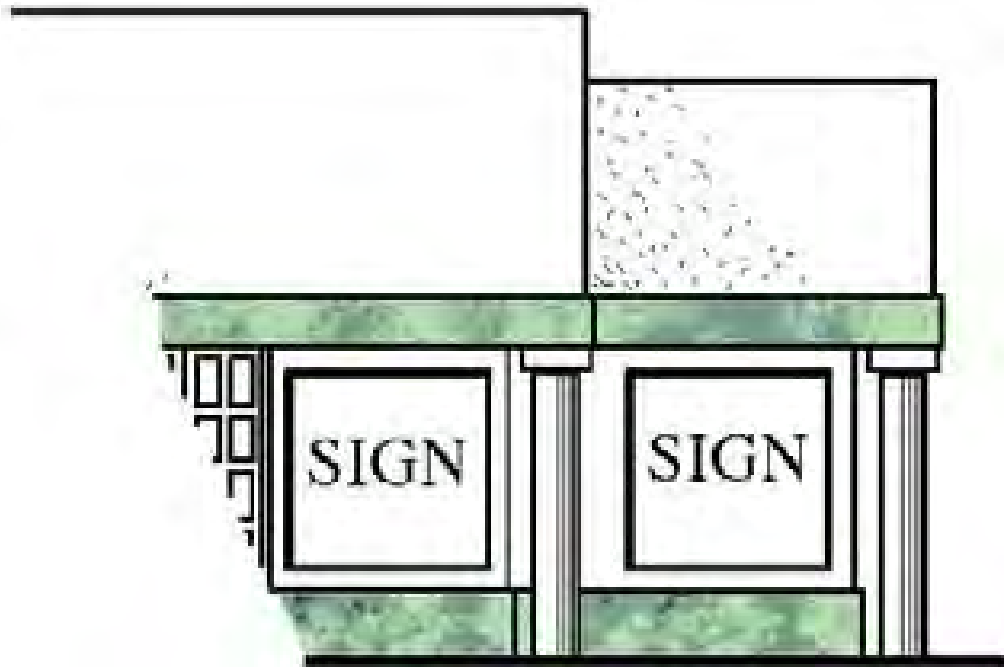


Figure 3-16 - Window Sign

3.

Sign Materials. Signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, §§ 8, 9, 6-16-08)

88.38.080. - Nonconforming Signs.

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Development Code.

A.

General Requirements.

A nonconforming sign shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered to extend its useful life;

3. Enlarged;
4. Re-established after a business is discontinued for 30 days; or
5. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the building official.

B.

Maintenance and Changes.

Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of 25 percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding 25 percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this chapter.

88.38.090. - Judicial Review.

Any permit issued or denied in compliance with this chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.8 et seq.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 3. - SITE, DEVELOPMENT AND OPERATIONAL STANDARDS >> CHAPTER 88.39. - ART IN PUBLIC PLACES PROGRAM >>

CHAPTER 88.39. - ART IN PUBLIC PLACES PROGRAM

88.39.010. - Purpose.

88.39.020. - Definitions.

88.39.030. - Findings.

88.39.040. - Program Applicability; Art Allocation.

88.39.050. - In Lieu Fee.

88.39.060. - Determination of Building Valuation.

88.39.070. - Permissible Uses of Art Allocation.

88.39.080. - Prohibited Uses of Art Allocation.

88.39.090. - Art in Public Places Fund.

88.39.100. - Artist and Artwork Selection; Art Consultant.

88.39.110. - Value Verification.

88.39.120. - Application Process.

88.39.130. - Review Criteria and Requirements.

88.39.010. - Purpose.

This chapter shall be known and cited as the Azusa Art in Public Places Program, the intent and purpose of which is to enhance the physical appearance of the community by facilitating and promoting opportunities to provide for cultural enhancement. The art in public places program also has the following goals: to distinguish Azusa as a special place to live, work, play, and visit; to integrate the vision of artists with the perspective of other design professionals into the planning and design of the urban landscape; to provide every member of the community easy visual access to artworks from vehicles on major public streets; to provide a means to counterbalance what many consider to be the "negative" effects of development (e.g. construction noise, traffic, congestion, and pollution); and to strengthen cultural awareness, creativity, and innovative thinking in the community.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.020. - Definitions.

For purposes of this chapter:

A.

"Commission" means the Azusa Art in Public Places Commission, as established in Azusa Municipal Code sections 2-386 through 2-391

B.

"Development Project" means any development project subject to the program.

C.

"Program" means the Azusa Art in Public Places Program established pursuant to this chapter.

D.

"Project Applicant" means the individual or entity subject to and required to submit an application to the commission under the program.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.030. - Findings.

The city council makes the following findings in connection with the adoption of this ordinance and the fees established herein:

A.

The purpose of this chapter is to promote the purchase and development of public artwork within the City of Azusa. All in-lieu fees collected shall be used to purchase and develop public artwork within the City of Azusa.

B.

There is a reasonable relationship between the acquisition of artwork through the program and the development projects on which the fees provided by this chapter shall be imposed because (1) artwork will enhance the real property values within the city generally, including the development projects to which the program will apply, and (2) artwork will enhance the aesthetic values of the city as a whole, make the city an attractive place to live and visit, thereby making the city more economically vital.

C.

There is a reasonable relationship between the need for cultural amenities such as art and the development projects to which the program will apply, because the development of real property generally necessitates that additional costs be incurred and amenities be provided to provide for harmonious and aesthetically pleasing environments created by the development project.

D.

The amount of the art allocation is reasonably related to the artwork to be acquired because the amount of the fee increases as the value of the development project to which the program will apply rises, so there will be a direct and proportionate relationship between the size of the development project and the quantity or quality of artwork which can be purchased from the fees generated by the development project to which the program will apply.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.040. - Program Applicability; Art Allocation.

Commercial and industrial development or residential projects of eight dwelling units or more, with a total building project valuation of \$750,000.00 or more, are required to select, purchase and install permanent outdoor art at the development site, accessible and visible to the general public from public streets. The required minimum art allocation shall be one percent of the total building construction valuation (excluding tenant improvements), which is determined using the International Conference of Building Officials (ICBO) tables in effect at the time building permits are issued. The maximum art allocation per project will be set at \$50,000.00.

All attached and detached additions to an existing commercial or industrial building, with a valuation (for the addition) of \$750,000.00 or more shall also comply with the program.
(Ord. No. 09-04, § 3, 9-8-09)

88.39.050. - In Lieu Fee.

In lieu of providing artwork in accordance with the provisions of this [Chapter 88.39](#), the project applicant may pay the art in public places fee established by separate resolution of the city council. Allocations paid in this manner will be used to provide art in public places elsewhere in the city. Fees collected shall be deposited in the art in public places fund established pursuant to [Section 88.39.090](#).

(Ord. No. 09-04, § 3, 9-8-09)

88.39.060. - Determination of Building Valuation.

The minimum art allocation for each development project is equal to one percent of the total building valuation of a development project. The total building valuation is computed at the time building permits are issued, using the most current Building Valuation Data set forth by the International Conference of Building Officials (ICBO). This information is issued quarterly. Square foot value is based on the type of building construction, the proposed use of the building, and the quality of construction. An initial building valuation is estimated by the city's building official when the developer submits formal application plans to the city's planning division. The building valuation is recalculated when the development project receives building permits.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.070. - Permissible Uses of Art Allocation.

The art allocation described in [Section 88.39.040](#) may be used to pay for the following expenditures: the artwork itself, including the artist's fee for design, structural engineering, and fabrication; transportation and installation of the artwork; identification plaque(s) for the artwork; mountings, pumps, motors or subterranean equipment, pedestals, bases, or materials directly necessary for installation of the artwork; lighting specifically illuminating the artwork; art consulting fees which shall not exceed ten percent of the total art allocation; and art appraisals requested by city staff and/or the commission.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.080. - Prohibited Uses of Art Allocation.

The art allocation described in [Section 88.39.040](#) may not be used to pay for the following expenditures: expenses to locate the artist (e.g. airfare for artist interviews, etc.); architect and landscape architect fees; landscaping around a sculpture, that is not included as part of the artist's sculpture furnishings, including, but not limited to, functional structures, prefabricated water or electrical features not created by the artist, and ornamental enhancements; utility fees associated with activating electronic or water generated artwork; lighting elements not integral to the illumination of the artwork; publicity, public relations, photographs, educational materials, business letterhead or logos bearing artwork image; and dedication ceremonies, including unveilings or grand openings.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.090. - Art in Public Places Fund.

There will be, and there is hereby, established an art in public places fund, which shall be a separate, interest-bearing account for all fees collected under this chapter which shall be called the art in public places fund account. The art in public places fund shall be used solely for the acquisition, installation, improvement, and maintenance of artwork to be displayed in the city, and for the administration of the art in public places program.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.100. - Artist and Artwork Selection; Art Consultant.

The project applicant is responsible for selecting the artist(s) and artwork, provided both meet the program criteria. The commission shall consider each artist and proposed artwork on a case-by-case basis.

The project applicant may choose to hire an art consultant to assist with the selection of the artist and the application process. The role of the art consultant is to research and present to the project applicant, qualified artists who are able to create an appropriate artwork for their specific project. The art consultant is responsible for providing written and visual collateral on the artist(s) for the application. The project applicant may not apply more than ten percent of the total art allocation toward consulting fees. Consulting fees in excess of ten percent of the allocation shall be absorbed by the project applicant.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.110. - Value Verification.

If city staff cannot verify the value of a proposed artwork (by past records of comparable work sold, etc.), the city may choose to have the artist's proposal and/or other completed works appraised by a qualified art appraiser selected by the city. The project applicant shall pay up front for any art appraisal service fees. This expense may be deducted from the total art allocation.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.120. - Application Process.

A.

Plan Review.

Upon submittal of a development proposal for plan approval to the city's planning division, the planning division will assess the valuation of the development project. If the development project is valued at \$750,000.00 or more, staff will inform the project applicant of the estimated one percent art allocation for the development project. The project applicant will be given full program details including the art in public places

policy application. Artwork must be approved prior to issuance of a building permit and in place prior to issuance of a certificate of occupancy.

B.

Artist Selection.

If the project applicant chooses to purchase and install artwork rather than pay the art allocation directly to the city, the project applicant must select an artist(s) who meets the program criteria. The project applicant and selected artist should collaborate in packaging the art application for review by the commission.

C.

Commission Review.

The project applicant must submit the art in public places application to the city's planning division, which will schedule an appointment with the commission for review of the application.

D.

Notification and Follow-Up.

The project applicant shall be notified in writing of the commission's decision within ten days of the review meeting. If the artwork is approved, any outstanding items that must be completed by the installation date will be listed and given to the project applicant.

If the artwork is not approved, the reason(s) for denial will be noted, including possible modifications or additions which could lead to recommended approval. Should the project applicant agree to the modifications, he/she may resubmit an application to the commission for reconsideration. The project applicant may also appeal the commission's decision to the city council in accordance with the appeal process provided in [Section 88.39.120\(E\)](#). Once approved by the city, the project applicant shall inform the city of the approximate date the artwork will be installed.

E.

Appeals.

The project applicant must file the city clerk a written request for an appeal within ten days of notification of the commission's recommendation. All items for appeal should be addressed to the city council. Upon filing an appeal, the city clerk shall set the hearing date and notify the applicant. The city council may affirm, reverse, or modify in whole or in part any commission recommendation or requirement. The city council's decision shall be final and conclusive.

F.

Unveiling Plans.

The project applicant shall contact the planning division regarding any unveiling or dedication ceremonies for the artwork. An unveiling or dedication is strictly optional. In the event the project applicant chooses to conduct an unveiling or dedication, city

staff shall provide the project applicant with an invitation list of city council members and commissioners, and other appropriate guests. City staff shall work with the project applicant to promote press opportunities and public interest in the artwork.

(Ord. No. 09-04, § 3, 9-8-09)

88.39.130. - Review Criteria and Requirements.

A.

Artistic Qualifications.

1.

Experience.

Artists should be working artists, who have a portfolio which includes outdoor art. Qualified artists should have experience in design concept, fabrication, installation, and long-term durability of large-scale exterior artworks. Artists must be able to successfully collaborate with design teams, architects, art consultants, developers, engineers, fabricators, and landscape architects, and meet scheduled deadlines. Artists should also have experience in negotiating and contracting their work responsibly. Artists who do not meet these criteria will not be approved by the commission.

2.

Verification of Past Works.

Artists must be able to verify the value of the proposed artwork, based on their previous and current public art commissions. The commission will look for purchase prices of similar works sold by the artist (by size, medium, etc.) which progressively increase toward, or exceed, the proposed commission amount. The city may request records, including but not limited to, sales contracts, invoices, and payments. Gallery list prices or asking prices of works are not necessarily comparable, as they are not records of a willing buyer. If the value of the proposed art piece cannot be verified (by records of past comparable sold works, etc.), the city may choose, at its sole discretion, to have the artist's proposal and/or other completed works appraised by a qualified art appraiser. This expenditure shall be counted toward the total art allocation, and shall be borne by the developer. The value of the proposed artwork shall be verified prior to commission review as to not delay the approval process.

B.

Artwork Criteria.

1.

Artistic Expression and Innovation.

Proposed artworks shall demonstrate how they will effectively engage the public, and invite a "second look." Works engaging to the public are often

described as thought provoking, inspiring, entertaining, clever, whimsical, powerful, reflective, or symbolic. Innovation and originality are encouraged and expected. The commission takes interest in the artist's creative thought process in relationship to the specific development project. Therefore, existing works are not generally encouraged. Artists shall be able to thoroughly discuss the following elements of their proposal with the commission: expressive properties (mood, feeling, message, symbolism) and formal properties (balance, emphasis/dominance, repetition/rhythm, unity, form/shape, texture, color).

2.

Scale and Content.

Artworks must be appropriate in scale, material, form, and content to their immediate, general, social, and physical environments. The artwork shall not look like an afterthought to the development. The following are not acceptable:

a.

Mass produced reproductions or replicas of original works of art. Exceptions are signed sculptures by the original artist for reproduction. (Edition limit: 5).

b.

Functional equipment, which may be considered part of an amenities package, such as benches, chairs, fountains, etc.

c.

Decorative or ornamental pieces which are not designed by a qualified, acceptable artist, including historical markers or bells, bell towers, obelisks, minor architectural ornamentation, and garden sculpture.

d.

Art as advertisements or commercial signage mixed with imagery.

3.

Permanence and Materials.

The following are recommended materials: bronze, stainless steel, high-grade aluminum, hard stone. The following materials are not recommended: Cor-ten steel, wood, soft stone (e.g. alabaster). Other materials not listed may be considered, in the event the artwork application includes a comprehensive maintenance plan, which meets the interest and standards of the commission and staff. Rust proof materials must be used whenever possible. Artists will be asked to provide a breakdown by percentage of metal alloys for bronzes from foundries. Thickness and grade/quality of steel works will be reviewed for rust proof durability. Artists shall take note of which materials (including nuts, bolts, and other metal fixtures) will be in contact

with each other that may produce oxidation and rust. Artists must be able to clearly demonstrate the quality, craftsmanship, and durability of their artwork. Substantial consideration shall be given to structural and surface integrity and stability, permanence and weathering, resistance against theft, vandalism, and the probability of excessive maintenance and repair costs. Artworks must be constructed of durable, long-lasting materials that are able to withstand outdoor display, and require low levels of maintenance. When selecting an art piece, project applicants shall keep in mind that property owners are legally responsible for the maintenance of the artwork for its lifetime.

4.

Multiple Editions.

If the proposed artwork is one of multiple editions, the applicant shall include the edition number of the piece, and provide the location of all other editions. To maintain the value of the proposed artwork, similar editions may not be publicly displayed within a 50-mile radius of the Azusa Development Project site, unless both the commission and the owner of existing and/or future editions grant permission.

5.

Water Features and Fountains.

Water feature pieces, or artwork requiring water, must be conceptually designed by an acceptable, qualified visual artist in order to be considered for the program. The artwork must stand on its own should the water cease to function properly. There must be a demonstrated collaboration between the artist and the water feature design company. The intent of the program is to promote the work of visual artists, not water feature design companies. Water related costs, such as pump and pool construction, will be evaluated by the commission for consideration as part of the overall art allocation. Project applicants are welcome to exceed the arts budget to construct a water feature. However, water features will not be accepted in lieu of the art in public places requirement. No more than 30 percent of the total art allocation may be utilized for water-related costs.

C.

Site and Installation Requirements.

1.

Visibility.

Artwork is to be located outdoors and easily visible to both motorists and pedestrians from a major public street. Distance from the artwork to the public street should typically not be greater than 50 feet. Artwork may not be placed near monumental signs, sign walls, bus benches, or utility boxes, as

these structures may impede the public's view from the street or diminish the aesthetic value of the artwork. Lettering, symbols or signage are not permitted upon the artwork or its foundation, except as intended by the artist. Visibility to the general public is the key criteria in approval of artwork location. Exceptions can be made for large open or enclosed public areas such as shopping malls, which may have their art piece(s) in an interior public location.

2.

Signage.

Permanent signage of any type is not permissible in or around the immediate area of the artwork. This includes the foreground, background, or adjacent areas of the artwork. Signage should not distract or diminish the aesthetics of the artworks, when the public views the artwork from the most accessible vantage points (e.g. intersections, entryways). The commission will review all signage plans and ask the applicant to provide alternative locations should the signage interrupt the public's view.

3.

Lighting and Electrical.

Artwork shall be properly lit during evening and nighttime hours. All lighting and electrical elements should be in good working condition and meet all current safety conditions. Lighting and electronic elements, not integral to the sculpture, will not be included as part of the art allocation. Lighting plans must be submitted as part of the application.

4.

Landscaping and Base.

Landscaping and art base should be well integrated and securely installed. The sculpture must also be secured to the base. A licensed structural engineer must approve and certify the installation plans as structurally sound, safe, and durable. The base shall only house the artwork and plaque, if applicable.

5.

Identification.

Each artwork shall be identified by a cast bronze plaque approximately eight inches by eight inches. The plaque shall be placed in a ground location near the artwork, listing only the title, artist, and date of installation. The Commission must approve any additional plaques that may be requested.

D.

Maintenance.

All property owners are responsible for maintaining their artwork for its lifetime and replacing the artwork should it be damaged beyond repair, destroyed, or stolen. The

project applicant should demonstrate that the selected artwork is constructed for permanent outdoor display and that provisions have been made for its long-term care.

E.

Damaged Artwork.

The property owner is responsible for repairing the artwork in the event of damage and/or vandalism. Artwork damaged or vandalized shall be repaired as closely as possible to the original approved artwork. If repair is needed, the original artist must be given first refusal on repair(s) for a reasonable fee. If the original artist is not available or is unwilling to perform the required repair(s) for a reasonable fee, the owner shall make arrangements for repair(s) with a reputable art conservator. The owner shall be responsible for notifying the commission and city staff of the steps that will be taken to repair the artwork.

F.

Replacement of Artwork.

In the event the artwork is destroyed, damaged beyond repair, stolen, or otherwise removed from the site, the owner shall replace the artwork with a new work of art. The owner shall submit an application to the city for review by the commission. The new artwork shall comply with all of the requirements of the program in effect at the time the work is replaced. The allocation for the new (replacement) artwork shall be calculated at one percent of the current total building valuation, as computed by the most current Building Valuation Data set forth by the International Conference of Building Officials (ICBO). The replacement process shall be completed within a six to 12 month time frame unless otherwise agreed to by the city.

G.

Donation of Artwork to City.

Although the artwork is located in public view, the intent of the program is for the artwork to be located on private property as part of the fixed assets of that property. Therefore, the city does not encourage the donation of public art to the city. However, in special cases where it is impossible for artwork to remain on private property and/or be maintained by the property owner, the city may consider accepting the donation of an artwork. Property owners may submit a written request to the commission describing the unique circumstances and the reasons why they are requesting that the city accept the donation of the artwork. The commission will review their request, discuss the proposal and forward a recommendation to the city council.

(Ord. No. 09-04, § 3, 9-8-09)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES >>

ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES

This article provides standards for the location, design, and operation of certain specific land use types that may prove problematic for neighboring uses and/or the community unless their particular characteristics are effectively addressed.

[CHAPTER 88.40. - ADULT BUSINESS REGULATIONS](#)

[CHAPTER 88.42. - STANDARD FOR SPECIFIC LAND USES](#)

[CHAPTER 88.44. - SURFACE MINING AND RECLAMATION](#)

[CHAPTER 88.46. - TELECOMMUNICATIONS FACILITIES](#)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES >> CHAPTER 88.40. - ADULT BUSINESS REGULATIONS >>

CHAPTER 88.40. - ADULT BUSINESS REGULATIONS

[88.40.010. - Findings.](#)

[88.40.020. - Definitions - Adult Business.](#)

[88.40.030. - Additional Definitions.](#)

[88.40.040. - Definitions - Specified Anatomical Areas and Sexual Activities.](#)

[88.40.050. - Adult Use Planning Permit - Adult Business - Application.](#)

[88.40.060. - Referral of Application for Investigation.](#)

[88.40.070. - Right to Review Adult Use Planning Permit - Changed Conditions.](#)

[88.40.080. - Time Limit for Review and Decisions - Adult Use Planning Permits.](#)

[88.40.090. - Applicability and Nonconforming Period.](#)

[88.40.100. - Extension of Nonconforming Amortization Period Adult Businesses.](#)

[88.40.110. - Continuation of Nonconforming Buildings and Uses.](#)

[88.40.120. - Removal or Alterations of Nonconforming Uses.](#)

[88.40.130. - General Provisions.](#)

[88.40.140. - Location, Design, and Performance Standards.](#)

[88.40.150. - Couch/Straddle Dancing and Other Sexual Activities Prohibited.](#)

[88.40.160. - Establishment of an Adult Business.](#)

88.40.010. - Findings.

It is the purpose and intent of this chapter to provide for the reasonable and uniform regulation of adult businesses in the city. It is recognized that adult businesses have a serious deleterious effect upon adjacent areas, as well as the areas in which they are located. It is therefore the purpose of this article to establish criteria and standards for the establishment and conduct of adult businesses which will protect the public health, safety and welfare, preserve locally recognized values of community appearance, minimize the

potential for nuisances related to the operation of adult businesses, and maintain local property values.

It is the purpose and intent of this chapter to establish proper regulations and to provide for a reasonable number of approximately located sites for adult businesses within the city, based upon the following findings:

A.

The council has reviewed the detailed studies, reports and letters prepared by other jurisdictions and its own staff with respect to the detrimental social, health and economic effects on persons and properties surrounding adult businesses. These studies included Upland, California (1992); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977); State of Minnesota, Attorney General Report (1989); Newport news, Virginia (1996); St. Paul, Minnesota (1987); Corpus Christi, Texas (1995); National Law Center (1995); and Azusa (2003) (collectively "Studies"). The Studies, a summary of which is attached hereto as Exhibit "A," substantiate the adverse, secondary effects of adult businesses.

B.

Based on the foregoing studies and the other evidence presented, the council finds that:

1.

Adult businesses are linked to increases in the crime rates of the areas in which they are located and that surround them; and

2.

Both the proximity of adult businesses to sensitive land uses and the concentration of adult businesses tend to result in the blighting and downgrading of the areas in which they are located.

C.

The studies conducted in various communities in other jurisdictions have demonstrated that the proximity and concentration of adult businesses adjacent to residential, recreational, religious, educational or other adult businesses can cause other businesses and residents to move elsewhere.

D.

The studies conducted in various communities in other jurisdictions have demonstrated that adult businesses are linked to increases in the crime rates and blighting of those areas in which they are located and that surround them.

E.

The special regulation of adult businesses is necessary to ensure that their adverse secondary effects will not contribute to an increase in the crime rates or the blighting or downgrading of the areas in which they are located or surrounding areas. The need for the special regulation is based on the recognition that adult businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity with sensitive uses such as residential zones and uses, parks, schools, churches or day care centers, thereby having a deleterious effect upon the adjacent areas.

F.

It is the purpose and intent of these special regulations to prevent the concentration or location of adult businesses in a manner that would create such adverse secondary effects. Thus, in order to protect and preserve the public health, safety, and welfare of the citizenry, especially including minors, the special regulation of the time, place and manner of the location and operation of adult businesses is necessary.

G.

The need to regulate the proximity of adult businesses to sensitive land uses such as residential, religious, educational, recreational and other adult businesses are documented in studies conducted by other jurisdictions as listed elsewhere in this section.

H.

The need to regulate the proximity of adult businesses to sensitive land uses such as residential, religious, educational, recreational and other adult businesses are documented in studies conducted by other jurisdictions as listed elsewhere in this section.

I.

The report of the state of Minnesota Attorney General's Working Group on the regulation of sexually oriented businesses dated June 6, 1986, indicated that:

1.

Community impacts of sexually oriented businesses are primarily a function of two variables, proximity to residential areas and concentration. Property values are directly affected within a small radius, typically one block, of the location of a sexually oriented business. Concentration may compound depression of property values and may lead to an increase of crime sufficient to change the quality of life and perceived desirability of property in a neighborhood; and

2.

The impacts of sexually oriented businesses are exacerbated when they are located near each other. When sexually oriented businesses have multiple uses (i.e. theater, bookstore, nude dancing, peep booths), one building can have the impact of several separate businesses.

J.

In consideration of the findings of the report of the state of Minnesota Attorney General's Working Group on the regulation of sexually oriented businesses dated June 6, 1986, it is appropriate to prohibit the concentration of multiple adult businesses within one building in order to mitigate the compounded adverse secondary effects associated with such concentrations as described above.

K.

The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials, that are protected by the First Amendment of the United States Constitution and the relevant provisions of the California State Constitution.

L.

The proposed parking standards are necessary in the interests of the public health, safety, and welfare to provide for an appropriate amount of off-street parking.

M.

The Council takes legislative notice of the Penal Code provisions authorizing local governments to regulate matter that is harmful to minors (e.g. Penal Code Section 313 et. seq.) The council further takes legislative notice of cases that recognize that protection of minors from sexually explicit materials is a compelling government interest, including, but not limited to, *Crawford v. Lungren* (9th Cir., 1996) 96 F.3d 380, cert. denied 520 U.S. 1117 (1997) and *Berry v. City of Santa Barbara* (1995) 40 Cal.App.4th 1075.

N.

In adopting these regulations, the council is mindful of legal principles relating to regulation of adult businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of adult businesses. The council has considered decisions of the United States Supreme Court regarding adverse secondary effects and the local regulation of adult businesses, including but not limited to: *Young v.*

American Mini Theaters. Inc., 427 U.S. 50 (1976) (Reh. denied 429 U.S. 873); Renton v. Playtime Theaters, 475 U.S. 41 (1986) (Reh. denied 475 U.S. 1132); FW/PBS. Inc. v. Dallas, 493 U.S. 215 (1990); Barnes v. Glenn Theater, 501 U.S. 560 (1991), and City of Erie v. Paps A.M. (2000) 529 U.S. (2000 Daily Journal DAR 3255), United States Court of Appeals 9th Circuit decisions, including but not limited to: Topanga Press, et al. v. City of Los Angeles, 989 F.2d 1524 (1993); Kev. Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998), pet. For cert. Filed (1999); several California cases including but not limited to: Tily B. v. City of Newport Beach, 69 Cal.App.4th 1 (1998); City of National City v. Wiener, 3 Cal.4th 832 (1993); People v. Superior Court (Lucero) 49 Cal.3d 14 (1989); and City of Vallejo v. Adult Books, et al., 167 Cal.App.3d 1169 (1985); and other federal cases including Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3rd Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir. 1991) 941 F.2d 1157, and Star Satellite v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074.

O.

The city has conducted its own study of its land use districts and planning areas and has determined that the establishment of adult business in the DW district designation is appropriate, subject to locational and distance requirements that promote the health, safety and general welfare of the public. The city also evaluated the locational and distance regulations in this chapter for separating adult businesses from sensitive land uses, and other adult businesses, and determined the location and distance requirements are appropriate to promote the health, safety and general welfare of the public.

P.

The locational requirements do not unreasonably restrict the establishment or operation of constitutionally protected speech in the city and a sufficient reasonable number of appropriate locations for adult businesses are provided.

Q.

The council recognizes that the standards and regulations in this article do not preclude reasonable alternative avenues of communication. The council takes note of the proximity of at least 15 adult businesses within 30 minutes (drive time) of the city in determining that the proposed standards do not preclude reasonable alternative avenues of communication.

R.

The council recognizes that a sufficient number of appropriate locations for establishing an adult business in the city are provided considering the city's predominant residential character (approximately 69 percent is zoned for residential land use), the fact that there is already one adult business sited in the city ("The Red Panty") and the fact that no formal requests to establish an adult business have been received by planning department staff.

S.

Finally, the council also takes note of the proliferation of adult material on the Internet and its availability as an alternative avenue of communication. The council also considers and relies on published decisions examining the proliferation of communications on the Internet. *Reno v. American Civil Liberties Union* (1997) 521 U.S. 844 (the principal channel through which many Americans now transmit and receive sexually explicit communication is the Internet); see also: *Anheuser-Busch v. Schmoke*, 101 F.3d 325, 329 (4th Cir. 1996)(rejecting First Amendment challenge to Baltimore ordinance restricting alcohol advertisements on billboards and acknowledging that the Internet is an available channel of communication); *U.S. v. Hockings*, 129 F.3d 1069 (9th Cir. 1997); and *U.S. v. Thomas*, 74 F.3d 701 (6th Cir. 1996)(cert denied 519 U.S. 820). The emergence of the Internet provides a virtually unlimited additional source of adult oriented sexual material available to persons without regard to geographic boundaries. An adult business no longer needs to be actually physically located within a city to be available to the community.

88.40.020. - Definitions - Adult Business.

An "adult business" is any business where employees or patrons expose specified anatomical areas or engage in specified sexual activities, or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.

Adult businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

In determining whether a use is an adult business, only conduct or activities that constitute a regular and substantial course of conduct or a use which has a majority of its floor area, stock-in-trade or revenue derived from material characterized by an emphasis on matters depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas shall be considered. Isolated instances of conduct or activities described in this section as characterizing an adult business shall not be considered except where such activities, taken together, constitute a regular and substantial course of conduct. Adult businesses include, but are not limited to, the following:

A.

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projections or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

B.

Adult Bookstore, Novelty Store, Video/DVD Store. An establishment which has as a substantial portion of its stock-in-trade, a majority of its floor area or revenue derived from and offering for sale for any form of consideration, any one or more of the following:

1.

Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified anatomical areas;"

2.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities; or

3.

Goods which are replicas of or which simulate, specified anatomical areas, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities to cause sexual excitement.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video/DVD store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video/DVD store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

C.

Adult Cabaret. A bar, nightclub or similar establishment which features dancers, strippers or similar entertainers who expose specified anatomical areas of their bodies.

D.

Adult Motel. A hotel, motel or similar commercial establishment which:

1.

Offer accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2.

Offers a sleeping room for rent for a period of time that is less than ten hours; or

3.

Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

E.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depictions or description of specified sexual activities or specified anatomical areas.

F.

Adult Tanning Salon. A business establishment where patrons receive tanning services in groups of two or more and where patrons or employees of the establishment expose specified anatomical areas. Adult tanning salon or parlor also includes a business establishment where a patron and an employee of the establishment are nude or expose specified anatomical areas. An adult tanning salon or parlor also includes a business establishment where the employees thereof are nude or expose specified anatomical areas.

G.

Adult Theater. Any place, building, enclosure, theater, concert hall, auditorium or structure, partially or entirely used for live performances or presentations, which place, building, enclosure, theater, concert hall, auditorium or structure is used for presenting matter characterized by an emphasis on depicting, exposing, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. Such place shall also include an adult theater wherein persons are regularly featured appearing in a state of nudity or giving live performances which are

characterized by the exposure of specified sexual activities or by specified anatomical areas.

H.

Employee. A person who performs any service on the premises of an adult business on a full-time, part-time or contract basis, whether or not the person is denominated as an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of the adult business. Employee does not include a person exclusively on the premises to conduct repair or maintenance for the premises or equipment on the premises or for the delivery of goods to the premises.

I.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be conversed with or be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons, for any form of consideration. Nude model studio shall not include any classroom of any school licensed under state law to provide art education, while such classroom is being used in a manner consistent with such state license.

J.

Sex Supermarket/Sex Mini-Mall. The establishment or operation of more than one type of adult business or use as defined in this Development Code within the same building.

K.

Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1.

Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2.

Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

L.

Sexually Oriented Business. Any business where employees or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.

88.40.030. - Additional Definitions.

In addition to the terms defined in Section 88.40.020, the following words and phrases shall have the meaning set forth below:

A.

Appeal. Wherever reference to an appeal being filed or available to be filed, such right of appeal shall also include the right to appeal administrative determinations concerning the interpretation of this article made by the city manager/designee to the commission and council.

B.

Establishment. An "establishment" means and includes any of the following:

1.

The opening or commencement of any adult business as a new business;

2.

The conversion of an existing business, whether or not an adult business, to any adult business;

3.

The addition of any adult business to any other existing adult business; or to another existing non-adult business, with or without expansion of floor area;

4.

The relocation of any adult business; or

5.

The expansion or enlargement of the premises by ten percent or more of the existing floor area.

C.

Nudity or a State of Nudity. The showing of the human male or female genitals, buttocks, pubic area, vulva, anus, anal cleft or the female breast with less than a fully opaque covering of any part of the areola.

D.

Private Viewing Area. An area or areas in an adult business designed to accommodate no more than five or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie or other presentation. No private viewing areas shall be established, maintained or authorized, and there shall be no doors, curtains, stalls or other enclosures creating a private viewing area.

E.

School. Any public or private educational institution which is run by the state or a subdivision thereof or which is licensed by the state to offer pre-school,

elementary or secondary academic instruction—including kindergartens, elementary schools, middle or junior high schools, and high schools.

F.

Semi-Nude. The showing of the male genitals or female breast below a horizontal line across the top of the areola at its highest point or the showing of a substantial portion of the male or female buttocks. This definition shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

G.

Specified Criminal Act or Acts. Includes sexual crimes against children; sexual abuse; rape; or crimes connected with another adult business including, but not limited to, the distribution of obscenity; violations involving the distribution, display or sale of material harmful to minors; prostitution; or pandering. Specified criminal acts shall exclude those acts which are authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600—900.

88.40.040. - Definitions - Specified Anatomical Areas and Sexual Activities.

The following words and phrases when used in this Development Code shall have the meaning set forth below:

A.

Specified Anatomical Areas. Includes any of the following human anatomical areas:

1.

Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses or female breasts below a point immediately above the top of the areola; or

2.

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B.

Specified Sexual Activities. Includes all of the following:

1.

The fondling or other erotic touching of the following human anatomical areas: genitals, pubic regions, buttocks, anuses or female breasts;

2.

Human sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

3.
Human masturbation, actual or simulated;
4.
The actual or simulated infliction of pain by one human upon another, or by an individual upon himself or herself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking or touching of an erogenous zone, including without limitation, the thigh, genitals, buttock, pubic region or, if such person is a female, a breast;
5.
Sexual intercourse, actual or simulated, between a human being and an animal; or
6.
Excretory functions as part of or in connection with any of the activities set forth in subsections B.1 through B.5, above.

88.40.050. - Adult Use Planning Permit - Adult Business - Application.

In order to operate an adult business within this city, the applicant or proprietor of the business must obtain the license required by Article XXI of Title 18, and any other license required by the Municipal Code and an adult use planning permit as required herein. It shall be unlawful and a misdemeanor, subject to punishment in accordance with section 1-10 of the Municipal Code, for an owner, operator, manager or employee to operate an adult business without processing an adult use planning permit—including an interim adult use planning permit required by this chapter and any license required by Article XXI of Title 18 of the Municipal Code. All applicants for such a permit, in addition to any application or documents required to be filed pursuant to the provisions of this Development Code, shall file a written, signed and verified application on a form provided by the director evidencing the following:

A.

The name and permanent address of the applicant;

B.

The name and business address of the applicant. If the applicant is a corporation, the applicant shall provide the name of the state of incorporation, the name shall be exactly as set forth in its articles of incorporation and the applicant shall show the name and address each of the officers, directors, and controlling stockholders owning at least 50 percent of the stock of the corporation and/or each officer, director, and controlling stockholder with day-to-day management of the business. If the applicant is a partnership, the application shall show the name and address of each of the partners,

including limited partners with at least a 50 percent ownership in the business or having day-to-day management responsibilities in the business;

C.

Location and address of the proposed adult business;

D.

Legal description of the subject property;

E.

A detailed description of the manner of providing proposed entertainment, including type of entertainment and the number of persons engaged in the entertainment;

F.

Proposed hours of operation;

G.

A floor plan showing where the specific entertainment uses are proposed to be conducted within the building;

H.

A site plan;

I.

The name or names of the person or persons having responsibility for the management or supervision of the applicant's business and of any entertainment; and

J.

Statement of the nature and character of the applicant's business if any, to be carried on in conjunction with such entertainment.

Within two business days of the receipt of the application, the community development director, or his designee, shall determine whether it is complete and contains all information required by this section. If the application is incomplete, the director shall deny the application and immediately inform the applicant in writing of the items needed to complete the application.

Notwithstanding the fact that an application filed hereunder may be a "public record" under Government Code Section 6250 et seq., certain portions of such application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established herein which is personal, private, confidential or the disclosure of which could expose the applicant to a risk of harm. Such information includes, but is not limited to, the applicant's residence address and telephone number, the applicant's date of birth and/or age, the applicant's driver's license and/or Social Security Number, and/or personal financial data. The council in adopting the application and licensing and/or permit system set forth herein has determined in accordance with Government Code Section 6255 that the public interest in disclosure of the information set forth above is outweighed by the

public interest in achieving compliance with this chapter by ensuring that the applicant's privacy, confidentiality or security interests are protected. The city clerk shall cause to be obliterated from any copy of a completed license application made available to any member of the public, the information set forth above.

88.40.060. - Referral of Application for Investigation.

The director shall refer the completed permit application to the chief of police to investigate and verify the information contained in the application. The chief of police may refer the application to any law enforcement body or authorized law enforcement contractor to assist in this determination.

A.

After the investigation, including obtaining the information contained in the application, the chief of police shall issue a report to the director, the commission or council as appropriate, and the director, the commission or council as appropriate, shall approve the adult use planning permit unless one or more of the following findings are true:

1.

That the applicant, his or her employee, agent, partner, director, officer, controlling stock holder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit or in any report or record required to be filed with any city or county agency or department;

2.

That on the date that the business for which a permit is required herein commences or thereafter, there will be no responsible person on the premises to act as manager at all times during which the adult business is open;

3.

That an applicant is less than 18 years of age;

4.

That an applicant has been convicted of a specific criminal act for which:

a.

Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult business including, but not limited to,

distribution of obscenity; distribution, display or sale of material harmful to minors; prostitution; or pandering;

b.

Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult business including, but not limited to, distribution of obscenity; distribution, display or sale of material harmful to minors; prostitution; or pandering; or

c.

Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanors for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult business including, but not limited to, distribution of obscenity; distribution, display or sale of material harmful to minors; prostitution; or pandering; conviction of any such offense occurring within 24 months prior to application.

The fact that a conviction is being appealed shall have no effect on disqualification of the applicant. An applicant who has been convicted of any of the above described specified criminal acts may qualify to own, operate or manage an adult business only when the required time period has elapsed.

5.

That the application is incomplete.

B.

In the event the information requested pursuant to this section is not immediately available, the chief of police shall—if the application otherwise meets the requirements of the Municipal Code and the investigation conducted reveals none of the factors set forth in subsection A. of this section—report thereon. Whereupon, the city manager, or designee thereof, shall issue an interim adult use planning permit within ten days of the receipt of the application. Should the background information obtained by the chief of police materially vary from that on the application, such variance shall be cause to revoke the interim adult use permit and any other permit or licenses upon which such information is necessary. Any permit issued prior to the city

receiving the background information required shall state clearly on its face that the permit is subject to suspension or revocation pursuant to the Municipal Code.

C.

The city's decision to grant or deny the permit shall not include information authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600 to 900.

88.40.070. - Right to Review Adult Use Planning Permit - Changed Conditions.

Any adult use planning permit granted or approved hereunder shall be granted or approved with the city and its council and commission retaining and reserving the right and jurisdiction to review and modify the adult use planning permit—including the conditions of approval—based on changed circumstances. Changed circumstances include, but are not limited to, the modification of the business, the change in scope, emphasis, size or nature of the business, and the expansion, alteration, or change of use. The reservation of the right to review any permit granted or approval hereunder by the city, council, and commission is in addition to, and not in lieu of, the right of the city, council, and commission to review and revoke or modify any permit granted or approved hereunder for any violations of the conditions imposed on such permit.

88.40.080. - Time Limit for Review and Decisions - Adult Use Planning Permits.

A.

Interim Adult Use Planning Permit.

In order to avoid undue delay or suppression of any protected expression, the director shall make an initial determination of the required information contained in the application to process an adult use planning permit within five days of the date of filing the complete application. If the application is sufficient to issue an interim adult use planning permit, such shall be issued by the director within ten days of the date the application was deemed complete. A sufficient application shall include, but not be limited to, the applicant's meeting the requirements to be issued an adult business license required by Article XXI of Title 18 of the Municipal Code, and the proposed business shall be located in the DW zoning district and subject to the building placement and setback requirements of this Development Code. The granting of the interim adult use planning permit by the director is without prejudice to and does not preclude the denial of the final adult use planning permit application filed by the applicant. The interim adult use planning permit shall terminate upon the commission taking action on the final adult use planning permit. No right to operate beyond the termination of the interim adult use planning permit shall vest in the applicant if the applicant is unable or unwilling to obtain the adult business license required by Article XXI of Title 18 of the Municipal Code and the final adult use planning permit required by this chapter.

B.

Final Adult Use Planning Permit.

The commission shall approve or disapprove the completed adult use planning permit application within 90 days of its acceptance as complete by the director. The time limit established by this section may be extended once for a period not to exceed 90 days upon consent of the director and the applicant. The application shall be processed and noticed in the same manner as conditional use permits are processed and noticed under state law.

1.

To approve the final adult use planning permit, the commission, or council on appeal, must first make the following findings:

a.

That all applicable filing fees have been paid;

b.

That the applicant is not overdue in payment to the city of any taxes, fees, fines or penalties assessed against or imposed in relation to an existing or former adult business;

c.

That the building, structure, equipment, and location used by the business for which an adult business license is required complies with the requirements and standards of the health, building, zoning, fire and safety laws of the State of California, the Los Angeles County Fire Department, Los Angeles County Health Services Department and the city;

d.

That the conduct of the adult business as proposed by the applicant, if permitted, will comply with all applicable laws; including but not limited to, the city's building, zoning, fire, and health and safety regulations;

e.

That the city currently has no evidence demonstrating that the applicant has knowingly made any false, misleading or fraudulent statement of material facts in the adult use planning permit application or any other document required by the city in conjunction therewith;

f.

That the use is permitted in the zone, district or area in which it is proposed to be located and is in conformity with the applicable development standards of that zone, district or area—including the provision of required parking;

g.

That the use is in conformity with the locational criteria set forth in this Development Code;

h.

That the design of the site and the proposed improvements are in compliance with any applicable precise plan of design approved for the site;

i.

That the proposed conduct of the adult business is in compliance with all applicable performance standards of this Development Code.

2.

In the event the commission, or the council on appeal, denies the final adult use planning permit application, the business shall cease its operations as an adult business and no further activities regulated by this Development Code or Article XXI of Title 18 of the Municipal Code shall be conducted on the premises unless and until an adult use planning permit and all licenses required by the Municipal Code are obtained. The interim adult use planning permit shall also terminate on the date the adult use planning permit application is denied.

3.

If the permit requested is for a development project for construction or reconstruction subject to the Permit Streamlining Act (Government Code Section 65920 et seq.), the time limits provided in the Permit Streamlining Act shall apply to the development project for construction. The adult use planning permit's approval or denial shall be conditioned upon operation within the building to be constructed or reconstructed.

4.

Upon the filing of an appeal, in accordance with Municipal Code Section 18-1253, the council or a designated hearing officer shall render its decision on the appeal within 60 days.

C.

The decision of the council or hearing officer concerning the appeal of a denial, denial of renewal, suspension or revocation of a permit shall be final. The applicant or permittee may seek prompt judicial review of such administrative action in a court of competent jurisdiction as provided by law, pursuant to California Code of Civil Procedure Section 1094.5 et seq. The city shall make all reasonable efforts to expedite judicial review in accordance with Code of Civil Procedure Section 1094.8.

88.40.090. - Applicability and Nonconforming Period.

A.

All design and performance standards set forth in this Development Code are deemed to be necessary for the protection of the public health, safety, and welfare

and shall be applicable and govern all existing and proposed adult businesses immediately upon adoption and passage of this chapter.

B.

In the event that there is any adult business lawfully in existence prior to the adoption of this chapter and is not in compliance with the design and performance standards of this Development Code, any such adult business shall conform to all design and performance standards within six months of the effective date of this chapter.

C.

Notwithstanding anything to the contrary contained in this section, the amortization period for a nonconforming use that is governed by consent decree or other court action shall have the amortization period established by such consent decree or court action.

88.40.100. - Extension of Nonconforming Amortization Period Adult Businesses.

A.

Application for Extension.

An application for extension of the amortization period for an adult business which is a nonconforming use shall be made as provided by Section 88.54.100 (Required Termination of a Nonconforming Use).

B.

Timing of Application.

The owner of the property on which an adult business is located or the owner of the adult business who desires to extend the amortization period must apply for approval of an extension not later than six months prior to expiration of the amortization period, unless the director determines that good cause is shown for late filing of the application. The application shall be made in writing on a form as prescribed by the director and shall be accompanied by the required fee as established by resolution of the council. The party requesting the extension of the amortization period shall bear the burden of proof in establishing that the amortization period established by Section 88.54.100 (Required Termination of a Nonconforming Use) is unreasonable and that the requested extension is a reasonable amortization period for the owner to receive a fair rate of return on the investment in the business. The party applying for the extension shall furthermore be required in order to meet its burden of proof to submit the documentation set forth in this section.

C.

Review for Completeness, Application Contents.

Not later than 30 days after submittal of an application to extend the amortization period, the director shall notify the applicant, in writing, if the application is not complete. A complete application shall include:

1.

The applicant's signature;

2. A written request for an extension of the amortization period which shall include information relevant to the factors listed in subsection F. below and shall identify the term of the requested extension;
3. The required fees;
4. A mailing list and a set of gummed labels with the names, addresses and tax assessor parcel numbers of all owners of real property within a radius of 300 feet from the external boundaries of the property on which the adult business is located; and
5. A tax assessor's parcel map identifying the properties to be notified within the 300-foot radius.

If the application is not complete, the director shall specify in writing those parts which are incomplete and shall identify the manner by which the application can be made complete. If a written determination is not provided to the applicant within 30 calendar days after it is submitted, the application shall be deemed complete.

D.

Public Hearing.

The commission shall hold a noticed public hearing on the request for an extension.

E.

Factors to be Considered.

In determining whether to grant an extension of the amortization period for an adult business which is a nonconforming use, and in determining the appropriate length of such an extension, the commission shall consider the amount of investment in the business, the opportunities for relocation to a legally permissible site, the costs of relocation, the effects of the business on the surrounding area, and the following additional factors:

1. The present actual and depreciated value of business improvements;
2. The applicable Internal Revenue Service depreciation schedule or functional nonconfidential equivalents;
3. The remaining useful life of the business improvements;
4. The remaining lease term;
5. The ability of the business and/or land owner to change the use to a conforming use; and
- 6.

The date upon which the property owner and/or business operator received notice of the nonconforming status of the adult business and the amortization requirements.

F.

[Reserved.]

G.

Findings and Decision.

The commission, or council on appeal, shall receive and consider evidence presented by the applicant and any other persons, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.

88.40.110. - Continuation of Nonconforming Buildings and Uses.

A.

Any nonconforming building may be continued and maintained, except as provided in this article, provided there are no structural alterations, except as provided in this article.

B.

Any nonconforming use may be continued, except as provided in this article, provided that the use shall not be increased, enlarged, extended or altered, except as provided in this article.

88.40.120. - Removal or Alterations of Nonconforming Uses.

The following provisions shall apply to nonconforming adult businesses:

A.

The owner of any adult business which is a nonconforming use may apply for extension of the amortization period, pursuant to Section 88-100 of this article. Such application shall be made prior to the expiration of the amortization period unless the reviewing authority determines that good cause is shown for late filing of the application.

B.

Upon the conclusion of the amortization period, any adult business which is a nonconforming use shall cease all business operations and all signs, advertising, and displays relating to said business shall be removed within 30 days.

88.40.130. - General Provisions.

Adult businesses shall only be permitted to be established in the DW zone, and shall be subject to the location and design standards specified by this Chapter and the requirement of an adult use planning permit as otherwise provided in this chapter and the Municipal Code.

88.40.140. - Location, Design, and Performance Standards.

A.

An adult business shall not be established or located within 500 feet of:

1.

Any residential zone, residential land use district or property used for residential purposes, including mobile home parks and trailer parks, within the city;

2.

Any church, chapel or similar place of worship or property zoned, planned or otherwise designated for such use by city action;

3.

Any funeral parlor, mortuary, cemetery or similar facility, or property zoned, planned or otherwise designated for such use by city action;

4.

Any school, nursery, day care center, park or playground or property zoned, planned or otherwise designated for such use by city action;

5.

Azusa Pacific University;

6.

Any other recreational facility where minors congregate or property zoned, planned or otherwise designated for such use by city action; or

7.

The right-of-way boundaries of Foothill Boulevard.

B.

An adult business shall not be established or located within 500 feet of an existing adult business. If two or more existing adult businesses are located in closer proximity to each other than 500 feet, then in determining which of the businesses is or are nonconforming, preference shall be given in the order of the respective lengths of continuous uninterrupted operation of the businesses.

C.

For the purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the adult business is or will be located to the nearest property line of any land use, land use district or zone described in subsection A. of this section, or to the nearest point of the building or structure in which an existing adult business described in subsection B. of this section, is located.

D.

No advertising sign or structure, advertisement, display or other promotional material depicting specified anatomical areas or specified sexual activities or displaying instruments, devices or paraphernalia designed for use in connection with specific

sexual activities, shall be shown or exhibited so as to be visible from any exterior area.

E.

All building openings, entries and windows shall be located, covered or screened to prevent viewing the interior from any exterior area.

F.

No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult business, and the business shall be so conducted that sounds associated with the business are not emitted into any public exterior area.

G.

The establishment of an adult business shall comply with the applicable site development standards—including parking—of the zone, district or area in which the adult business is located, the building code, fire code, and the health and safety code of the city. An adult business shall comply with the applicable city permit and inspection procedures. In addition, adult businesses shall comply with the following performance standards:

1.

Each adult business shall have a business entrance separate from any other non-adult business located in the same building.

2.

No adult business shall be operated in any manner that permits the observation by the public of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any location beyond the walls of the building or portion thereof in which the adult business is conducted.

3.

The building entrance to the adult business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

4.

Each adult business shall be provided with a manager's station for the purpose of supervising activities within the business. A manager shall be on duty on the premises during all times that the adult business is open to the public.

5.

Any viewing room shall be visible from the manager's station of the adult business, and visibility of the entire viewing room from the manager's station shall be neither obscured nor obstructed by any curtain, door, wall or other structure.

6.

All exterior areas of adult businesses, including buildings, landscaping and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds and debris.

7.

The maximum occupancy load, fire exits, fire lanes and fire suppression equipment shall be regulated, designed and provided in accordance with the regulations and standards of the county fire department and the city's building department.

8.

No adult business shall operate between the hours of 12:00 a.m. and 9:00 a.m. of any particular day. No owner, operator, manager or employee of an adult business, regardless of whether or not a permit has been issued for said business under the provisions of the Municipal Code, shall allow such business to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 12:00 a.m. and 9:00 a.m. of any particular day or in violation of the actual permitted hours of operation established in the conditions of approval for the permit.

9.

Off-street parking shall be provided for the adult business as specified for the zone, district or area in which the business is located in accordance with the parking provisions of the Municipal Code and as follows:

Adult theater, adult cabaret or adult motion picture arcade. One parking space shall be provided for every two seats in the viewing room, or one parking space shall be provided for every two occupants per the allowable occupant load as established by the chief building official and/or the fire marshal, whichever standard is greater. In addition, one parking space shall be provided for each employee on the maximum shift.

10.

Any person who operates or causes to be operated an adult business, other than an adult motel and regardless of whether or not an adult business license has been issued to said business under the Municipal Code, which exhibits on the premises in a viewing room or viewing booth of less than 150 square feet of floor area, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

a.

Upon application for an adult business license, the application shall be accompanied by a diagram of the premises showing a plan thereof

specifying the location of one or more manager's stations, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons shall not be permitted. A manager's station(s) shall not exceed 32 square feet of floor area.

b.

No alteration in the configuration or location of a manager's station shall be made without the prior written approval of the director.

c.

It is the duty of the permit-holder to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

d.

The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment. If the premises have two or more manager's stations designed, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

e.

It shall be the duty of the permit-holder and any employees present on the premises to insure that the view area specified in subdivision d of this subsection remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designed as an area in which patrons shall not be permitted in the application filed pursuant to this chapter.

11.

An on-site security program shall be prepared and implemented including the following items:

a.

All off-street parking areas and building entries serving the adult business shall be illuminated during all hours of operation with a lighting system designed to provide an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkway. This required lighting level is established in order to provide

sufficient illumination of the parking areas and walkways serving the adult business for the personal safety of patrons and employees and to reduce the incidence of vandalism and theft. The lighting shall be shown on the required site or plot plan and shall be subject to review for compliance through the design review process by the director and the chief of police.

b.

All interior portions of the adult business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two foot candles of light.

c.

For adult businesses which exceed an occupant load of 125 persons, the provision of on-site security personnel shall be required during all business hours pursuant to a plan to be reviewed and approved for adequacy by the chief of police. Security personnel shall be licensed in accordance with the California Business and Professions Code, to the satisfaction of the chief of police.

12.

Adult motion picture theater.

a.

A manager's station shall be located near the main entrance and the station shall be provided with an unobstructed view of all motion picture private viewing areas.

b.

No adult motion picture arcade shall be maintained or operated unless the complete interior of the adult motion picture theater is visible upon entrance to such adult motion picture theater. No partially or fully enclosed booths or partially or fully concealed booths shall be maintained.

c.

Maximum number of devices. No person shall operate an adult motion picture theater in which the number of image producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image producing device is located.

13.

Adult hotel/motel.

a.

Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented or subrented and vacated two or more times in a period of time that is less than ten hours on a recurring basis creates a rebuttable presumption that the establishment is an adult hotel/motel as that term is defined in this article.

b.

A person is in violation of the provisions of this Development Code if such person rents or sub-rents a sleeping room at a location without an adult business license and an adult use planning permit to a person or persons and within ten hours thereafter rents or sub-rents the same room to another person(s) or sub-rents the same room to the prior renter.

88.40.150. - Couch/Straddle Dancing and Other Sexual Activities Prohibited.

For purposes of this section, "couch dancing" or "straddle dancing" shall be defined as an employee of the adult business intentionally touching any patron while engaged in the display or exposure of any specified anatomical area, or while simulating any specified sexual activity.

A.

No person shall operate or cause to be operated an adult business, regardless of whether or not a permit has been issued under the Municipal Code, knowingly or with reason to know, permitting, suffering, or allowing any employee:

1.

To engage in a couch dance or straddle dance with a patron at the business;

2.

To contract or otherwise agree with a patron to engage in a couch dance or straddle dance with a person at the business;

3.

To intentionally touch any patron at an adult business while engaged in the display or exposure of a specified anatomical area or engaged in or simulating a specified sexual activity;

4.

To voluntarily be within six feet of any patron while engaged in the display or exposure of any specified anatomical area or engaged in or simulating a specified sexual activity.

B.

No employee of an adult business shall:

1.
Engage in a couch dance or straddle dance with a patron at the business;
2.
Contract or otherwise agree to engage in a couch dance or straddle dance with a patron at the business;
3.
Engage in the display or exposure of any specified anatomical area or engage in or simulate a specified sexual activity while intentionally touching a patron at the adult business;
4.
Engage in the display or exposure of any specified anatomical area or engage in or simulate a specified sexual activity closer than six feet from any patron.

C.
No person at any adult business, regardless of whether or not said business is permitted under the Municipal Code, shall intentionally touch an employee who is displaying or exposing any specified anatomical area or engaging in or simulating a specified sexual activity at the adult business.

D.
No person at any adult business, regardless of whether or not said business is permitted under the Municipal Code, shall engage in a couch dance or straddle dance with an employee at the business who is displaying or exposing any specified anatomical area or engaging in or simulating a specified sexual activity.

E.
No employee of an adult business, regardless of whether or not a permit has been issued for said business under this chapter, shall engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

88.40.160. - Establishment of an Adult Business.

The establishment of an adult business shall include any of the following:

- A.
The opening or commencement of operation of any such business as a new business;
- B.
The conversion of any existing business, (whether or not an adult business), to any adult business;

C.

The addition of any adult business to any existing adult businesses if the addition results in enlargement of the place of business. For the purposes of this subsection, "enlargement" means an increase in the size of the building within which the business is conducted by either construction or use of an adjacent building or any portion thereof, whether located on the same or an adjacent lot or parcel of land."

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES >> CHAPTER 88.42. - STANDARD FOR SPECIFIC LAND USES >>

CHAPTER 88.42. - STANDARD FOR SPECIFIC LAND USES

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88.42.010. - Purpose and Applicability.

A.

Purpose.

This chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Urban Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

B.

Applicability.

The land uses and activities covered by this chapter shall comply with the provisions of the sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.

1.

Where Allowed. The uses that are subject to the standards in this chapter shall be located only where allowed by Article 2 (Urban Standards).

2.

Planning Permit Requirements. The uses that are subject to the standards in this chapter shall be authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this chapter for a specific use.

3.

Development Standards. The standards for specific uses in this chapter supplement and are required in addition to those in Articles 2, and 3 (Site, Development, and Operational Standards).

a.

The applicability of the standards in this chapter to the specific land uses listed is determined by Article 2 (Urban Standards)

b.

In the event of any conflict between the requirements of this chapter and those of Articles 2 or 3, the requirements of this chapter shall control.

88.42.020. - Accessory Structures.

Where allowed by [Article 2](#) (Urban Standards), accessory structures shall comply with the regulations of this section. Telecommunications facilities are instead subject to the requirements of [Chapter 88.46](#) (Telecommunications Facilities).

A.

Limitation on Location. An accessory structure shall not be permitted in a front yard.

B.

Height Limit. An accessory structure shall not exceed a height of one story or 20 feet, whichever is less.

C.

Setbacks. An accessory structure shall comply with the following setback requirements.

1.

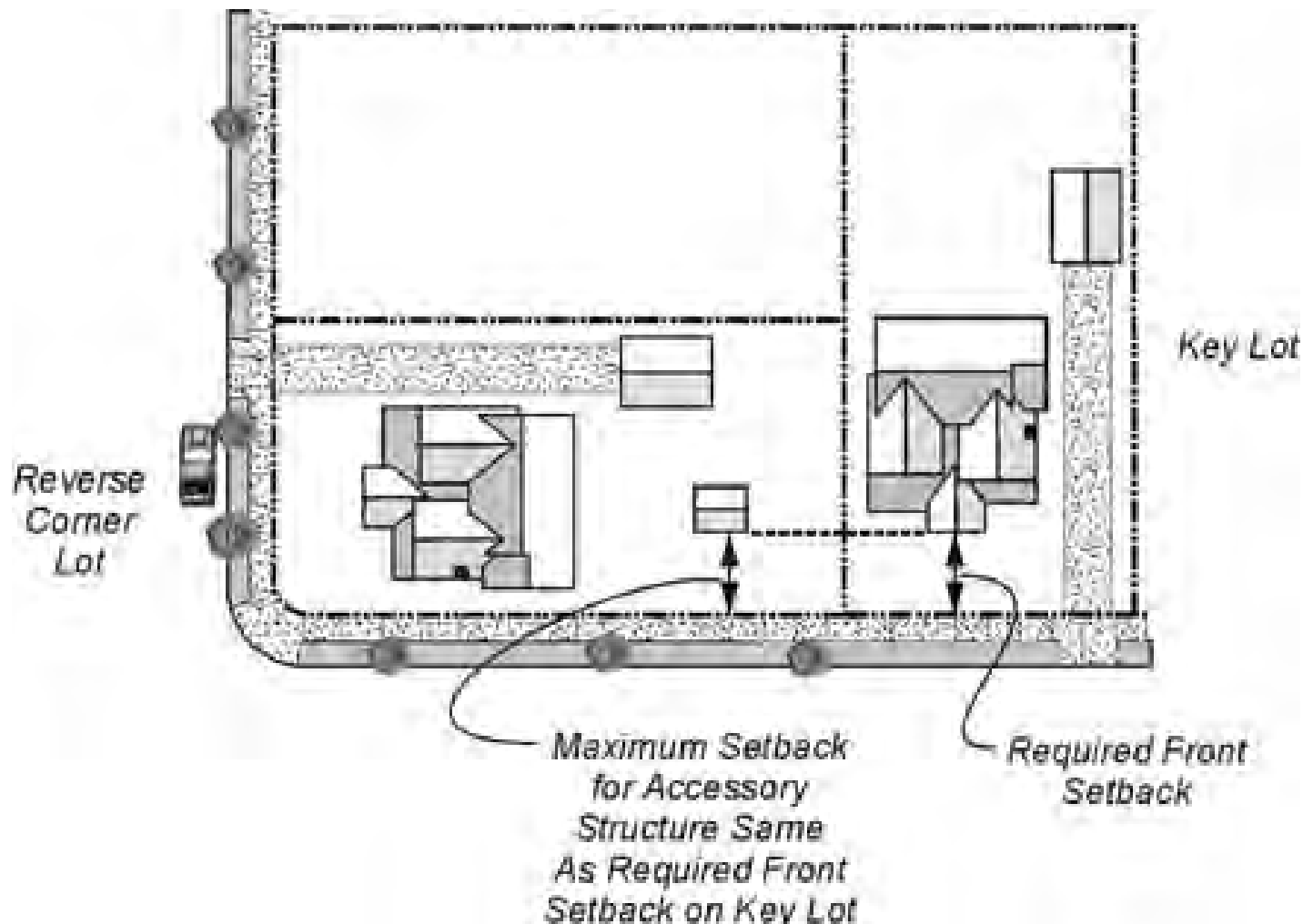
Rear Yard Setback.

a.

Lots without rear alley access. A detached accessory structure shall not cover more than 35 percent of a required rear setback area and shall be set back a minimum of three feet from the rear lot line. The wall facing the rear lot line shall have no openings, unless the rear lot line abuts an alley.

b.

Lots with rear alley access. For lots with rear alley access, a detached garage which provides vehicular access to the alley only shall not cover more than 80 percent of the rear setback area and shall be set back a minimum of three feet from the rear lot line.



88.42.020 Figure 4-1

2.

Side Yard Setbacks. In interior side yards, detached accessory structures may be set back three feet from the side property line, if the structure is set back a minimum distance of 75 feet from the front lot line. If the structure is set back less than 75 feet from the front lot line, the structure shall be set back five feet from the side yard set back. On a reverse corner lot, accessory structures shall be set back from the street at the same or greater distance as the setback line for the adjacent key lot (see Figure 4-1). No accessory structure shall be permitted within a street side yard of a corner lot.

3.

Separation Between Structures. Each accessory structure shall be set back from any other structure on the site by a minimum of ten feet

unless the accessory structure is an existing garage connected to the main house by a breezeway.

D.

Guest Houses. A guest house is a specifically prohibited use. However, any guest house legally existing prior to February 19, 1992 shall be allowed as a permitted use.

E.

Tents and Portable Shelter Structures. The use of tents and other temporary and portable shelter structures may be allowed in residential districts in rear yard areas not visible from the street or public right-of-way.

F.

Bathrooms in Detached Garages. Bathrooms shall not be permitted within detached garages unless the garage is located adjacent to a permanent swimming pool.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, § 10, 6-16-08; Ord. No. 10-01, § 13, 3-1-10)

88.42.030. - Alcoholic Beverage Sales.

Where allowed by [Article 2](#) (Urban Standards), alcoholic beverage sales shall comply with the regulations of this section.

A.

Criteria to be Considered.

In determining whether to approve a use permit for alcoholic beverage sales and the conditions to impose on the use, the commission shall consider the following, and make findings regarding each of these issues:

1.

The nature and use of real property within 500 feet of the use, and in particular, the location of similar nearby uses and the location of residences, parks, schools, and religious facilities;

2.

Appropriate measures to provide proper maintenance of the building exterior, including keeping the premises free of junk, litter, and debris;

3.

Lighting of exterior areas, including parking lots, to discourage loitering activities outside of the buildings;

4.

Protection of persons residing on or using adjacent properties from noise, illegal activity, odors, and undue light and glare;

5.

Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the police department;

6.

- Adequacy of off-street parking provided for the use;
- 7. Hours of operation;
- 8. Controls on occupancy limits inside the building and loitering outside of the building;
- 9. Prevention of adverse effect of the use on value of adjacent properties; and
- 10. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.

B.

Conditions of Approval.

In approving a use permit to establish a use selling alcoholic beverages, the commission may impose conditions on the use to ensure that the use operates in a manner that provides adequate protection of the general health, safety, and community welfare.

C.

Sale of Alcoholic Beverages at Service Stations.

The following regulations shall apply to all service stations selling alcoholic beverages:

- 1. The sale of alcoholic beverages shall not be permitted at any service station located within a corridor designated by Article 2 (Urban Standards).
- 2. No beer or wine shall be displayed within five feet of the cash register or the front door, unless such beverages are contained within a permanently affixed cooler in existence on or before January 1, 1988.
- 3. The advertisement of alcoholic beverages shall not be permitted at motor fuel islands nor a drive-up window.
- 4. The display of beer or wine in an ice tub shall not be permitted.
- 5. Self-illuminated advertising for beer or wine shall not be permitted on buildings or in windows.
- 6. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
- 7.

Single container sales of multiple-pack alcoholic beverages are prohibited.

D.

Food Service Requirement for Bars, Taverns, Nightclubs.

1.

Purpose. The city intends that bars, taverns, and nightclubs be high quality, socially diverse establishments where all patrons will feel safe. The requirements in this subsection are intended to provide for services beyond alcoholic beverage service and/or entertainment, to attract a wider range of patrons than may be the case in an establishment limited to alcoholic beverage service.

2.

Food Service Required. Each bar, tavern, and nightclub shall be designed and operated to provide food prepared to order on the premises, throughout the hours when the business is open to the public. Menus shall include, at minimum, lunch and dinner options.

3.

Conditions of Approval. The review authority for the use permit required for each establishment by Article 2 (Urban Standards) shall apply conditions of approval to ensure that:

a.

The food service requirement in subsection D.2 is implemented through the provision of an on-site commercial kitchen including food storage, preparation, cooking, and cleanup facilities in compliance with applicable health department regulations; and

b.

Food service is marketed, provided, and maintained so that food service revenue constitutes a minimum of 25 percent of the establishment's annual gross receipts, as determined by an annual review of the establishment's accounting records by city staff.

The conditions of approval applied by the review authority shall also provide that the use permit approval and business license for the establishment shall be subject to revocation by the city if the establishment fails to comply with the requirements of this section and all applicable conditions of approval.

88.42.040. - Animal Keeping.

Where allowed by Article 2 (Urban Standards), animal keeping shall comply with the regulations of this section.

A.

Type and Number of Animals Allowed.

The keeping of animals and poultry for non-commercial purposes shall be limited to the following number of animals. Any animal or number of animals other than the following shall be prohibited.

1. Three weaned dogs;
2. Three weaned cats;
3. Six parakeets, parrots, canaries, or similar birds kept indoors;
4. Five female chickens, ducks, geese, or other poultry over 12 weeks of age, or 15 chicks under 12 weeks of age;
5. Six homing pigeons;
6. Four rabbits over 12 weeks of age;
7. Six reptiles (turtles, lizards or snakes and the like);
8. One pot bellied pig;
9. One horse, one cow, or one goat, provided the lot has a minimum area of one acre. Additional animals may be permitted subject to the issuance of a use permit in compliance with the provisions of Chapter 88.51.050

B.

Location Requirements.

1. Poultry or rabbits maintained on a property out of doors shall be kept in a fully enclosed structure located a minimum distance of 20 feet from any lot line, 50 feet from any dwelling unit, and 100 feet from any school, hospital, or similar institution.
2. A pasture or stable housing a horse, cow, or goat shall be located a minimum distance of 50 feet from any lot line and 100 feet from any dwelling unit.

(Ord. No. 06-06, § 1B, 8-7-06)

88.42.050. - Auto Wrecking and Junk Yards.

Each existing, nonconforming automobile wrecking yard, recycling and/or scrap yard shall comply with following requirements.

A.

No New Uses Permitted.

Only an automobile wrecking yard, scrap, and/or junk yard that existed prior to December 4, 1996 shall be permitted. These automobile wrecking and junkyards are allowed only in the West End District, subject to specific site development and operational requirements established in this section.

B.

Fences and Walls.

Each existing automobile wrecking yard, scrap and junk yard shall comply with the following fence and wall requirements instead of those in Section 88.30.020 (Fences, Walls, and Screening).

1.

Enclosure and Screening Required. Each outdoor storage area and outdoor wrecking equipment used in conducting the business shall be enclosed by a solid wall or fence.

a.

When two or more wrecking yards or junk yards share a common boundary line, the solid wall or fence shall not be required on the common boundary line, provided a solid wall or fence encloses the entire combined area devoted to the uses.

b.

Wherever any side of the property is open to view from a public street or highway, or from any area zoned for an agricultural, residential, or commercial use, a solid masonry wall shall be constructed along that side of the property, unless the Commission approves other fencing or wall materials;

2.

Height Requirements. Each fence and wall shall be of a uniform height relative to the ground level at their base. They shall have a minimum height of eight feet and a maximum height of 16 feet;

3.

Setback Requirements. Each fence and wall shall be set back five feet from the property line along the frontages abutting a public street or highway, or facing a more restrictive zone. The setback area shall be landscaped and irrigated and maintained in an attractive and healthy condition in compliance with subsection F. (Landscaping).

4.

Color and Materials. Each fence and wall shall be of uniform color, shall be constructed with good quality workmanship, shall be uniformly maintained, and shall consist solely of new materials.

a.

The commission may approve substitution of used materials where it determines such used materials will provide the equivalent in service, appearance, and useful life.

b.

The use of razor wire and barbed wire as a fencing material is permitted.

5.

Gates. All yard gates shall be solid and no less than eight feet in height. Gates shall be kept closed when not in use and shall provide a pedestrian access opening, unless other pedestrian access is provided.

C.

Grading and Pavement.

1.

All aisles and drives shall be paved with a minimum three-inch-thick asphalt surface to prevent emission of dust or tracking of mud onto public rights-of-way. All areas used for dismantling or storage shall be covered with a minimum three inch thick rock base.

2.

The director may approve other paving materials that the director determines will provide the equivalent in service and useful life. The director may also modify the requirements in subsection A. within existing yards in areas where materials are stored and he or she finds no dust or mud problems would result.

D.

Drainage.

All yards shall be graded to drain to the public street or as may otherwise be approved by the city engineer. Any drainage discharged onto public rights-of-way shall meet applicable National Pollution Discharge Elimination System (NPDES) program requirements.

E.

Loading Area.

One off-street loading area shall be provided for each acre or partial acre of yard area. All loading areas shall be located within the walls or fences required by this section.

F.

Landscaping.

Each existing automobile wrecking yard and junk yard shall comply with the following landscaping requirements, in addition to those in Chapter 88.34 (Landscaping Standards) for parking lots.

1.

All setback areas required between the public right-of-way and required fences/walls shall be fully landscaped and irrigated;

2.

Tall-growing trees, a minimum size of 15 gallons, shall be planted and maintained along side and rear yard fences/walls which abut a residential area; and

3.

All landscaped areas required by this section shall include a fully functional irrigation system, and all landscaping shall be maintained in a neat and healthy condition.

G.

Off-Site Improvements.

All public street frontages shall be fully improved with curb, gutter, sidewalk, and pavement, as directed by the city engineer.

H.

Compliance with Performance Standards.

All automobile wrecking yards and junkyards shall comply with the performance standards in Section 88.31.040 (Performance Standards).

88.42.060. - Child Day Care Facilities.

A.

Applicability.

Where allowed by Article 2 (Urban Standards), child day care facilities shall comply with the regulations of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

B.

Definitions.

Definitions of the child day care facilities regulated by this section are in Article 6 (Glossary) under "day care."

C.

Standards for Large Family Day Care Homes.

As required by state law, a use permit for a large family day care home shall be approved if it complies with the following standards.

1.

Location Requirements. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 500 feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

2.

Parking, Drop-Off Area.

a.

At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 88.34 (Parking), if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.

b.

A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway, or, where approved by the city, a green curb with a 20-minute parking limitation).

c.

A 60-inch high wall or fence shall be provided to separate each area used or occupied by children from a parking lot, driveway, or other area that would be used by motor vehicles, except within a front setback.

3.

Outdoor Activity Areas.

a.

Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.

b.

Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and be set back a minimum of five feet from a rear property line.

4.

Noise. Noise generated from the large family day care home shall not exceed the standards in Section 88.31.020 (Noise).

5.

Additional Standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the state, and social services department licensing requirements (California Code of Regulations, Title 22, Division 2).

D.

Standards for Child Day Care Centers.

1.
 - Parking and Loading.
 - a.

Off-street parking shall be provided as required through the use permit process, but shall be a minimum of one space per employee on the largest shift.
 - b.

Parking and loading areas shall be designed to ensure that picking up and dropping off children will not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
 - c.

A 60-inch high wall or fence shall be provided to separate each area used or occupied by children from a parking lot, driveway, or other area that would be used by motor vehicles, except within a front setback.
2.

Noise. Potential noise sources shall be identified during the use permit process, and noise attenuation and sound dampening shall be addressed.

88.42.080. - Condominium Conversions.

Where multi-family structures are allowed by [Article 2](#) (Urban Standards), their conversion to condominiums shall comply with the regulations of this section.

A.

Purpose.

The requirements of this section for the conversion of existing nonresidential rental units or buildings and multi-family rental housing to condominiums are intended to:

1.

Reduce the impact of conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums;
2.

Ensure that the purchasers of converted nonresidential units or buildings and housing have been properly informed of the physical condition of the structure offered for purchase;
3.

Ensure that converted housing and nonresidential uses achieves high quality appearance and safety, is consistent with the goals of the general plan, and complies or is legally nonconforming with the residential density and building intensity requirements of the general plan;
- 4.

Attempt to provide an opportunity for housing ownership of all types, for all levels of income and in a variety of locations, and a variety of business ownership types; and

5.

Attempt to maintain a supply of rental housing for low and moderate income persons and families.

B.

Date of Conversion.

As used in this section, the date of conversion for condominium conversions shall mean the date that the final map for the project is approved by the council.

C.

Permit Requirement.

Use permit approval (Section 88.51.050) shall be required to convert existing dwelling units or nonresidential units or buildings to a condominium subdivision.

D.

Application Requirements.

In addition to the application requirements in Section 88.50 (Planning Permit Filing and Processing), the application for a condominium conversion shall include the following.

1.

Physical Elements Report. The applicant shall provide a physical elements report, which shall include the following.

a.

Property Condition. A report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, including sewage systems, swimming pools, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including automatic sprinkler systems, alarm systems or standpipe systems and structural elements. The report shall be prepared by a licensed architect or by a registered civil or structural engineer other than the owner. A replacement cost shall be provided for any element with a useful life of less than five years.

b.

Structural Pest Control Report. A structural pest control report prepared by a licensed structural pest control operator in compliance with Business and Professions Code 8516; and

c.

Building History. A building history report including the following information.

(1)

The date of construction of all elements of the project.

(2)

A statement of the major uses of the project since construction.

(3)

The date and description of each major repair or renovation of any structure or structural element since the date of construction. For the purposes of this subsection, the term "major repair" means any repair for which an expenditure of more than \$1,000.00 was made.

Failure to provide information required by subsections D.1.c(1) through D.1.c(3) shall be accompanied by a declaration, given under penalty of perjury, setting forth reasonable efforts undertaken to discover the information and reasons why the information cannot be obtained.

2.

Additional Information Required. The application shall also include the following information.

a.

Rental rate history for each type of unit for the previous five years;

b.

Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether any tenants are receiving federal or state subsidies;

c.

Proposed sale price of unit;

d.

Proposed homeowner's association fees;

e.

Names and addresses of all tenants; and

f.

Evidence that a certified letter of notification of intent to convert was sent to each tenant for whom a signed copy of the notice is not submitted.

Failure to provide the above information shall be accompanied by declaration given under penalty of perjury setting forth reasonable efforts undertaken to discover the information and reasons why the information cannot be obtained.

3.

Fees. In addition to the application filing fees required by Section 88.50.040, a per dwelling unit filing fee, as established by council resolution, shall be required with each request for a condominium conversion.

E.

Public Hearing Notice.

In addition to the public hearing notice requirements in Chapter 88.58 (Public Hearings), notice of the hearing shall be mailed to each tenant at least ten days prior to the public hearing on the use permit application. Notice of the hearing shall also be posted on the property at least ten days prior to the hearing.

F.

Physical Development Standards.

The conversion of an existing condominium shall require compliance with the following standards prior to a unit being offered for sale.

1.

Compliance with Other Codes, Standards and Policies.

a.

Each residential building shall comply with the minimum standards of city and state housing codes as of the date of conversion.

b.

Each buildings shall on the date of conversion comply with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as outlined in the California Building Standards Code.

c.

Each building as of the date of conversion shall comply with all applicable requirements of this Development Code, the Municipal Code, and the goals and policies of the general plan, except where the building is nonconforming in compliance with Chapter 88.54 (Nonconforming Uses, Structures, and Parcels).

d.

Each condominium project shall comply with all applicable provisions of the Subdivision Map Act (Government Code 66410 et seq.).

2.

Utility Metering.

a.

The consumption of water, gas, and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit and plumbing fixture. Each unit shall have access which shall not require entry through another unit to its own meter and heater.

b.

Each unit shall have its own panel or access thereto for all electrical circuits which serve the unit.

3.

Condition of Equipment and Appliances. The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that

any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided are in proper working condition as of the close of escrow. At such time as the homeowner's association takes over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association are in proper working condition.

4.

Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the use permit shall be refurbished and restored as necessary to achieve high quality appearance and safety.

5.

Common Attic Area. All common attic areas over individual dwelling units shall be separated by sound-rated assemblies from the top of wall to bottom of roof sheathing over all common or party walls, and the appropriate access to each attic space shall be provided in compliance with the California Building Standards Code.

G.

Tenant Rights.

1.

Notice of Intent. A notice of intent to convert shall be delivered to each tenant's dwelling unit. Evidence of delivery shall be submitted with the application for conversion. The form of notice shall be as approved by the director and shall contain not less than the following:

a.

Name and address of current owner;

b.

Name and address of the proposed subdivider;

c.

Approximate date on which the use permit application is to be filed;

d.

Approximate date on which the tentative map is proposed to be filed;

e.

Approximate date on which the final map or parcel map is to be filed;

f.

Approximate date on which the use is to be vacated by non-purchasing tenants;

g.

Tenant's right to purchase;

- h. Tenant's right of notification to vacate;
- i. Tenant's right of termination of lease;
- j. Statement of limitations on rent increase;
- k. Provision for special cases; and
- l. Provision of moving expenses.

2.

Tenant's Right to Purchase. As provided in Government Code 66427.1D., any present tenant of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.

H.

Vacation of Units.

Each non-purchasing tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit shall have not less than 180 days from the date of receipt of notification from the owner of his intent to convert, or from the filing date of the final subdivision map, whichever date is later, to find substitute housing and to relocate. Once notice of intent to convert is served to a tenant, any existing long-term lease agreement may be rescinded by the tenant without penalty. Notification of such termination shall be submitted in writing to the landlord 30 days prior to the termination of the lease.

I.

Increase in Rents.

From the date of approval of the tentative map until the date of conversion, no tenant's rent shall be increased more frequently than once every six months, and at a rate not greater than 50 percent of the rate of increase in the Consumer Price Index (all items, Los Angeles—Long Beach), on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative map.

J.

Moving Expenses.

The subdivider shall provide moving expenses of one and one-half times the monthly rent, but in no case less than \$500.00, to any tenant who relocates from the building to be converted after approval of the condominium conversion by the city, except

when the tenant has given notice of his intent to move prior to receipt of notification from the subdivider of his intent to convert.

K.

Notice to New Tenants.

After submittal of the application to convert, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to subsections D. and E. of this section.

L.

Copy to Buyers.

For a condominium conversion, the original owner shall provide each purchaser with a copy of all reports, in their final, acceptable form, along with the department of real estate white report, prior to the purchaser's completing an escrow agreement or other contract to purchase a unit in the project, and the developer shall give the purchaser sufficient time to review the reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site.

(Ord. No. 06-06, § 1B, 8-7-06)

88.42.082. - Emergency Shelters.

A.

Purpose.

Consistent with Government Code § 65582, 65583(a) and 65589.5, all California cities are required identify a zone in which to permit emergency shelters as a matter of right. The purpose of regulating the siting of emergency shelters is to ensure the development of emergency shelters do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of nearby residents and businesses while providing for the housing needs of the homeless.

B.

Use Standards.

1.

The emergency shelter shall contain a maximum of 30 beds and shall serve no more than 30 homeless persons at any one time.

2.

Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program. Services shall be provided to assist residents to obtain permanent shelter, income, and services. No individual or household may be denied emergency shelter because of an inability to pay.

3.

Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. The intensity shall comply with standard city performance standards for outdoor lighting.

4.

Onsite management of the facility shall be required during all open hours of operation.

5.

The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, transportation issues, security, screening to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

6.

The emergency shelter facility shall demonstrate that it is in and maintains in good standing with County and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

C.

Development Standards.

The development standards set forth Article 3 for the zone in which the emergency shelter is located shall apply, unless otherwise specified here.

1.

No more than one emergency shelter shall be permitted within a radius of 300 feet of another such facility.

2.

Interior on-site waiting and client intake areas must be at least 200 square feet. Outdoor onsite waiting areas may be a maximum of 100 square feet, and must be located within 50 feet of the public right-of-way.

3.

Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees.

4.

The development may provide one or more of the following specific common facilities for the exclusive use of the residents:

a.

Central cooking and dining room(s)

b.

Recreation room

c.

Counseling center

d.

Child care facilities

e.

Other support services

5.

On-site parking for emergency shelters shall be provided as set forth in Chapter 88.36

(Ord. No. 11-04, § 2, 4-18-11)

88.42.090. - Funeral Merchandise.

Where allowed by [Article 2](#) (Urban Standards), the sale of funeral merchandise shall comply with the regulations of this section. For purposes of this section, funeral merchandise shall include all retail and wholesale sales of caskets, cremation urns, headstones, grave markers, and burial vaults.

A.

Criteria to be Considered.

In determining whether to approve a use permit application for funeral merchandise sales and the conditions to impose on the use, the commission shall consider the nature and use of property within 500 feet of the use, and in particular, the location of similar nearby uses and the location and potential impact on residences, parks, schools, churches, and other businesses and sites that may be adversely effected by the use.

B.

Display.

The public display of funeral merchandise so as to be visible from outside the building shall be prohibited.

C.

Conditions of Approval.

In the absence of state standards for consumer protection, the commission may impose any additional conditions deemed necessary to protect the public from fraud or misrepresentation including the requirement that preneed sales funds be placed in a trust account, or that some other form of financial assurance to the consumer be provided.

(Ord. No. 06-06, § 1B, 8-7-06)

88.42.100. - Home Occupations.

Where allowed by [Article 2](#) (Urban Standards), home occupations shall comply with the regulations of this section. The operation of a large family day care home in a single-family dwelling is instead subject to the requirements of [Section 88.42.060](#) (Child Day Care Facilities).

A.

Purpose.

The requirements of this section are intended to:

1.
Recognize that a residential property owner or resident has a limited right to conduct a non-obtrusive business from his residence, and that the average neighbor will generally prefer to have that business conducted in such a fashion that he is unaware of its existence;
2.
Maintain the residential character of residential neighborhoods;
3.
Prevent the use of home occupations from transforming a residential neighborhood into a commercial one; and
4.
Encourage and promote efforts to reduce traffic congestion and generation of pollutants by allowing and recognizing changing work environments including telecommuting and work-at-home options.

B.

Performance Standards.

A home occupation is a use that generally does not interrupt or interfere with the general nature or residential character of the residential neighborhood. Any low-intensity use is permitted as a home occupation, provided that the use complies with all of the following performance standards:

1.
A business license shall be obtained for the home occupation;
2.
The primary use of the unit shall be as a dwelling;
3.
No person, other than a resident of the dwelling unit, shall be engaged in commercial use or employed in the home occupation;
4.
No sign shall be displayed on the premises advertising the business conducted in the dwelling;
5.
No mechanical equipment shall be used other than that necessarily, ordinarily, and customarily used for household or leisure purposes;
6.
No commodities or products shall be sold on the premises;
7.
No outside storage, display of materials or products, or operations shall occur on the premises;
8.
No alteration of the residential appearance of the premises shall be allowed;

9.
No processes shall be used which pose potential hazards to public health, safety, or general welfare;
10.
Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence;
11.
The home occupation shall not displace nor impede use of parking spaces required by this Chapter for the residential use;
12.
Activities conducted and equipment and materials use shall not change the fire safety or occupancy classification of the premises;
13.
No offensive odors shall be emitted;
14.
The home occupation shall comply with the city noise standards in Section 88.31.020; and
15.
Any required garage parking area shall not be converted into a work area or storage area for the home occupation.

C.

Nonconforming Uses.

A home occupation shall not be considered a nonconforming use if the occupant revises the home occupation to comply with all applicable provisions of this section.

(Ord. No. 06-06, § 1B, 8-7-06)

88.42.110. - Live/Work Units.

A.

Purpose.

This section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Urban Standards). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this section do not apply to mixed use projects, which are instead subject to Section 88.42.100 (Mixed Use Projects).

B.

Application Requirements.

An application for city approval of a live/work unit shall include a Phase I environmental assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing

structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 environmental assessment shall be prepared and submitted to the department in order to determine if remediation may be required.

C.

Limitations on Use.

The nonresidential component of a live/work project shall only be a use allowed within the applicable zoning district. A live/work unit shall not be established or used in conjunction with any of the following activities:

1.
Adult businesses;
2.
Vehicle sales, maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3.
Storage and use of flammable liquids or hazardous materials beyond that normally associated with a residential use;
4.
Welding, machining, or any open flame work; and
5.
Any other activity or use, as determined by the director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the likelihood that the use will create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

D.

Residential Density.

Live/work units shall not exceed the residential density allowed within the applicable zone by Article 2 (Urban Standards).

E.

Occupancy Requirement.

The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.

F.

Design Standards.

- 1.

Floor Area Requirements. The minimum net total floor area of a live/work unit shall be 1,000 square feet. No more than 30 percent or 400 square feet, whichever is greater, shall be reserved for living space as defined under "live/work unit" in Article 6 (Glossary). All floor area other than that reserved for living space shall be reserved and regularly used for working space.

2.

Access. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

3.

Facilities for Commercial Activities, Location. A live/work unit shall be designed to accommodate commercial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial facilities used for the same work activity. The ground floor frontage of a live/work unit shall be used only for non-residential purposes.

4.

Integration of Living and Working Space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated from the work space. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the California Building Standards Code. See Figure 4-2.

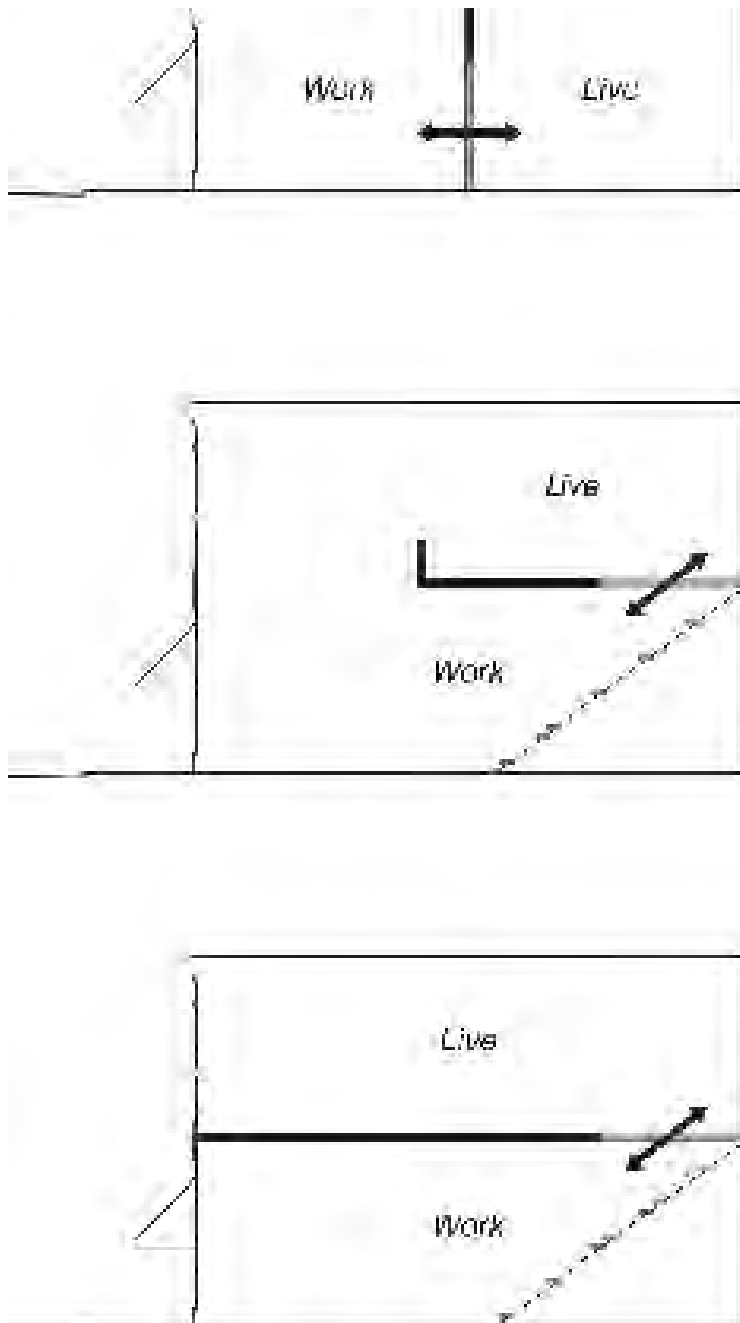


Figure 4-2 - Examples of Live/Work Space Arrangements

5.

Mixed Occupancy Structures. If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper

occupancy separations shall be provided between the live/work units and other occupancies, as determined by the building official.

6.

Parking. Each live/work unit shall be provided with at least two off-street parking spaces. The review authority may modify this requirement for the use of existing structures with limited parking.

G.

Operating Requirements.

1.

Sale or Rental of Portions of Unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

2.

Notice to Occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.

3.

On-Premises Sales. On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.

4.

Nonresident Employees. Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the use permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to use permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit.

5.

Hours of Operation, Client and Customer Visits. Hours of business operation and client and customer visits to a live/work unit are allowed without limitation, except where conditions of use permit approval restrict hours of operation and/or client/customer visits to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

H.

Changes in Use.

After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through use permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.

I.

Required Findings.

The approval of a use permit for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for use permit approval by Section 88.50.050 (Use Permit and Minor Use Permit):

1.

The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with subsection C. (Limitations on use);

2.

The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;

3.

The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and

4.

Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

88.42.112. - Meeting Facilities, Schools, and Similar Institutional Uses.

Where allowed by [Article 2](#) (Urban Standards), public and private meeting facilities, schools, and similar institutional uses shall comply with the regulations of this section.

A.

Allowable Accessory Uses.

Only the uses specifically identified in and authorized by an approved use permit shall operate on the same site as the principal use. For example, a day care center or private school located on the site of a meeting facility used for other purposes must be identified as an authorized use in the use permit for the facility. Otherwise, any additional use shall require an amendment to the original use permit.

B.

Parking Restrictions in Neighborhoods.

When a new meeting facility is established in a new building in an NC, NG1 or NG2 zone, the required front yard setback shall not be used for parking purposes.

C.

Compatibility with Surrounding Uses.

Use permit approval shall require that the commission first make the following findings in addition to those required by Section 88.51.050

1.

That all buildings, structures, and landscaping will be developed in a manner compatible with the desired character of the surrounding neighborhood; and

2.

That exterior parking areas will be screened with landscaping in a manner that ensures compatibility with and an enhancement to surrounding land uses; and

3.

That all exterior lighting will be designed, oriented, and constructed to shield adjacent properties from adverse glare effects.

D.

Landscaping Requirements.

1.

Landscaping and permanent, automatic irrigation systems shall be provided as established by the use permit conditions of approval.

2.

All landscaping shall be maintained in a neat and healthy condition.

88.42.120. - Mixed Use Projects.

This section provides standards for the design of new mixed use projects, where allowed by [Article 2](#) (Urban Standards). These standards also apply to existing mixed use developments if any change in construction or use is applied for.

A.

Application Requirements.

An application for city approval of a mixed use project that is a conversion of an existing structure without residential units to a mixed use project, shall include a Phase I environmental assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 environmental assessment shall be prepared and submitted to the department in order to determine if remediation may be required.

B.

Design Considerations.

A mixed use project shall be designed to achieve the following objectives.

1.
The design shall provide for internal compatibility between the residential and non-residential uses on the site.
2.
Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be limited to the maximum extent feasible, to allow a compatible mix of residential and nonresidential uses on the same site.
3.
The design shall take into consideration potential impacts on adjacent properties and shall include specific design features to avoid or mitigate potential impacts.
4.
The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
5.
Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
6.
Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signs.

C.

Maximum Density.

The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district. The number of units allowed on a site shall be calculated by applying the applicable density requirement to the entire area of the site for a vertical mixed use project, but only to the portion of the site to be occupied by the footprint of residential units in a horizontal mixed use project.

- 1.

Lot consolidation and calculating allowable density.

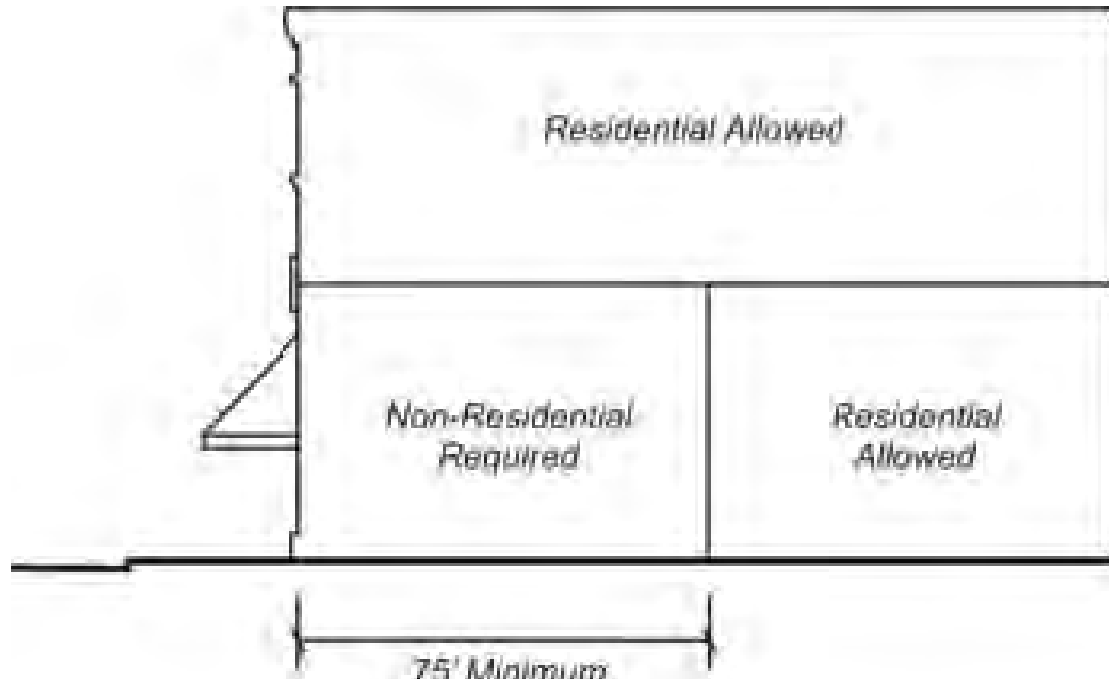
Where two or more legal parcels are combined to create a site for a development plan for a mixed-use project, calculations for maximum allowable density which result in a fraction that is 0.50 or greater shall be rounded up to the nearest whole number. Those density calculations

resulting in a fraction that is less than 0.50 shall be rounded down to the nearest whole number.

D.

Site Layout and Project Design Standards.

Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.



1.

Location of Units.

A mixed use project may be either vertical mixed use, or horizontal mixed use; provided that residential units shall not occupy ground floor space within the first 50 feet of floor area measured from each building face adjacent to a public or private street.

2.

Parking.

In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 88.36.080 (Reduction of Parking Requirements).

3.

Loading Areas.

Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.

4.

Refuse and Recycling Areas.

Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

E.

Performance Standards.

1.

Lighting.

Lighting for commercial uses shall comply with the requirements of Section 88.31.030 (Outdoor Lighting).

2.

Noise.

Each residential unit shall be designed and constructed to comply with Section 88.31.020 (Noise Standards).

3.

Hours of Operation.

A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

F.

Requirements for Phased Projects.

A mixed use project that proposes compliance with all applicable standards of this Development Code through phased construction may be authorized only through the approval of a development agreement in compliance with Chapter 88.53 (Development Agreements).

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, § 14, 3-1-10; Ord. No. 11-04, § 2, 4-18-11)

88.42.128. - Mobile/Manufactured Homes Outside of Mobile Home Parks.

Where allowed by [Article 2](#) (Urban Standards), an individual residential mobile home or manufactured home placed outside of a mobile home park shall comply with the regulations of this section.

A.

Site Requirements.

The site, and the placement of the unit on the site shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.

B.

Mobile Home Design and Construction Standards.

A mobile home or manufactured home outside of a mobile home park shall comply with the following design and construction standards. A mobile or manufactured home that does not comply with these standards shall be allowed only within a mobile home park.

1.

The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site.
2.

The roof shall have eave and gable overhangs of not less than 12 inches measured from the vertical side of the mobile home, and the roof pitch shall be no less than 5:12.
3.

The mobile home or manufactured home shall be placed on a foundation system, subject to the approval of the building official; and
4.

The mobile home or manufactured home shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), and has been constructed after January 1, 1989.

88.42.130. - Mobile Home Parks.

Where allowed by [Article 2](#) (Urban Standards), mobile home parks shall comply with the regulations of this section.

A.

Use Regulations.

1.

Use Permit approval in compliance with Section 88.51.050 shall be required to establish a mobilehome park or subdivision.
2.

Accessory buildings and uses customarily incident to the primary permitted uses shall be allowed unless specifically prohibited by this chapter.
3.

A guest house is a specifically prohibited use. However, any guest house legally existing prior to February 19, 1992 shall be allowed as a permitted use.

B.

Development Standards.

The following minimum development standards shall apply to the development of mobilehome parks and individual mobilehome sites within a mobilehome park or mobile home subdivision:

1. Each individual mobilehome space or lot shall have a minimum area of 2,500 square feet with a minimum width of 30 feet;
2. The following minimum setbacks from individual space or lot lines shall be provided:
 - a. Front—Ten feet;
 - b. Side—Five feet on each side, or ten feet on one side where zero-lot line development is proposed; and
 - c. Rear—Ten feet;
3. Each individual space or lot shall provide parking as required by Chapter 88.36 (Parking);
4. The maximum coverage of any individual mobilehome space or lot shall be 75 percent, including all accessory structures;
5. The exterior boundaries of a mobilehome park or subdivision shall be provided with a landscaped setback to ensure compatibility with surrounding uses; and
6. All other relevant provisions contained in California Health and Safety Code Title 25 shall apply.

D.

Amenities. Through the use permit review process required for a mobilehome park, the commission may impose conditions requiring provision of certain amenities. These amenities may include recreational buildings and facilities, laundry facilities, privacy walls, landscaping, and greenbelts.

88.42.140. - Multi-Family and Small Lot Single-Family Projects.

New or remodeled multi-family projects, and subdivisions of detached single-family homes on parcels smaller than 6,000 square feet, shall comply with the standards of this section, where allowed by [Article 2](#) (Urban Standards). For the purposes of this section, the term "remodeled" means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

A.

Allowable Multi-Family Building Types.

New multi-family projects shall consist exclusively of "walk-up" units such as row houses, where each unit has a ground floor entrance, rather than "stacked flats," except where stacked flats are authorized through use permit approval. Courtyard housing projects are encouraged, and shall comply with the standards in Section 88.42.140 (Multi-Family Courtyard Housing Projects).

B.

Accessory Structures.

Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units. See also Section 88.42.020 (Accessory Structures).

C.

Building Design Standards.

Multi-family projects shall be designed to convey the visual character of individual units rather than a singular building mass and volume, and as follows.

1.

Building Facades Adjacent to Streets. A new multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.

2.

Window Orientation. Where one or more windows are proposed ten feet or less from a side lot line, or ten feet from another residential structure on the same site, design review shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

3.

Upper Floor Balconies, Hallways, or Other Unit Access. No upper floor open balcony, hallway or unit access area shall be located so as to overlook a side or rear yard of an adjacent residential unit.

4.

Individual Unit Access. A multi-family project shall be designed to provide a separate ground floor entrance for each dwelling unit, except in a mixed use project.

5.

Exterior Stairways. No more than one dwelling unit shall be served by any exterior stairway.

6.

First Floor Level. The elevation of the first habitable floor shall be located at or in proximity to the predominate grade elevation, precluding the visibility of

subterranean parking facilities from the street frontage.

Rowhouse/townhouse building types in proximity to the public sidewalk may elevate the first floor to preclude sidewalk pedestrian views into the unit from street facing windows.

7.

Roof Design. The roof of a multi-family structure shall be articulated and well-defined, hipped roofs are encouraged, mansard roofs are discouraged.

8.

Separation Between Structures. Each detached structure on the site shall be separated by a minimum of ten feet, except where Section 88.42.142 establishes a greater requirement for courtyard housing.

D.

Front Setback Pavement.

No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement; the remainder shall be landscaped.

E.

Parking Location and Design.

All off-street parking for a multi-family project other than guest parking shall be within garages, and located to not be visible from the street fronting the parcel. A garage providing parking for a duplex or small-lot detached unit may be located in compliance with the following standards, in addition to the requirements of Chapter 88.36 (Parking and Loading).

1.

Front Setback. An attached or detached garage facade shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.

2.

Side Setback. When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.

3.

Rear Setback. A detached garage shall be set back a minimum of five feet from a rear property line.

4.

Garage Facade Width, Door Orientation. The front facade of a garage shall not exceed a width of 25 feet. No garage door for multi-family parking shall directly face a street.

F.

Open Space.

Each multi-family residential project shall provide permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), in addition to required setback areas, except where the review authority determines that existing public park or other usable public open space is within convenient walking distance.

1.

Area Required. Private and common open space shall be provided as required by Table 4-3.

Table 4-3. MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS

Project Size	Minimum Common Open Space Required	Minimum Private Open Space Required
2 or 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 to 30 units	1,000 sf	
31 and more units	2,000 sf	

2.

Configuration of Open Space. Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of [Chapter 88.34](#) (Landscape).

a.

Common Open Space. All required open space shall be: easily accessible; continuous, usable site elements; separated from parking

areas; safe and secure. Each common open space area shall have a minimum dimension of 20 feet.

b.

Private Open Space. Private open space shall be at the same elevation as, and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of ten feet.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

3.

Maintenance and Control of Common Open Space. Required common open space shall be controlled and permanently maintained. Provisions for continual control and maintenance shall be described in the project application, and in the case of common interest developments, be included in property covenants and made the responsibility of a homeowners association (HOA).

G.

Outdoor Lighting.

Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 88.31.030 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficiency. All proposed lighting shall be shown on the required landscape plan.

H.

Storage.

A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

I.

Television Antennas.

Exterior television antennas, other than satellite dishes less than one meter (39 inches) in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

88.42.142. - Multi-Family Courtyard Housing Projects.

The provisions of this section are intended to encourage the construction of courtyard housing as an attractive and livable alternative to other forms of multi-family housing, by providing alternatives to certain development standards of this Development Code as incentives.

A.

Procedure for Incentives.

A multi-family housing project that is proposed as courtyard housing in compliance with this section may be granted incentives as follows.

1.

Allowable Incentives. The review authority may grant any combination of the following incentives at the request of an applicant, provided that the review authority shall have the discretion to offer none of the incentives, and may choose to require compliance with all otherwise applicable residential development regulations.

a.

The first floor of a building, up to a maximum height of 12 feet, may extend ten feet into the required rear yard setback. The second floor up to a maximum height of 24 feet, may extend five feet into the required rear setback. An area equal to the area of the required rear setback that is occupied by the building shall be provided as common open space at grade level in the courtyard area, in addition to all required front and side setbacks.

b.

The first floor of a structure with a maximum height of 15 feet, may extend a maximum of 12 feet into, and cover a maximum of 50 percent of the required front yard, but shall contain only habitable or porch space. An extension into the front yard that exceeds seven and one-half feet shall not be wider than 20 feet, and shall be separated from an adjacent extension into the front yard by a minimum of ten feet.

c.

A semi-subterranean parking garage that does not extend more than 30 inches above grade may be built to a side property line but shall not project into the required rear setback. An area equal to the area of the required side setback that is occupied by the garage shall be provided as common open space at grade level in the courtyard area.

2.

Criteria for Approval. The review authority may approve courtyard housing project with incentives in compliance with this section if it first finds that the project:

a.

Complies with all applicable provisions of this section; and

b.

Provides a higher quality design than would have been provided under the otherwise applicable standards.

3.

Alternatives to Courtyard Design Standards. Project approval shall require that the review authority first make a finding of compliance for each of the design and development standards of this section. The review authority may approve alternative courtyard design standards, provided that the review authority first finds that each alternative:

a.

Achieves a better design solution for the courtyard and development than would result from application of the basic courtyard regulations; and

b.

Would not materially affect adjoining properties.

B.

Courtyard and Common Open Space Requirements.

The project shall provide common open space as required for multi-family projects by Section 88.42.140. The open space shall be located on the site as follows.

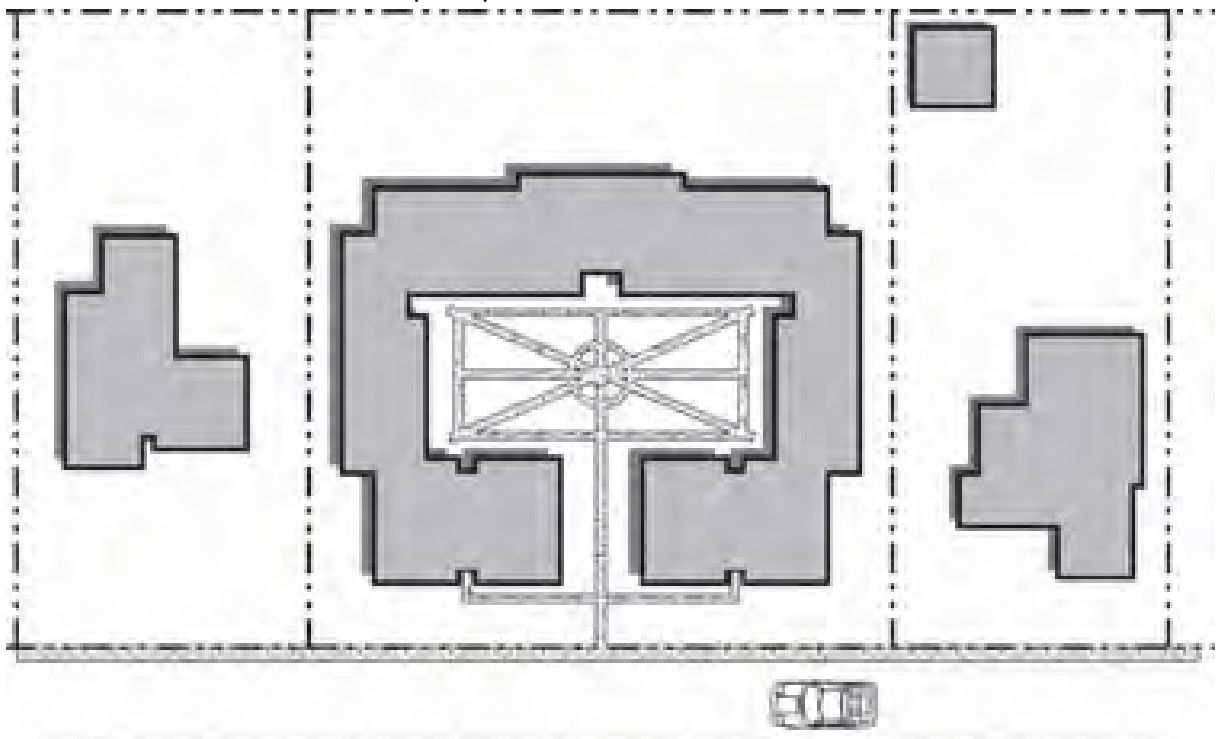


Figure 4-4 - Courtyard Example

1.

Courtyard Required. A courtyard housing project shall include a clearly defined courtyard space. The structure may, for example, be "O," "L," or "U" shaped. See Figure 4-4. A distinct outdoor communal space (or series of spaces) shall be provided to serve as a focus for the housing units, with individual entries to the living units provided from the spaces.

2.

Courtyard Area. The courtyard shall be designed to incorporate at least 60 percent of the common open space area required for the project by [Section 88.42.140](#) (Multi-Family and Small Lot Single-Family Projects).

3.

Rear Yard Open Space. If any of the rear setback is proposed as common open space in addition to the courtyard, a clear connection between the rear yard and the courtyard space shall be provided and at least a portion of the rear yard shall be visible from the courtyard, as follows:

a.

If more than 30 percent of the common open space requirement is proposed in the rear yard, an opening of at least ten feet wide and ten feet high shall provide a view to the rear yard from the courtyard;

b.

For an opening less than ten feet wide, the length shall not exceed twice the width. The height of the opening shall be no less than its width; and

c.

An opening 15 feet wide or more shall be open to the sky.

4.

Open Space in Balconies, Decks, and Terraces. A portion of the common open space requirement for the project may be provided in balconies, decks, and terraces that are open and unrestricted for use by all residents, in compliance with the following standards:

a.

75 percent of balconies, roof decks, or terraces that are counted as common open space in a courtyard project shall be directly adjacent to and overlook the courtyard, and should be seen as an extension of the courtyard;

b.

The space shall not be more than two floors above the courtyard and shall be connected directly to the courtyard with a grand stairway or other appropriate connection if it represents more than ten percent of the common open space; and

c.

The space shall have no dimension less than ten feet, if one level or less above the courtyard, and no dimension less than 15 feet, if two or more levels above the courtyard.

5.

Secondary Courtyards. Secondary courtyards shall be allowed in compliance with the following standards:

a.

If 30 percent or more of the common open space required is provided in additional courtyards, the additional courtyards shall meet all of the requirements for the main courtyard except for visual access to the street; and

b.

If less than 30 percent of the common open space required is provided in additional courtyards the additional courtyards shall comply with the same visibility, access, and dimensional standards as common open space in the rear setback.

C.

Courtyard Design Standards.

1.

Entrance from Street. The courtyard shall address the street, and be easily accessible from the street, with a spacious, clearly defined grand entry, grand stairs if appropriate, or other similar treatment. At least a portion of the courtyard should be visible from the street. The courtyard is best located on the level of the street or 30 inches above or below the street.

a.

On parcels with a slope greater than four percent between the street elevation and the rear elevation of the site, the courtyard may be located more than two and one-half feet above or below street level, but no more than five feet.

b.

On parcels with a slope less than four percent between the street elevation and the rear elevation of the site, the courtyard may be at the level of natural grade or up to three feet above or below natural grade. Natural grade shall be measured at the sidewalk (front) property line at the location of the entrance to the courtyard.

c.

On parcels with more than 60 feet of street frontage, an opening in the structure at least ten feet wide and ten feet high shall be provided.

The opening may be designed with security enclosures which are treated in the same design style as the structure itself.

d.

Passageways from the front yard to the courtyard which are less than 15 feet wide shall have a length no greater than twice the width. The height of the opening shall be no less than the width.

e.

Openings that are ten feet or more in width and 20 feet more in length shall be open to the sky.

f.

Glazing shall not be allowed in the opening. Any gates shall be of a highly ornamental nature (preferably designed by an artist and executed by a skilled craftsman). The gate shall allow a minimum of 70 percent visibility into the courtyard.

2.

Dimensions. The minimum length and width of a courtyard shall be 15 feet on parcels of 50 feet or less in width, 20 feet on all other parcels, and shall comply with the minimum area requirements of subsection B.1 (Courtyard required).

3.

Encroachments.

a.

Structural Elements. Exterior, unenclosed structural elements (e.g., balconies, open stairs, and stoops) may encroach into the courtyard and may reduce the minimum clear dimension of the courtyard a maximum of five feet from 20 feet subject to the following limitations:

(1)

Encroaching balconies shall have design features such as brackets or braces, and not be simple, featureless cantilevers;

(2)

Encroaching stairs shall be either wood or masonry and have closed risers;

(3)

Unenclosed encroachments shall have a maximum depth of four feet; and

(4)

The total area of unenclosed encroachments shall not exceed ten percent of the area of the court-yard.

b.

Private Open Space. Private open space for individual units is not considered an encroachment and may be included as part of the courtyard subject to the following limitations:

(1)

The maximum height of hedges, walls, or other elements separating the space from the rest of the main garden shall be 24 inches or less in height if opaque, and 42 inches maximum in height if it allows at least 50 percent visibility. Height shall be measured from the finished grade of walkways or patios in the common portion of the main garden;

(2)

The total area of private open space within the main garden shall not exceed 25 percent of the area of the courtyard; and

(3)

The main garden, as a whole, shall comply with the planting and paving standards of following subsection D.

4.

Individual Unit Access. See subsection E. (Building design).

D.

Courtyard Landscaping and Surfacing Standards.

1.

General Landscape Standards. Courtyard landscaping shall comply with Chapter 88.34 (Landscaping Standards), and the following standards.

a.

All courtyard landscaping shall be permanently maintained and irrigated with an automatic system.

b.

Preferred courtyard and front yard ground covers are ones that may be walked on, and are water-conserving.

c.

The incorporation of fountains, pools, and other water features into the courtyard is required. The incorporation of other decorative elements (e.g., iron work and tile) is encouraged. Water elements shall recycle to conserve water. If the courtyard is over fully subterranean parking, tree wells with an inside diameter of at least six feet shall be provided. The minimum tree size at planting shall be 15 gallons.

d.

Benches, retaining walls, steps, and bench-type edges for planters shall be provided.

2.

Courtyard Landscaping and Surfacing. All courtyards shall comply with at least one of the following subsections (D.2.a, D.2.b, and/or D.2.c).

a.

Courtyard on Grade. The courtyard may be at natural grade with no structure below. For gardens or parts of gardens at natural grade, the following requirements shall apply:

(1)

At least 35 percent of the total courtyard area shall be planted;

(2)

A courtyard with a minimum area of 1,500 square feet shall have at least one canopy tree with a minimum mature height of 35 feet. An additional canopy tree of the same size shall be included for each additional 1,000 square feet of courtyard area. The minimum tree size at planting shall be 15 gallons; and

(3)

Poured surfaces (e.g., asphalt or concrete) may be used for walkways up to five feet in width but are not acceptable for area paving. Unplanted areas with a minimum dimension of five feet or more shall be paved with unit pavers (e.g., brick, concrete, or tile) set or covered with decomposed granite or garden gravel.

b.

Courtyard Over Subterranean parking. The courtyard may be at natural grade over a fully subterranean parking structure, or up to three feet above street level at the entry over a semi-subterranean parking structure. Where possible, planted areas should be installed at the same grade as adjacent walkways. Courtyards or parts of courtyards over subterranean parking shall comply with the following requirements in addition to the requirements of subsection D.2.a, above for gardens on grade.

(1)

Planting beds shall be on two feet of soil. If above the grade level of the courtyard, the walls of the planters may be no more than two feet above finished grade.

(2)

For each canopy tree required, a well extending down through the parking structure shall be provided. Tree wells shall have a minimum inside diameter of six feet. Tree well

areas shall be counted as part of the required landscaped area. See Figure 4-5.

88.42.142 Figure 4-5 - Plantings over Garage

(3)

Appropriate drainage and irrigation shall be provided for planters, tree wells, and the soil covering the parking structure.

c.

Courtyard Over Partially Subterranean Parking. The courtyard may be no more than three feet above natural grade over a partially subterranean parking structure. For gardens or parts of gardens over partially subterranean parking the following requirements shall be met in addition to the requirements identified above for gardens at natural grade and over fully subterranean parking.

(1)

Except for tree wells, planters, and decorative garden elements (e.g., fountains, etc.) the entire surface of the courtyard shall be covered with a minimum of eight inches of soil or unit pavers set in sand or soil with a total minimum depth of eight inches.

(2)

Finished grade at the courtyard and existing grade at the sidewalk entrance to the courtyard shall be used in determining the height of the main garden above the natural grade.

E.

Building Design.

1.

Upper Floor Setbacks. A courtyard structure of more than two stories shall set back each floor above the second a distance from the courtyard of at least one foot for each foot in height above the second floor, on at least 65 percent of the courtyard perimeter.

2.

Unit Orientation. All units in a courtyard structure shall be "through" units and shall have an exposure off the courtyard as well as an exposure on at least one other side of the structure.

3.

Access to Individual Units. Each dwelling unit shall have access from the courtyard or street level by means of a doorway from that level.

a.

Interior corridors are prohibited. The majority of units shall have their primary entrances directly from the courtyard space. Additional entrances may serve units from the street front or from subsidiary common open spaces. No common access balcony above the level of the courtyard floor shall be allowed.

b.

Shared entrances from the courtyard in the form of porches, recesses in the structure, or stoops may serve no more than one unit.

c.

Transitional spaces in the form of overhangs, porches, and stoops, between public areas or common spaces and entrances to the units shall be provided for each unit or group of units.

4.

Architectural Standards. The following provisions address the quality of the structures that surround and define a courtyard, and make a crucial contribution to the life and quality of these spaces. These provisions are intended to encourage courtyard housing design features that are appropriate to the city, and prohibit inappropriate ones.

a.

Objectives. Architectural elements (e.g., balconies, bay windows, entrances, and porches) are an essential aspect of a successful courtyard structure. This Development Code is not prescriptive with respect to the style or the architectural character of structures, but encourages structures that are designed, detailed, and constructed with care and consistency.

b.

Required Elements. Each new courtyard structure shall incorporate as least one feature as a conspicuous component of its architecture which demonstrates skilled craftwork. Examples of these features include cast terra cotta, iron gates, stenciled ornament, tile fountains, wood work, or other devices.

c.

Special Features. Each courtyard structure shall incorporate at least two of the following elements. The substitution of elements not on the list may be approved by the review authority. See Figure 3-26.

(1)

Upper floor loggias or pergolas recessed within a structure.

(2)

Roofed balconies supported by brackets or by columns at the ground floor.

(3)

Exterior wooden or masonry stairs with closed risers.

(4)

Tile or masonry fountains.

88.42.12 Figure 4-6 - Courtyard Housing Special Features

d.

Materials.

(1)

In order to ensure that new structures appear substantial and integral, changes of exterior color, texture, or material shall be accompanied by changes in plane. An exception is the articulation of the base of a structure.

(2)

Material or color changes at the outside corners of structures give an impression of thinness and artificiality and are not allowed.

(3)

Structures should have consistent materials and details throughout. Detailing of doors, windows, and eaves and the type and quality of materials should be similar on all sides of structures.

(4)

New courtyard structures should reflect regional architectural traditions. This means that careful decisions shall be made concerning the choice, application, and detailing of materials so that new construction reflects the best examples of the type in the city or region. Windows and doors shall be outlined by projecting surrounds that completely enclose these openings, or be deeply recessed.

F.

Parking.

1.

Parking Location and Design. Parking for a courtyard housing project shall comply with the location and design requirements for multi-family projects in Section 88.42.140.E, and the requirements of Chapter 88.36 (Parking and Loading).

2.

Parking Entry. The visibility of the parking entry from the street shall be minimized and designed to be architecturally sensitive to, and treated as, an integral part of the street facade.

(Ord. No. 06-06, § 1B, 8-7-06)

88.42.150. - Outdoor Displays and Sales.

A.

Applicability.

The provisions of this section apply to temporary and permanent facilities for outdoor display, sales (e.g., garden nurseries, lumber yards, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor eating areas, where allowed by Article 2 (Urban Standards).

B.

Temporary Outdoor Displays and Sales.

See Section 88.51.030 (Temporary Use Permits).

C.

Permanent Outdoor Displays and Sales.

The permanent outdoor display and sale of merchandise is allowed subject to the following standards, and any conditions required by minor use permit approval.

1.

The outdoor display of merchandise shall not exceed a height of six feet above finished grade, unless a greater height is allowed through minor use permit approval.

2.

Outdoor display and sales areas shall not encroach into required setback areas or the public right-of-way. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of ten feet from adjoining property lines unless otherwise allowed through minor use permit approval.

3.

Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.

4.

The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.

5.

The director may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.

6.

Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area.

D.

News and Flower Stands.

1.
 - Location Requirements. A news or flower stand shall:
 - a.

Be located parallel and adjacent to the wall of a structure. A freestanding news or flower stand is allowed only as a roofed kiosk;
 - b.

In the case of a privately owned stand, not be located within the public right-of-way, within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.
2.
 - Design and Construction Requirements.
 - a.

A stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.
 - b.

Shelving shall not exceed eight feet in height nor two feet in depth.
3.

Maintenance. The news and flower stand shall be maintained in a clean and neat condition and in good repair, at all times.
4.
 - Signs. Signs shall be designed as an integrated part of the stand, and shall comply with the following requirements.
 - a.

A stand shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 88.34 (Signs).
 - b.

The owner or operator of an outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.
5.

Additional Product Sales. In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed ten percent of the total merchandise displayed.
- 6.

Hours of Operation. The allowable hours of operation of a news or flower stand shall be established by minor use permit approval.

E.

Outdoor Dining Areas.

1.

An outdoor dining area may be allowed accessory and incidental to a restaurant.

2.

An outdoor eating area within the public right-of-way shall require an encroachment permit, and shall use only city approved furniture and enclosures.

3.

Signs shall comply with Chapter 88.38 (Signs).

88.42.160. - Outdoor Storage.

Where allowed by [Article 2](#) (Urban Standards), outdoor storage shall comply with the regulations of this section.

A.

Enclosure and Screening Required.

Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet. Storage containers may be allowed with a temporary use permit in the DW zone only, located so as not to be visible from the street.

B.

Maximum Height of Stored Materials.

The materials within the storage area shall not be higher than the fence, except where authorized by the minor use permit for the storage area.

C.

Landscaped Setback.

In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the set back area shall be landscaped to the approval of the director, and in compliance with Chapter 88.32 (Landscape).

(Ord. No. 10-01, § 15, 3-1-10)

88.42.170. - Recycling Facilities.

Where allowed by [Article 2](#) (Urban Standards), recycling facilities shall comply with the regulations of this section, except that scrap, junk, and automobile wrecking yards shall instead comply with [Section 88.42.050](#).

A.

Reverse Vending Machines.

Reverse vending machines shall comply with the following standards.

1. Accessory Use Only. Each machine shall be installed only as an accessory use to an allowed primary use.
2. Location Requirements. If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.
3. Signs. Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. Total sign area shall comply with Chapter 88.38 (Signs).
4. Lighting. Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined to the site.

B.

Small and Large Collection Facilities.

A small or large collection facility shall comply with the following standards.

1. Location Requirements.
 - a. A small collection facility shall not be located within 50 feet, and a large collection facility shall not be located within 200 feet, of a parcel zoned for or occupied by a residential use.
 - b. Each facility shall be set back at least ten feet from any public right-of-way, and not obstruct pedestrian or vehicle circulation.
2. Maximum Size. A facility shall comply with the following maximum size requirements, not including space periodically needed for the removal of materials or exchange of containers:
 - a. A small collection facility shall not occupy more than 600 square feet nor three parking spaces.
 - b. A large collection facility shall not occupy more than 45,000 square feet.
3. Appearance. Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

4.

Operating Standards.

a.

Small collection facilities shall not use power-driven processing equipment, except for reverse vending machines;

b.

Large collection facilities allowed activities are limited to baling, compacting, crushing, and sorting of source-separated recyclable materials.

c.

Outbound truck shipments from the site shall not exceed an average of two each day.

d.

Small and Large Collection facilities shall accept only glass, metal, or plastic containers, paper, and reusable items;

e.

Small and Large Collection facilities shall use containers that are constructed with durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and

f.

Small and Large Collection facilities shall be screened where determined by the review authority to be necessary because of visibility;

g.

Small and Large Collection facilities shall be continuously maintained so that the site is free from trash and litter at all times.

h.

Large collection facilities sorting, processing and storage shall be conducted entirely indoors.

5.

Signs. Non-illuminated signs may be provided as follows:

a.

Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

b.

Additional directional signs, consistent with Chapter 88.38 (Signs), may be approved by the director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

6.

Parking Requirements.

a.

No additional parking space shall be required for customers of a small or medium collection facility located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed.

b.

Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking reduction is approved in compliance with Section 88.36.080 (Reduction of Parking Requirements).

C.

Processing Facilities.

Processing facilities shall comply with the following standards.

1.

Location Requirements. A processing facility shall not be located on a parcel that abuts a parcel zoned or occupied for residential use.

2.

Limitation on Activities. Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers.

3.

Outdoor Storage or Activities. All sorting and processing shall be conducted entirely indoors.

4.

Operating Standards. Any dust, fumes, odor, smoke, or vibration, produced by the facility above ambient levels, shall not be detectable on adjoining parcels.

(Ord. No. 11-O16, § 6, 10-24-11)

88.42.180. - Secondhand Stores, Swap Meets, Flea Markets, and Similar Uses.

Where the sale of used merchandise is allowed by Article 2 (Urban Standards), secondhand stores, swap meets, flea markets, and similar uses shall comply with the regulations of this section.

A.

Purpose.

This section establishes a comprehensive set of requirements applicable to secondhand stores, swap meets, flea markets, and similar uses of property. The council finds and determines that these uses pose special concerns due to the small areas occupied by the uses and the increased intensity of commercial use where many different retail establishments operate out of a central location.

B.

Permit Requirement.

Only the uses specifically identified in and authorized by an approved use permit shall be permitted to operate in association with the primary use. Any additional use shall be subject to the requirements of the applicable zoning district.

C.

Location Requirements.

1.

No secondhand store, swap meet, flea market, or similar use shall be located within 100 feet of any residential zone, either within the city limits or in an adjacent jurisdiction.

2.

No secondhand store, swap meet, flea market, or similar use shall be located within 500 feet of any other existing secondhand store, swap meet, flea market, or similar use.

D.

Development and Operational Standards.

The following development standards shall apply to all swap meets, flea markets, and similar uses, but not to secondhand stores:

1.

A minimum of 500 square feet of floor or ground floor area shall be provided per vendor;

2.

Restroom facilities and fixtures shall be provided in compliance with the standards in the Plumbing Code (Municipal Code Section 14-131) and based upon the building occupancy load for assembly purposes. Open air businesses shall provide permanent separate restroom facilities for men and women as required by the Director;

3.

Hours of operation shall be as established by use permit conditions of approval;

4.

Refuse facilities shall be provided for the disposal of rubbish as determined by the Director;

5. All aisles within a building shall provide a minimum of 25 feet of unobstructed clearance for public movement;
6. All open air facilities shall provide access and turning areas as required by the fire department for fire and rescue purposes;
7. Onsite private security shall be provided as determined by the police chief;
8. All parking and open air vendor areas shall be maintained free of trash, debris, and cast-off items, and shall be swept or vacuumed at the close of each business day;
9. The owner of the business and the owner of the property on which the business is located shall submit an emergency evacuation plan with the use permit application. The plan shall be approved by the police and fire departments; and
10. The review authority may impose other development conditions as deemed appropriate to provide for public peace, health, and safety.

E.

Findings and Considerations for Approval.

1. The review authority shall not grant a permit for any use subject to this section unless it finds that the use at the proposed location will be consistent with the general plan and that its operation will not adversely affect the public peace, health, safety, general welfare, or surrounding property values. In granting the permit, the review authority may impose conditions as are necessary and proper to prevent any adverse effect.
2. In determining whether approval will be granted, the review authority shall consider the following:
 - a. Nature and use of real property within 500 feet of the use;
 - b. Appropriate measures to provide proper maintenance of the site, including keeping of the premises and surrounding areas free of junk, litter, and debris;
 - c.

Off-street parking to be provided for the use, including lease arrangements if parking is not provided on the site;

d.

Layout of the operation, whether indoors or outdoors, including all structures, whether permanent or temporary, use for the operation of the business(es);

e.

Provisions for onsite security and traffic controls to satisfy the concerns of the police department;

f.

The types of merchandise to be sold, with restrictions on the sale of alcoholic beverages or other items deemed inappropriate for the use;

g.

Hours and days of operation;

h.

Controls on the occupancy limits on the premises and loitering outside the premises; and

i.

Prevention of adverse effect of the use on adjacent properties.

F.

Compliance with Conditions of Approval.

1.

The applicant shall have 90 days in which to comply with any conditions of approval imposed on the permit.

2.

The review authority may modify the compliance period as appropriate, depending upon the nature and extent of the conditions imposed. In determining whether the compliance period should be modified, the review authority shall consider the following, as applicable.

a.

The severity of any maintenance problems and the time required to implement appropriate measures to rectify the problems;

b.

The nature of the security needs and traffic control concerns and any special concerns of the police department which must be met; and

c.

The time required to secure all necessary permits, licenses, or approvals require by law, resolution, or ordinance.

G.

Exceptions.

1.

Nothing in this section shall apply to homeowners or residents conducting permitted yard and garage sales as defined and regulated by Municipal Code Chapter 18, Article VIII.

2.

Nothing in this section shall apply to city-sponsored events, school-related events, or temporary use permits approved by the director.

88.42.190. - Second Units and Carriage Houses.

A.

Purpose.

The requirements of this section are intended to implement state law requirements regarding second units, and to limit their location to areas of the city with residential larger lots, so that the increased traffic generated by second units will be on residential streets with higher capacities because of existing lower residential densities.

B.

Applicability.

Where allowed by Article 2 (Urban Standards), second units and carriage houses shall comply with the regulations of this section.

C.

Limitation on Number of Units.

No more than one second unit or carriage house shall be approved on a single parcel.

D.

Minimum Site Area.

A second unit or carriage house shall be located only on a parcel with twice the minimum lot area required for a new parcel in the applicable zone, except that:

1.

In the area north of Sierra Madre Avenue and between San Gabriel Canyon Road and the area of the Monrovia Nursery Specific Plan, the minimum site area required for a second unit is 20,000 square feet; and

2.

A carriage house may be allowed above a garage on a parcel of at least 10,000 square feet where the garage is accessed from an alley. A carriage house design is only allowed as a second unit, not as a primary residential unit.

E.

Relationship to Primary Use.

1.

Size, Style. A second unit or carriage house shall be incidental and subordinate to the primary single-family residential use of the site in terms of

size, location, and appearance, and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the second unit or carriage house shall be compatible with the primary dwelling unit.

2.

Timing of Construction. A second unit or carriage house may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the design standards for second units in subsection E. may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.

F.

Second Unit Design Standards.

A second unit shall be designed to comply with the following standards.

1.

Location of Second Unit. A second unit shall be located only to the rear of the primary dwelling; except where an existing primary unit is located so that a new primary unit can be constructed at the front of the lot and the existing unit can become a second unit in compliance with this section.

2.

Maximum Floor Area.

a.

The floor area of a second unit shall not exceed 50 percent of the floor area of the primary dwelling.

b.

For purposes of computing the floor area of a second unit that is detached from the primary dwelling unit, all enclosed areas accessed from within the second unit shall be included.

c.

An enclosed storage area, or garage of up to 400 square feet, shall not be included when calculating the floor area of the second unit provided that there is no internal doorway or passage between the storage or garage and the second unit.

4.

Number of Bedrooms. A second unit shall have a maximum of two bedrooms.

5.

Separate Entrance Required. An attached second unit shall have an entrance separate from the entrance to the primary dwelling.

6.

Window Placement. A second unit that is placed 15 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit.

G.

Carriage House Design Standards.

The design of a carriage house shall comply with the following standards, in addition to the other applicable provisions of this section.

1.

Maximum Floor Area. The total habitable floor area of a carriage house shall not exceed 640 square feet.

2.

Setbacks. A carriage house shall be located to the rear of the primary dwelling on the parcel, and shall comply with the following setback requirements.

a.

Rear Setback. A carriage house shall be set back a minimum of five feet from the rear property line, except that where there is no alley, the setback shall be 20 feet.

b.

Allowed Projections into Setbacks. Balconies and bay windows may extend up to five feet into the rear setback or separation from the primary dwelling.

H.

Off-Street Parking Requirements.

One off-street parking space per bedroom shall be provided for a second unit or carriage house in addition to the parking required by Chapter 88.36 (Parking) for the primary unit. The required parking for the second unit may be in tandem, and/or may be located within a required setback. If located within a setback area, the parking shall not be covered.

I.

Occupancy.

Either the primary unit or secondary unit shall at all times be the primary residence of the property owner.

(Ord. No. 10-O1, § 16, 3-1-10)

88.42.200. - Senior Citizen Apartments.

Where allowed by [Article 2](#) (Urban Standards), senior citizen apartments shall comply with the regulations of this section.

A.

Purpose.

The city recognizes that the housing needs of older residents may differ from those of the general population in terms of dwelling unit size, unit accessibility, parking requirements, and housing affordability, among other considerations. Therefore, this section establishes special requirements for senior citizen apartments.

B.

Minimum Qualifying Age.

The primary resident of each dwelling unit shall be of minimum age 55 years, provided that physically handicapped residents shall not be required to meet the minimum age requirement. Other household members may be younger. The development must be deed restricted for senior citizens and/or physically handicapped residents for the life of the structure.

C.

Required Findings.

In determining whether to grant a use permit for senior citizen apartments, or, if granted, the nature and extent of conditions to impose on the permit, the commission shall consider the following:

1.
The nature and use of real property within 500 feet of the proposed site.
2.
Adequate buffering from incompatible land uses through the use of increased setbacks, landscaping, screening walls, the location of windows, and building design and orientation.
3.
Access and proximity to shopping areas, medical services, public transit stops, and other providers of needs particular to senior citizens.
4.
Appropriate common open space and recreational facilities.

E.

Development Standards.

Each senior citizen apartment project shall comply with the following requirements.

Development Feature	Requirement
Maximum Building Height	2 stories/35 feet

Maximum Density	40 units per gross acre
Maximum Lot Coverage	60%
Minimum Front Yard Setback	20 ft, with minimum 15 ft. between building and any private patio wall
Minimum Side Yard Setback Interior Street Side	10 ft. 15 ft.
Minimum Rear Yard Setback	15 ft.
Minimum Dwelling Unit Size 1-bedroom unit 2-bedroom, 1-bathroom unit 2-bedroom, 2-bathroom unit or larger	550 sf 600 sf 700 sf
Off-street parking	1 covered space per unit and 1 guest space for each five units

F.

Open Space/Landscaping Requirements.

1.

A minimum of 60 square feet of private usable open space and 125 square feet of common usable open space shall be provided for each dwelling unit.

2.

Landscaping is required in the front yard setback prior to issuance of a certificate of occupancy. Landscaping shall consist of a combination of trees, ground cover and shrubbery to adequately cover all designated landscaped areas when installed. Plant materials shall cover the designated planting area from the outset. Up to 35 percent of the required landscape area may be installed with hardscape materials, at the discretion of the director or his designee.

G.

Additional Amenities.

Each dwelling unit shall be provided with an oven and stove; a garbage disposal; at least 150 square feet of indoor storage, including closets; and central heating and air conditioning.

H.

Security Requirements.

Each senior citizen apartment development shall include the following security provisions to safeguard residents:

1.

Electrically-monitored entry gates accessed at a central location;

2.

24-hour medical alarm security system connected to the manager's unit;

3.

Smoke detectors in all units, corridors, and common areas; and

4.

Any other security measures deemed necessary by the chief of police and the Commission.

88.42.210. - Service Stations.

A service station shall be located only on a site of 20,000 square feet or larger.

88.42.220. - Tattoo/Body Piercing.

A minimum separation distance of 500 feet is required between each industrial zoned parcel containing a tattoo/body piercing establishment and no more than one tattoo/body piercing establishment is allowed per parcel.

(Ord. No. 11-O16, § 7, 10-24-11)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES >> CHAPTER 88.44. - SURFACE MINING AND RECLAMATION >>

CHAPTER 88.44. - SURFACE MINING AND RECLAMATION

88.44.010. - Purpose.

88.44.020. - Definitions.

88.44.030. - Applicability.

88.44.040. - Permit and Reporting Requirements.

88.44.050. - Compliance with Surface Mining and Reclamation Act.

88.44.060. - Performance Bond.

88.44.070. - Periodic Review.

88.44.010. - Purpose.

This Chapter is adopted in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code 2710 et seq.). The Council finds and determines that:

A.

The extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety;

B.

The reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land; and

C.

Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, and that reclamation operations and the specifications for the reclamation may vary accordingly.

88.44.020. - Definitions.

Definitions of the technical terms and phrases used in this chapter may be found under "surface mining" in Article 6 (Glossary).

88.44.030. - Applicability.

The requirements of this chapter apply to all surface mining activities within the city, except the following:

A.

Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster;

B.

Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one location of one acre or less;

C.

Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden or involve more than one acre in any one location;

D.

Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose; and

E.

Other mining operations that the city determines to be of an infrequent nature and which involve only minor surface disturbances and are categorically identified by the state board in compliance with Public Resources Code 2714D. and 2758C.

88.44.040. - Permit and Reporting Requirements.

A.

Any person, except as provided in Public Resources Code 2776, who proposes to engage in surface mining operations shall, prior to the commencement of operations, obtain:

1.

A use permit to mine in compliance with Section 88.50.050 (Use Permits); and

2.

Approval of a reclamation plan in compliance with this chapter and as further provided in Public Resources Code 2770 et seq.

B.

No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1975 shall be required to secure a use permit as long as the vested right continues, provided that no substantial change is made in that operation except in compliance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has in good faith and in reliance upon a use permit, if such a permit was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the operation.

C.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit to the director a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the city

prior to January 1, 1976, and the person submitting the plan has accepted responsibility for reclaiming the mined lands in compliance with that plan. The reclamation plan shall be approved within three months of the date the director deems the plan complete.

D.

Nothing in this chapter shall be construed as requiring the filing of a reclamation plan or the reclamation of mined lands on which surface mining operations were conducted prior to but not after January 1, 1976.

E.

The owner, lessor, lessee, agent, manager, or other person in charge of any mining operation of whatever kind or character within the state shall forward to the Director of the State Division of Mines and Geology and the City of Azusa not later than July 1, 1991, and every year thereafter not later than an anniversary date established by the director, upon forms which shall be supplied by the state, a report which contains all the required information as specified in Section 2207 et seq.

88.44.050. - Compliance with Surface Mining and Reclamation Act.

The city will ensure compliance with the California Surface Mining and Reclamation Act as follows.

A.

The state geologist shall be notified of the filing of all applications.

B.

Required reclamation plans shall consist of at least those items as outlined in Public Resources Code Section 2770 et seq.

C.

This chapter shall automatically be updated from time-to-time as the state legislature adopts or amends the Surface Mining and Reclamation Act. Those changes shall be incorporated into this chapter by reference.

88.44.060. - Performance Bond.

Upon a finding by the commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the director of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the department. The surety shall be executed in favor of the city and shall be reviewed and revised, as necessary, bi-annually. The surety shall be maintained in an amount equal to the cost of completing the remaining reclamation of the site, as prescribed in the approved or amended reclamation plan, during the succeeding two-year period or other reasonable term.

88.44.070. - Periodic Review.

As a condition of approval for the use permit or the reclamation plan or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the permit and the reclamation plan.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 4. - STANDARDS FOR SPECIFIC LAND USES >> CHAPTER 88.46. - TELECOMMUNICATIONS FACILITIES >>

CHAPTER 88.46. - TELECOMMUNICATIONS FACILITIES

88.46.010. - Purpose.

88.46.020. - Definitions.

88.46.030. - Applicability.

88.46.040. - Permit Requirements.

88.46.050. - Limitations on Location.

88.46.060. - Facility Design and Development Standards.

88.46.070. - Operation and Maintenance Standards.

88.46.080. - Discontinuance and Site Restoration.

88.46.010. - Purpose.

This chapter establishes development standards consistent with federal law to: regulate the placement and design of communication facilities so as to preserve the unique visual character of the city, promote the aesthetic appearance of the city, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the city.

88.46.020. - Definitions.

The technical terms and phrases used in this chapter are defined in Article 6 (Glossary) under "telecommunications facility."

88.46.030. - Applicability.

The location, permit requirements, and other provisions of this chapter shall apply to all communications facilities within the city, except the following, which are exempt from this chapter. All communication facilities shall also comply with all applicable requirements of state and federal law.

A.

Replacement or modification of previously permitted facilities or equipment determined by the director to be of minor nature that does not increase the

number or height of antennas or significantly change or enlarge the ancillary related equipment at the site. This would include additional auxiliary generators as deemed necessary by the zoning administrator or his designee.

B.

An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:

1.

To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or

2.

For subscribing to a multipoint distribution service.

C.

A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zoning district, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a building permit and approval of the placement by the director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.

(Ord. No. 10-01, § 17, 3-1-10)

88.46.040. - Permit Requirements.

A.

Use Permit or Minor Use Permit.

Use permit approval is required for all communication facilities subject to this chapter except for the facilities listed in subsections A.1, A.2, and A.3, which shall require minor use permit approval. The director shall ensure through the minor use permit approval that each facility complies with all applicable requirements of this chapter, with the height and location of the antenna to be a component of the minor use permit process and subject to the discretion of the zoning administrator or his designee.

1.

An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof

screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.

2.

A communication facility in which the antenna is mounted on a mast less than ten feet high, is not located on an historic structure, and is not visible from a public right-of-way.

3.

An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the "minimum practicable regulation to accomplish the local authority's legitimate purpose," in keeping with the order of the FCC known as "PRB-1," FCC 85-506, released September 19, 1985.

B.

Application Requirements.

In addition to the information required for use permit or minor use permit application by Chapter 88.50 (Planning Permit Filing and Processing) the application for a communication facility shall include a report, as required by the police department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the city, including the costs of retaining consultants, to review and analyze the report.

C.

Master Use Permit.

A service provider who intends to establish multiple wireless telecommunications facilities within the city is encouraged to apply for the approval of all facilities under a master use permit. Under this approach, all proposed facilities may be acted upon by the city as a single application, ensuring feasibility of long range company projections.

D.

Communications Consultant May Be Required.

In the event that the city needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.

E.

Required Findings for Approval.

The approval of a use permit for a communication facility shall require that the review authority first make the following findings, in addition to those required for use permit approval by Section 88.50.050 (Use Permits and Minor Use Permits):

1.
The communication facility complies with all applicable requirements of this chapter; and
2.
The communication facility will not adversely impact the character and aesthetics of any public right-of-way.

(Ord. No. 10-01, § 18, 3-1-10)

88.46.050. - Limitations on Location.

A.

Location Priorities.

A communication facility shall not be approved or located on other than a publicly owned site; except that the review authority may approve a facility elsewhere within a District, Corridor, or Neighborhood established by Article 2 (Urban Standards), in the order of priority of district sites first, corridor sites second, and neighborhood sites third, if it first determines for each location in the above priority order that:

1.
The applicant has demonstrated that all publicly owned sites are infeasible; and/or
2.
There is no publicly owned site where a facility would provide adequate coverage; and
3.
A facility in other than the DW district will be effectively integrated with institutional and/or public utility architecture so as to not be apparent to casual observation.

B.

Co-Location Required.

A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this collocation will minimize the overall visual impact.

1.
A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary

support equipment facilities before applying for a new communication facility site.

2.

Each service provider shall provide the city with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.

3.

In order to facilitate co-location, use permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.

C.

Siting on Historically Significant Structures Prohibited.

No communication facility shall be sited on a structure that is listed on the National Register of Historic Places or the California Register, identified as an historic structure in a local historic survey or registry or as determined by a qualified architectural historian as having significant historic contribution to the area.

D.

City-Owned Property.

A communication facility shall not adversely affect the public health, peace, safety or welfare. In order to best benefit the citizens of Azusa from this necessary community impact, the commission shall always consider city-owned sites as the highest priority for the location of communication facilities.

88.46.060. - Facility Design and Development Standards.

Each proposed communication facility shall comply with all of the following standards.

A.

Facility Placement.

1.

Standards for All Facilities.

a.

A communication facility other than a stealth facility, located on the roof of a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of ten feet, whichever is greater.

b.

A ground-mounted communication facility (including towers and antennas) shall be setback from the property line at a ratio of one horizontal foot for every one foot in height. Except that the review

authority may reduce a rear or non-street side setback for a stealth designed facility if the adjoining property is zoned OS or REC and is currently undeveloped, and unlikely to be developed because of natural development constraints such as the presence of steep hillsides, utilities, or water features.

c.

A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet, and shall be located so as to not be readily visible from the nearest NG-zoned property. No part of any tower shall extend into a required front setback or beyond a property line of the site.

d.

Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the city.

2.

Facilities within DW District. A minimum distance of 500 feet shall be provided between towers, and there shall be no more than two towers on a single assessor's parcel or developed site, unless the towers are located on a public facility as described in subsection A.1, above.

3.

Facilities within Other Districts, Neighborhoods, or Corridors. Each shall be effectively integrated with institutional and/or public utility architecture so as to not be apparent to casual observation.

B.

Height Limitations.

1.

All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height, but shall not exceed 40 feet unless so authorized by the review authority. Up to 50 feet may be approved where the review authority determines that co-location requirements or effective transmission requires a higher facility.

2.

The height of a non-stealth communications facility located on a structure other than a dedicated support tower shall not exceed 15 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.

3.

An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible against the sky from below.

C.

Colors and Materials.

All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the director or shall be adequately secured to prevent graffiti.

D.

Screening, Landscaping.

All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation, or integrated into building architecture or a structure other than a communications tower, or designed to appear as a different object (e.g., tree, etc.)

1.

Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved.

2.

The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

3.

As part of project review, the director, the commission, or the council (on appeal) may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public rights-of-way.

E.

[Reserved.]

F.

Power Lines.

All power lines to and within a communication facility site shall be underground.

G.

Backup Power Supplies.

A backup power supply (i.e., generator) located in an industrial zoning district shall be enclosed within a structure and operated in compliance with Section 88.46.060.D

(Screening). In any zoning district, ancillary power supplies and fuel storage tanks to support backup power supplies shall require use permit approval.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, § 19, 3-1-10)

88.46.070. - Operation and Maintenance Standards.

A.

Contact and Site Information.

The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the city of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:

1.
Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
2.
Name, address, and telephone number of a local contact person for emergencies;
3.
Type of service provided; and
4.
Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.

B.

Facility Maintenance.

All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the city.

C.

Landscaping Maintenance.

All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape

plan shall be submitted for approval to the director. The review authority may also require a landscape maintenance agreement.

D.

Noise.

Each communication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

E.

Site Inspection Required.

Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this chapter.

F.

Exterior Lighting.

Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

88.46.080. - Discontinuance and Site Restoration.

All equipment associated with a communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, to the approval of the director. The service provider shall provide the city with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 5. - DEVELOPMENT CODE ADMINISTRATION AND PROCEDURES >>

ARTICLE 5. - DEVELOPMENT CODE ADMINISTRATION AND PROCEDURES

This article provides procedural requirements for the city's processing of the planning permit applications required by this Development Code, as well as provisions for development agreements, standards for nonconforming uses, structures, and parcels, and procedures for appeals and public hearings.

[CHAPTER 88.50. - PLANNING PERMIT FILING AND PROCESSING](#)

[CHAPTER 88.51. - PERMIT REVIEW AND DECISIONS](#)

[CHAPTER 88.52. - PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS](#)

[CHAPTER 88.53. - DEVELOPMENT AGREEMENTS](#)

[CHAPTER 88.54. - NONCONFORMING USES, STRUCTURES, AND PARCELS](#)

[CHAPTER 88.56. - APPEALS AND REVOCATIONS](#)

[CHAPTER 88.58. - PUBLIC HEARINGS](#)

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 5. - DEVELOPMENT CODE ADMINISTRATION AND PROCEDURES >> CHAPTER 88.50. - PLANNING PERMIT FILING AND PROCESSING >>

CHAPTER 88.50. - PLANNING PERMIT FILING AND PROCESSING

[88.50.010. - Purpose. This chapter provides procedures and requirements for the preparation, filing, and processing of applications for the planning permits required by this Development Code.](#)

[88.50.020. - Authority for Land Use and Zoning Decisions.](#)

[88.50.030. - Concurrent Permit Processing.](#)

[88.50.040. - Application Preparation and Filing.](#)

[88.50.050. - Application Fees.](#)

[88.50.060. - Initial Application Review.](#)

[88.50.070. - Environmental Assessment.](#)

[88.50.080. - Staff Report and Recommendations.](#)

88.50.010. - Purpose. This chapter provides procedures and requirements for the preparation, filing, and processing of applications for the planning permits required by this Development Code.

88.50.020. - Authority for Land Use and Zoning Decisions.

Table 5-1 (Review Authority) identifies the city official or body responsible for reviewing and making decisions on each type of application, planning permit, and other approvals required by this Development Code.

88.50.030. - Concurrent Permit Processing.

When a single project incorporates different land uses or features so that this Development Code requires multiple planning permit applications, the director may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest level review authority assigned by Table 5-1 to any of the required applications. (For example, a project that requires a zoning map amendment and a use permit may be reviewed, and approved or disapproved by the council (after a recommendation from the commission), where a use permit application by itself may be reviewed and acted upon by the planning commission).

TABLE 5-1. REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	City Council
Administrative and Legislative Decisions				
Development Code Interpretations	Decision	—	Appeal	Appeal
General Plan or Zoning Amendments	Recommend	—	Recommend	Decision
Specific Plan	Recommend	—	Recommend	Decision
Development Agreement	Recommend	—	Recommend	Decision
Planning Permit Decisions				
Zoning Clearance	Decision	—	—	—

Design Review (2)	Decision	Decision	Decision/Appeal	Appeal
Minor Use Permit	Recommend	Decision	Appeal	Appeal
Use Permit	Recommend	—	Decision	Appeal
Minor Variance	Recommend	Decision	Appeal	Appeal
Variance	Recommend	—	Decision	Appeal
Temporary Use Permit	Decision	—	—	—

Notes:

(1)

"Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter. The review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with [Division 88.56](#) (Appeals).

(2)

Decisions on design review are by the director, except that where the project also requires discretionary planning permit approval (i.e., minor use permit, use permit, minor variance, or variance), design review shall instead be by the review authority for the other discretionary planning permit.

(Ord. No. 06-06, § 1B, 8-7-06)

88.50.040. - Application Preparation and Filing.

The preparation and filing of applications for planning permits, amendments (e.g., general plan, zoning map, and Development Code), and other matters pertaining to this Development Code shall comply with the following requirements.

A.

Pre-Application Review.

1.

A prospective applicant or agent is strongly encouraged to request a pre-application review with the department before completion of project design and the formal submittal of a permit application.

2.

A request by an applicant for pre-application review shall be accompanied by preliminary project plans and designs and the required filing fee.

3.

City staff will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

Neither the pre-application review nor information and/or pertinent policies provided by the department shall be construed as a department recommendation for approval or disapproval of the application/project.

B.

Application Contents, Fee.

Applications shall include the forms provided by the department, and all information and materials required by the application content requirements handout provided by the department for the specific type of application (e.g., use permit, variance, or others), and the filing fee required by the council.

C.

Eligibility for Filing.

An application may only be filed by the owner of the site that is the subject of the application, or other person with the written consent of the property owner.

88.50.050. - Application Fees.

The council shall establish by resolution a schedule of fees for full city cost recovery for the processing of planning permits, amendments, and other matters pertaining to this Development Code, referred to as the council's fee resolution. The schedule of fees may be changed or modified by resolution of the council, from time to time.

88.50.060. - Initial Application Review.

Each application filed with the department in compliance with this Development Code shall be initially processed as follows.

A.

Completeness Review.

The director shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Section 88.50.040.B (Application contents, fee).

1.

Notification of Applicant. The applicant shall be informed in writing within 30 days of submittal whether the application incomplete and that additional information is required for a complete application.

2.

Appeal of Determination. Where the director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the director is not required, the applicant may appeal the determination in accordance with Chapter 88.56 (Appeals).

B.

Disapproval of Application for Violations on the Site.

The director shall reject and not process an application if conditions exist on the site in violation of this Development Code or any other city permit or approval, except where the application includes measures to correct the violation, or application approval and/or conditions of approval can correct the violation. The director's authority under this subsection shall apply whether:

1.

The current applicant was the owner of the subject property at the time the violation occurred; or

2.

The applicant is the current owner of the subject property with or without actual or constructive knowledge of the violation at the time of acquisition of the subject property.

The Director's decision may be appealed in accordance with Chapter 88.56 (Appeals).

C.

Referral of Application.

At the discretion of the director, or where otherwise required by this Development Code, state, or federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

88.50.070. - Environmental Assessment.

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA), and the city's CEQA guidelines, to determine whether the project is exempt from the requirements of CEQA or is not a project as defined

by CEQA, whether a negative declaration may be issued, or whether an environmental impact report (EIR) shall be required.

88.50.080. - Staff Report and Recommendations.

A.

Staff Evaluation.

The director shall review all applications filed in compliance with this chapter to determine whether they comply with the provisions of this Development Code, other applicable provisions of the Municipal Code, and the general plan. Staff will conduct an environmental assessment as part of the project review.

B.

Staff Report Preparation.

1.

The planning division shall prepare a staff report that describes conclusions about the proposed land use and any development as to its compliance and consistency with the provisions of this Development Code, other applicable provisions of the Municipal Code, the general plan, and any applicable specific plan.

2.

The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the project evaluation, and consideration of information provided by an initial study or environmental review document (e.g. negative declaration, environmental impact report, etc.).

C.

Report Distribution.

Staff reports shall be furnished to the applicants at the same time as they are provided to the review authority before the public hearing, or if no hearing is required, prior to action on the application.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 5. - DEVELOPMENT CODE ADMINISTRATION AND PROCEDURES >> CHAPTER 88.51. - PERMIT REVIEW AND DECISIONS >>

CHAPTER 88.51. - PERMIT REVIEW AND DECISIONS

[88.51.010. - Purpose of Chapter.](#)

[88.51.020. - Zoning Clearance.](#)

[88.51.030. - Temporary Use Permits.](#)

[88.51.032. - Design Review.](#)

[88.51.040. - Use Permit and Minor Use Permit.](#)

[88.51.050. - Variance and Minor Variance.](#)

88.51.060. - Zoning Amendments.

88.51.070. - Specific Plans.

88.51.080. - General Plan Amendments.

88.51.090. - Resubmittals.

88.51.010. - Purpose of Chapter.

A.

Permit Review Procedures.

This chapter provides procedures for the final review, and approval or disapproval of the planning permit applications established by this Development Code.

B.

Subdivision Review Procedures.

Procedures and standards for the review and approval of subdivision maps are in the city's subdivision ordinance.

C.

Application Filing and Initial Processing.

Where applicable, the procedures of this chapter are carried out after those described in Chapter 88.50 (Planning Permit Filing and Processing), for each application.

88.51.020. - Zoning Clearance.

A.

Purpose.

Zoning clearance is the "over-the-counter" procedure used by the city to verify that a proposed structure or land use is allowed in the applicable zoning district, and that the project complies with all applicable requirements of this Development Code.

B.

Applicability.

Where Article 2 (Urban Standards) or other provision of this Development Code requires a zoning clearance as a prerequisite to establishing a land use, the zoning clearance shall be required at the time of department review of any building, grading, or other construction permit, or other authorization required by this Development Code for the proposed use, and prior to the establishment of any land use allowed as a permitted ("P") use by Article 2 (Urban Standards) that involves no construction requiring a building permit.

C.

Review and Approval.

The director shall issue the zoning clearance after determining that the request complies with all Development Code provisions applicable to the proposed use. An approval may be in the form of a stamp, city staff signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the director. The director shall not grant a zoning clearance, and the proposed land use shall not be established if existing site improvements and/or any affected structure do not comply with all applicable requirements of this Development Code, except as provided by Chapter 88.54 (Nonconforming Uses, Structures, and Parcels).

88.51.030. - Temporary Use Permits.

A.

Purpose.

This section establishes procedures for the granting of temporary use permits that allow short-term activities identified by this section that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature.

B.

Applicability.

A temporary use permit allows the short-term activities listed in subsection E. (Allowed Temporary Uses), that may not comply with the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature. This section does not apply to outdoor festivals, which are instead regulated by Municipal Code Article XII.

C.

Review Authority.

A temporary use permit may be approved or denied by the director, in compliance with this section.

D.

Exempt Temporary Activities.

The following temporary activities are allowed without temporary use permit approval. Temporary activities that do not fall within the following categories shall comply with subsection E.

1.

Emergency Facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.

2.

Garage Sales. Garage sales, provided that each garage sale shall comply with Municipal Code Section 18-531 et seq. (Garage and Lawn Sales).

3.

Public Property, or Public Right-of-Way. Activities conducted on public property that are approved by the council or as otherwise required by the Municipal Code.

4.

Fund-Raising Car Washes. Fund-raising car washes, not to exceed six per year, on property within a commercial or industrial zone, or on institutional property.

5.

Fireworks Sales.

E.

Allowed Temporary Uses.

The following temporary uses may be allowed, subject to the issuance of a temporary use permit. Uses that do not fall within the categories defined below shall comply with the use and development regulations and planning permit requirements that otherwise apply to the property.

1.

Construction Office. A temporary construction office, used during the construction of a main building or buildings on the same site, shall be permitted subject to the following conditions.

a.

The temporary construction office may consist of a manufactured home, commercial coach, self-contained recreational vehicle, or mobile office, provided the structure is installed in compliance with California Building Standards Code requirements for temporary construction offices.

b.

Temporary construction offices shall be removed prior to the issuance of a certificate of use and occupancy for the main building or buildings. If construction is phased over a length of time, the permit may provide that certificates of use and occupancy may be issued for completed buildings.

c.

Prior to the last buildings in a tract or phase being granted certificates of occupancy, the temporary construction offices shall be removed.

2.

Construction Yards — Off-Site. Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.

3.

Downtown Sidewalk/Parking Lot Sales and Exhibits. The Downtown Business Association may make application for an annual temporary use permit to conduct sidewalk/parking lot sales and exhibit events within a portion of the downtown area, which is specifically described as the properties forming the commercial area along the east and west sides of Azusa Ave. between 5th Street and 9th Street. Application for an annual permit shall be made as described in this section. Up to 12 sidewalk/parking lot sales and/or exhibit events may be allowed with one annual temporary use permit, subject to the following:

- a. The director may impose any conditions of approval deemed necessary to protect the public health, safety, and welfare, and the surrounding uses;
- b. An annual encroachment permit is required for activities and/or objects placed in the public right-of-way, which may be considered concurrently with the annual temporary use permit process;
- c. Each event allowed under the annual permit may be conducted for a period not to exceed three consecutive days;
- d. The Downtown Business Association shall provide no less than two weeks of advanced notice to the director for the conduct of any event approved under the annual permit;
- e. The director may require a cash bond or other guarantee for removal of the temporary use, cleanup and restoration of the event site within seven days of the event's conclusion;
- f. The term of the permit shall be one year from the date of approval; and
- g. The fee for the annual permit shall be as established by the city fee schedule.

4. Mobile Home. A mobile home for temporary caretaker quarters during the construction of a subdivision, multi-family, or non-residential project, while a valid building permit is in force. The permit may be approved for a specified duration, or upon expiration of the building permit, whichever occurs first.

5.

Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.

- a.

The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the final occupancy permit or within 14 days from the sale of the last parcel in the subdivision, whichever first occurs.
- b.

A model home complex shall be used to sell only units within the subdivision within which the complex is located.
- c.

A model home will be granted a final building inspection and will be allowed to be open to the public only after all subdivision improvements are completed and accepted by the city.
- d.

Model home sign permits will be issued only after all subdivision improvements are completed and accepted by the city.

6.

Outdoor Displays/Sales. The temporary outdoor display/sales of merchandise (e.g. sidewalk sales and promotional events) at shopping centers and single commercial lots, in compliance with 88.42.150. The property owner may make an application for an annual temporary use permit to conduct multiple sidewalk/parking lot sales and promotional events within a designated portion of the site.

7.

Seasonal Sales Lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or higher rated roadway, as designated in the general plan, except where prohibited by specific zoning district regulations. Temporary seasonal sales shall be subject to the following requirements.

- a.

A temporary seasonal sales lot shall not be open for business during any calendar year prior to one month preceding the seasonal holiday.
- b.

The sales lot shall not sell any merchandise not directly associated with the specific holiday for which the sale is being held.
- c.

The applicant shall secure an electrical permit from the city if the lot will be using electricity.

d.

All facilities and materials related to the seasonal sales activity and all other debris, shall be removed within 14 days after the holiday, including all debris, and restored to the previous condition as existed prior to the establishment of the facility.

e.

The director may impose any other conditions necessary to protect public health, welfare, and peace of the surrounding area.

8.

Temporary Real Estate Offices. Temporary real estate offices, and related facilities may be established within the area of an approved residential subdivision project, solely for the first sale of homes. The temporary use permit may be approved for a maximum of two years, but may be extended by the director.

A Temporary use permit for these purposes shall include conditions necessary to protect the public safety and welfare. Conditions shall also require adequate guarantees that the structures and facilities will be removed or made consistent with applicable zoning regulations within 90 days after the expiration of the permit. In addition to the findings required for the approval of a permit, the approval of a temporary real estate office shall also include the following findings:

a.

The access, parking, and circulation facilities will not result in excess traffic congestion or traffic safety hazards; and

b.

The operation of the real estate office and associated activities will not conflict with the adjacent or nearby residential uses.

9.

Similar Temporary Uses. Similar temporary uses which, in the opinion of the director, are compatible with the zoning district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

F.

Application Filing, Processing, and Review.

An application for a temporary use permit shall be filed with the department and processed as follows.

1.

Application Contents. The application shall be made on forms furnished by the department, and shall be accompanied by the information identified in the department handout for temporary use permit applications. It is the responsibility of the applicant to establish evidence in support of the findings required by subsection H. (Findings and decision), below.

2.

Time for Filing. An application for a temporary use permit shall be submitted for review in compliance with this section, a minimum of 30 days before the establishment or operation of the proposed use.

G.

Standards.

Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the site shall be used as a guide for determining the appropriate development standards for temporary uses. The director may authorize an adjustment from the specific standards deemed necessary or appropriate consistent with the temporary nature of the use.

H.

Other Permits Required.

Temporary uses may be subject to additional licenses, inspections, or permits required by applicable local, state, or federal requirements.

I.

Findings and Decision.

1.

A temporary use permit may be approved, modified, conditioned, or disapproved by the director, without a noticed public hearing.

2.

The director may defer action and refer the application to the commission for review and decision at a noticed public hearing.

3.

The director may approve or conditionally approve a temporary use permit application, only after first finding that:

a.

The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

b.

The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

c.

Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code.

J.

Conditions of Approval.

In approving a temporary use permit, the director may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by subsection I. (Findings and decision), above.

K.

Condition of Site Following Temporary Use.

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. The review authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 10-01, § 20, 3-1-10)

88.51.032. - Design Review.

A.

Purpose.

Design review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the attractive appearance of the city. Therefore, the purposes of these procedures are to:

1.
Recognize the interdependence of land values and aesthetics and encourage the orderly and harmonious appearance of development within the community;
2.
Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;
3.
Retain and strengthen the visual quality and attractive character of the community;
4.
Assist project developers in understanding the city's concerns for the aesthetics of development; and
5.
Ensure that development complies with all applicable city standards and guidelines, and does not adversely affect community health, safety, aesthetics, or natural resources.

B.

Applicability.

Design review is required for:

1.
New single-family dwellings;
2.
Multi-family projects;
3.
Second floor additions to existing dwellings, alterations (including siding, new windows, wainscoting, doors, columns, porches, etc.) to facade visible from a street, and/or ground floor additions that increase existing floor area by more than 29 percent or 499 square feet; and
4.
Non-residential projects, including permanent outdoor sales and displays, news and flower stands, and outdoor dining.

C.

Review Authority.

Design review shall be by the director; except that where the proposed project also requires the approval of a discretionary planning permit (i.e., use permit, minor use permit, variance, or minor variance) in compliance with this chapter, design review shall be by the review authority for the discretionary planning permit.

D.

Application Filing and Processing.

An application shall be prepared, filed, and processed in compliance with Chapter 88.50 (Planning Permit Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by subsection E.

1.
Each application shall be reviewed by the director to ensure that the proposal complies with all applicable requirements of this Development Code. The director may approve or deny a design review application without a public hearing, or may choose to refer any design review application to the commission for a hearing and decision. When an application is referred to the commission for a hearing, notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 88.58 (Public Hearings).
2.
Exception - Two story homes or second story additions to single-family dwellings. For applications for a two story home or second story addition in neighborhoods where the majority of the existing dwellings are single-story, the director may approve or deny a design review application without a public hearing only after notifying property owners within 300 feet of the subject property.
 - a.

Content of public notice. The notice shall state that the director will decide whether to approve or deny the application on the date specified in the notice, and that a public hearing will held only if requested in writing by any interested person prior to the specified date for decision.

b.

Notice and hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 88.58 (Public Hearings), and the director shall conduct the public hearing prior to a decision on the application in compliance with this Section.

E.

Findings and Decision.

The review authority shall approve or disapprove an application for design review approval concurrently with the approval or disapproval of any other planning permit (i.e., Use permit, minor use permit, variance or minor variance, zoning clearance) required for the project, if the design review application is filed with the city at the same time. Design review approval shall require that the review authority first find that the project, as proposed or with changes resulting from the review process and/or conditions of approval:

1.

Provides architectural design, building massing and scale appropriate to and compatible with the site surroundings and the community;

2.

Provides attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;

3.

Provides efficient and safe public access, circulation and parking;

4.

Provides appropriate open space and landscaping, including the use of water efficient landscaping;

5.

Is consistent with the general plan any applicable specific plan, development agreement, and/or any previously approved planning permit; and

6.

Complies with all applicable requirements of this Development Code, and any other adopted city design standards, guidelines, and policies.

F.

Conditions of Approval.

The review authority may require any reasonable conditions of approval to ensure that the project will comply with the findings required by subsection D.

G.

Post Approval Procedures.

The procedures and requirements in Chapter 88.52 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Chapter 88.56 (Appeals), shall apply following the decision on an application for design review.

(Ord. No. 06-06, § 1B, 8-7-06)

88.51.040. - Use Permit and Minor Use Permit.

A.

Purpose.

The use permit and minor use permit provide a process for reviewing proposed uses and activities that may be appropriate in the applicable zoning district, but whose effects on site and surroundings and, therefore, the appropriateness of the use or activity to the site or surroundings cannot be determined before a proposal is submitted for a specific site.

B.

Applicability.

A use permit or minor use permit is required to authorize a proposed land use identified by Article 2 (Urban Standards) as being allowable in the applicable zone subject to the approval of a use permit or minor use permit. Minor use permit approval may be considered only for a project that is exempt from the California Environmental Quality Act (CEQA). A project that is required by Article 2 to have minor use permit approval, but is not exempt from CEQA, shall instead require a use permit.

C.

Review Authority.

A use permit shall be approved or denied by the commission; a minor use permit shall be approved or denied by the zoning administrator, provided that the zoning administrator may choose to refer any minor use permit application to the commission for hearing and decision in the same manner as a use permit.

D.

Application Filing and Processing.

An application for a use permit or minor use permit shall be filed and processed in compliance with Chapter 88.50 (Planning Permit Filing and Processing).

E.

Project Review, Notice and Hearing.

Each application shall be reviewed by the director to ensure that the proposal complies with all applicable requirements of this Development Code.

1.

Use Permit. The commission shall conduct a public hearing on an application for a use permit prior to a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 88.58 (Public Hearings).

2.

Minor Use Permit. The zoning administrator may approve or deny a minor use permit without a public hearing, or may choose to refer any minor use permit application to the commission for a hearing and decision in the same manner as provided for a use permit in subsection E.1, above.

a.

Content of Public Notice. The notice shall state that the zoning administrator will decide whether to approve or deny the minor use permit application on the date specified in the notice, and that a public hearing will held only if requested in writing by any interested person prior to the specified date for decision.

b.

Content of Request for Hearing. A written request for a hearing must state the reasons why the interested person believes that the zoning administrator's proposed decision is in conflict with the goals and policies of the general plan and/or standards of the Development Code.

c.

Notice and Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 88.58 (Public Hearings), and the commission shall conduct the public hearing prior to a decision on the application in compliance with this section.

F.

Findings and Decision.

The review authority may approve or deny an application for use permit or minor use permit approval. The review authority shall record the decision and the findings on which the decision is based. The review authority may approve a use permit or minor use permit only after first finding all of the following:

1.

The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

2.

The proposed use is consistent with the general plan and any applicable specific plan;

3.

The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

4.

The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

5.

Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

G.

Conditions of Approval.

In approving a use permit or minor use permit, the review authority may impose any reasonable conditions to ensure that the approval will comply with the findings required by subsection F. (Findings and Decision).

H.

Post Approval Procedures.

The procedures and requirements in Chapter 88.52 (Permit Implementation, Time Limits, and Extensions), and those related to appeals in Chapter 88.56 (Appeals), shall apply following the decision on an application for use permit or minor use permit approval.

88.51.050. - Variance and Minor Variance.

A.

Purpose.

The variance and minor variance provide a process for city consideration of requests to waive or modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

B.

Applicability.

A variance or minor variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

C.

Review Authority.

A variance shall be approved or denied by the commission. The zoning administrator may approve a minor variance to grant relief from any of the following requirements of this Development Code, up to a maximum reduction of ten percent.

1. Setbacks and distance between structures;
2. Parcel dimensions (not area);
3. Structure height;
4. Fence and wall height; or
5. On-site parking, loading, and landscaping.

The zoning administrator may choose to refer any minor variance to the commission for hearing and decision.

D.

Application Filing and Processing.

An application for a variance or minor variance shall be completed, filed, and processed in compliance with Chapter 88.50 (Planning Permit Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by subsection F.

E.

Project Review, Notice and Hearing.

Each application shall be reviewed by the zoning administrator to ensure that the proposal complies with this section, and other applicable requirements of this Development Code.

1. Variance. The commission shall conduct a public hearing on an application for a variance prior to a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 88.58 (Public Hearings).
2. Minor Variance. The zoning administrator may approve or deny a minor variance without a public hearing, or may choose to refer any minor variance application to the commission for a hearing and decision in the same manner as provided for a variance by subsection E.1.
 - a. Public Notice. The notice shall state that the zoning administrator will decide whether to approve or deny the minor variance application on the date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.

- b. Content of Request for Hearing. A written request for a hearing must state the reasons why the interested person believes that the zoning administrator's proposed decision is in conflict with the goals and policies of the general plan and/or standards of the Development Code.
- c. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 88.58 (Public Hearings), and the commission shall conduct the public hearing prior to a decision on the application in compliance with this section.

F.

Findings and Decision.

The review authority may approve or deny an application for a variance or minor variance. The review authority shall record the decision and the findings on which the decision is based.

1.

General Findings. The review authority may approve a variance or minor variance only after first making all of the following findings.

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
- b. The approval of the variance or minor variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
- c. The variance or minor variance is consistent with the General Plan, and any applicable specific plan.

2.

Reasonable Accommodation. The review authority may also grant a variance or minor variance to the site planning or development standards of this Development Code in compliance with this section, based on the finding that the variance or minor variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the

Americans with Disabilities Act (ADA), or needs under the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

G.

Conditions of Approval.

In approving a variance or minor variance, the review authority:

1.

Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

2.

May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection F. (Findings and decision).

H.

Post Approval Procedures. The procedures and requirements in Chapter 88.52 (Permit Implementation, Time Limits, and Extensions), and those related to appeals in Chapter 88.56 (Appeals), shall apply following the decision on an application for a variance or minor variance.

(Ord. No. 06-06, § 1B, 8-7-06)

88.51.060. - Zoning Amendments.

A.

Initiation. Notwithstanding the provisions of Chapter 88.50 (Planning Permit Filing and Processing) of this Development Code, initiation of amendments to the zoning map or modification of the provisions of this Development Code shall be as follows:

1.

By action of the city council; or

2.

By action of the planning commission; or

3.

By action of city staff; or

4.

By application by one or more property owners of property proposed for rezoning. Such application shall be filed as required by Chapter 88.50 (Planning Permit Filing and Processing). Furthermore, the application shall explain the reason of public necessity, convenience, health, safety, or general welfare requiring such amendment.

B.

Investigation by Planning Commission.

The planning commission shall direct its staff to investigate the facts bearing upon the proposed zone change or Development Code amendment, including the analysis

of precedent cases as appropriate, to provide the necessary information to enable the commission to act.

C.

Proceedings - Planning Commission.

1.

Upon the acceptance of a completed application or direction to take action as described in Section 88.51.060.A, the director or his designee shall review the application pursuant to Section 88.51.060.B above. The director shall prepare a recommendation and forward the recommendation, application, and other relevant materials to the secretary to the planning commission. The secretary shall schedule the matter for public hearing before the planning commission pursuant to the provisions of this Development Code.

2.

The planning commission shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings). The commission may continue the hearing from time to time, and no additional notification shall be required.

3.

The commission shall act to recommend approval, approval with modifications, or denial of the application. A majority vote of the commission voting members is required to recommend approval or approval with modifications.

4.

The commission shall make its findings and recommendations in writing and shall transmit its report, together with the application, to the city clerk not more than 35 days from completion of the hearing. A copy of the report shall also be transmitted to the applicant.

D.

Proceedings - City Council.

1.

Upon receipt of a planning commission report recommending denial of a zone change or amendment, no additional action shall be taken, and the recommendation of the planning commission will be considered final and the commission's decision will be considered final unless, within 20 calendar days after the planning commission's decision, an appeal is filed pursuant to Section 88.56 (Appeals) of this Development Code, or unless the city council sets the matter for council hearing. All such hearings shall be noticed and conducted as provided for in Section 88.58 (Public Hearings).

2.

Upon receipt of a planning commission report recommending approval of a zone change or amendment, the city clerk shall set the matter for hearing before the city council as provided for in Section 88.58 (Public Hearings).

3.

If there is a hearing, the city council shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings).

4.

If there is a hearing, the council shall act to approve or deny the application requesting a zone change or Development Code amendment.

5.

If the council proposes any substantial modification to the application not previously considered by the planning commission, the council shall refer the matter back to the commission for consideration. No public hearing shall be required. Failure of the commission to act within 40 days of receiving the council's request shall provide the council with the authority to act without the commission's recommendation.

E.

Findings Required.

The planning commission and city council shall be required to make the following findings of fact before approving a zone change or Development Code amendment:

1.

That the proposed amendment is consistent with the goals, policies, and objectives of the general plan, any applicable specific plan, development agreement, owner participation agreement or disposition and development agreement; and

2.

That a proposed zone change will not adversely affect surrounding properties.

(Ord. No. 06-06, § 1B, 8-7-06)

88.51.070. - Specific Plans.

A.

Initiation.

Notwithstanding the provisions of Chapter 88.50 (Planning Permit Filing and Processing) of this Development Code, initiation of a specific plan or an amendment to a specific plan shall be as follows:

1.

By action of the city council; or

2.

By action of the planning commission; or

3.

By action of city staff; or

4.

By application by one or more property owners of property for which the specific plan is proposed. Such application shall be filed as required by Chapter 88.50 (Planning Permit Filing and Processing). Furthermore, the application shall explain the reason of public necessity, convenience, health, safety, or general welfare requiring the adoption or amendment to a specific plan.

B.

Investigation by Planning Commission.

The planning commission shall direct its staff to investigate the facts bearing upon the proposed specific plan or amendment, including the analysis of precedent cases as appropriate, to provide the necessary information to enable the commission to act.

C.

Proceedings - Planning Commission.

1.

Upon the acceptance of a completed application or direction to take action as described in Section 88.51.070.A, the director or his designee shall review the application pursuant to Section 88.51.070.B above. The director shall prepare a recommendation and forward the recommendation, application, and other relevant materials to the secretary to the planning commission. The secretary shall schedule the matter for public hearing before the planning commission pursuant to the provisions of this Development Code.

2.

The planning commission shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings). The commission may continue the hearing from time to time, and no additional notification shall be required.

3.

The commission shall act to recommend approval, approval with modifications, or denial of the application. A majority vote of the commission voting members is required to recommend approval or approval with modifications.

4.

The commission shall make its findings and recommendations in writing and shall transmit its report, together with the application, to the city clerk not more than 35 days from completion of the hearing. A copy of the report shall also be transmitted to the applicant.

D.

Proceedings - City Council.

1.

Upon receipt of a planning commission report recommending denial of a specific plan or amendment, no additional action shall be taken, and the recommendation of the planning commission will be considered final and the commission's decision will be considered final unless, within 20 calendar days after the planning commissions decision, an appeal is filed pursuant to Section 88.56 (Appeals) of this Development Code, or unless the city council sets the matter for council hearing. All such hearings shall be noticed and conducted as provided for in Section 88.58 (Public Hearings).

2.

Upon receipt of a planning commission report recommending approval of a specific plan or amendment, the city clerk shall set the matter for hearing before the city council as provided for in Section 88.58 (Public Hearings).

3.

If there is a hearing, the city council shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings).

4.

If there is a hearing, the council shall act to approve or deny the application requesting a approval of a specific plan or amendment.

5.

If the council proposes any substantial modification to the application not previously considered by the planning commission, the council shall refer the matter back to the commission for consideration. No public hearing shall be required. Failure of the commission to act within 40 days of receiving the council's request shall provide the council with the authority to act without the commission's recommendation.

E.

Findings Required.

The planning commission and city council shall be required to make the following findings of fact before approving a specific plan:

1.

That the proposed specific plan is consistent with the goals, policies, and objectives of the general plan, any applicable specific plan, development agreement, owner participation agreement or disposition and development agreement; and

2.

That a proposed specific plan will not adversely affect surrounding properties.

(Ord. No. 06-06, § 1B, 8-7-06)

88.51.080. - General Plan Amendments.

A.

Initiation.

Amendments to the general plan text or land use policy map may be initiated in the same manner as a zone change or Development Code amendment, as provided for in Sections 88.51.060

B.

Proceedings - Planning Commission.

1.

Upon the acceptance of a completed application or upon receiving direction to take action as described in Section 88.51.080.A, the director or his designee shall review the application. The director shall prepare a recommendation and forward the recommendation, application, and other relevant materials to the secretary to the planning commission. The secretary shall schedule the matter for public hearing before the planning commission pursuant to the provisions of this chapter.

2.

The planning commission shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings). The commission may continue the hearing from time to time, and no additional notification shall be required.

3.

The commission shall act to recommend approval, approval with modifications, or denial of the application or resolution. A majority vote of the commission voting members is required to recommend approval or approval with modifications.

4.

The commission shall make its findings and recommendations in writing and shall transmit its report, together with the application, to the city clerk not more than 35 days from completion of the hearing. A copy of the report shall also be transmitted to the applicant.

C.

Proceedings - City Council.

1.

Upon receipt of the planning commission report, the city clerk shall set the matter for hearing before the city council as provided for in Section 88.58 (Public Hearings).

2.

The city council shall hear and take action upon the application pursuant to the provisions of Section 88.58 (Public Hearings).

3.

The council shall act to approve, approve with modifications, or deny the application. A majority vote of the total council voting members is required to adopt or amend the general plan.

4.
The council's action to adopt or amend the general plan shall be by formal resolution.
5.
If the council proposes any substantial modifications to the application not previously considered by the planning commission, the council shall refer the matter back to the commission for consideration. No public hearing shall be required. Failure of the commission to act within 40 days of receiving the council's request shall provide the council with the authority to act without the commission's recommendation.

D.

Findings Required.

Prior to approving or recommending approval of a general plan amendment, the responsible hearing body shall make the following findings:

1.
That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;
2.
That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan;
3.
That the proposed amendment will not conflict with provisions of the Development Code, subdivision regulations, or any applicable specific plan; and
4.
In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties.

(Ord. No. 06-06, § 1B, 8-7-06)

88.51.090. - Resubmittals.

A.

Time Limit for Resubmittal.

Following the disapproval, or revocation of a use permit, minor use permit, variance, or minor variance, no application for the same or substantially similar project for the same site shall be filed for a minimum of 12 months.

B.

Director's Determination.

The director shall determine whether a new application is for a project that is the same or substantially similar to the previously approved or disapproved permit or entitlement.

C.

Appeal.

The determination of the director may be appealed to the commission, in compliance with Chapter 88.56 (Appeals).

D.

Council Waiver.

The council may waive the resubmittal limitations of this section.

(Ord. No. 06-06, § 1B, 8-7-06)

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CHAPTER 88.52. - PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS

88.52.010. - Purpose.

88.52.020. - Effective Dates.

88.52.030. - Performance Guarantees.

88.52.040. - Time Limits and Extensions.

88.52.050. - Changes to an Approved Project.

88.52.060. - Covenants of Easements.

88.52.010. - Purpose.

This chapter provides requirements for the implementation or "exercising" of the permits required by this Development Code, including time limits, and procedures for extensions of time.

88.52.020. - Effective Dates.

The approval of a planning permit (e.g., use permit, temporary use permit, variance, etc.) shall become effective on the 21st day following the date of application approval by the review authority, where no appeal of the approval has been filed in compliance with Chapter 88.56 (Appeals).

88.52.030. - Performance Guarantees.

A permit applicant may be required by conditions of approval or by action of the director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this section apply to performance guarantees for projects authorized by any of the planning permits covered by this article.

A.

Form and Amount of Security. The required security shall be in a form approved by the director and city attorney. The amount of security shall be as determined by the director to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

B.

Security for Maintenance. In addition to any improvement security required to guarantee proper completion of work, the director may require security for maintenance of the work, in an amount determined by the director to be sufficient to ensure the proper maintenance and functioning of improvements.

C.

Duration of Security. Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the director, or until any warranty period required by the director has elapsed. Maintenance security shall remain in effect for one year after the date of final inspection.

D.

Release or Forfeit of Security.

1.

Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.

2.

Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the city may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the city, including the costs of the work, and all administrative and inspection costs.

3.

Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the city.

88.52.040. - Time Limits and Extensions.

A.

Permits to Run with the Land.

A planning permit granted in compliance with this chapter shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application), provided that the use remains in compliance with all applicable provisions of this Development Code and any conditions of approval.

B.

Time Limits.

1.

Unless conditions of approval or other provisions of this Development Code establish a different time limit, any permit or approval granted in compliance with Chapter 88.51 (Permit Review and Decisions) that is not exercised within the time limits listed below after its approval shall expire and be subject to revocation, except where an extension of time is approved in compliance with subsection C., below.

Planning permit	Time Limit
Use Permits and Minor Use Permits	1 year
Variances and Minor Variances	6 months
Design Review	

2.

The permit shall not be deemed "exercised" until the permittee has obtained a building permit, or has commenced the operation of a land use not requiring a building permit.

3.

The planning permit shall remain valid after it has been exercised as long as it has not been revoked, and a building permit is active for the project, or a final building inspection or certificate of occupancy has been granted.

4.

If a project is to be developed in approved phases, each subsequent phase shall be exercised within two years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall

expire and be deemed void. If the project also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit shall be exercised before the expiration of the tentative map, or the permit shall expire and be subject to revocation.

C.

Extensions of Time.

Upon request by the applicant, the review authority may extend the time for an approved permit to be exercised.

1.

The applicant shall file a written request for an extension of time with the department prior to the date of expiration of the permit, together with the filing fee required by the council's fee resolution.

2.

The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may grant a time extension for up to an additional two years from the date of the decision, provided that the review authority first finds that:

a.

The proposed extension is consistent with the general plan, and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and

b.

There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.), to ensure that the proposed extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

3.

No more than two time extensions shall be granted. After the expiration of the second extension, the permit shall expire and be subject to revocation.

D.

Hearing on Expiration.

The review authority shall hold a hearing to consider revocation of an expired permit, in compliance with Chapter 88.58 (Public Hearings).

88.52.050. - Changes to an Approved Project.

Development or a new land use authorized through a permit granted in compliance with this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this section.

A.

Request for Change.

An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

B.

Minor Changes.

The director may approve changes to an approved site plan, architecture, or the nature of the approved use if the changes comply with all of the following:

1.
Are consistent with all applicable provisions of this Development Code;
2.
Will not involve a change to an environmental determination for the project;
3.
Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit; and
4.
Do not expand the approved floor area or any outdoor activity area by ten percent or more over the life of the project.

C.

Major Changes.

Changes to the project that do not comply with subsection B., above, shall only be approved by the appropriate review authority through a new permit application.

88.52.060. - Covenants of Easements.

A.

Applicability.

When necessary to achieve the land use goals of the city, the review authority may impose conditions on the approval of a discretionary planning permit application requiring the property owners of an approved project who hold property in common ownership to execute and record a covenant of easement in favor of the city, in compliance with Government Code Sections 65870 et seq.

- 1.

A covenant of easement may be required to provide for emergency access, landscaping, light and air access, ingress and egress, parking, solar access, or for open space.

2.

The covenant of easement may be imposed as a condition of approval by the review authority.

B.

Form of Covenant.

The form of the covenant shall be approved by the city attorney, and the covenant of easement shall:

1.

Describe the real property to be subject to the easement;

2.

Describe the real property to be benefited by the easement;

3.

Identify the city approval or permit granted which relied on or required the covenant; and

4.

Identify the purpose of the easement.

C.

Recordation.

The covenant of easement shall be recorded in the county recorder's office.

D.

Effect of Covenant.

From and after the time of its recordation, the covenant of easement shall:

1.

Act as an easement in compliance with state law (Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Chapter 2 of the Civil Code), except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and

2.

Impart notice to all persons to the extent afforded by the recording laws of the state. Upon recordation, the burdens of the covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.

E.

Enforceability of Covenant.

The covenant of easement shall be enforceable by the successors-in-interest to the real property benefited by the covenant and the city. Nothing in this section creates standing in any person, other than the city, and any owner of the real property

burdened or benefited by the covenant, to enforce or to challenge the covenant or any requested amendment or release.

F.

Release of Covenant.

The release of the covenant of easement may be effected either by the commission, or the council on appeal, following a public hearing in compliance with Chapter 88.52 (Public Hearings).

1.

The covenant of easement may be released by the city, at the request of any person, including the city or an affected property owner, on a finding that the covenant, on the subject property, is no longer necessary to achieve the land use goals of the city.

2.

A notice of the release of the covenant of easement shall be recorded by the director with the county recorder's office.

G.

Fees.

The city shall impose fees to recover the city's reasonable cost of processing a request for a release. Fees for the processing shall be established by the city fee resolution.

(Ord. No. 06-06, § 1B, 8-7-06)

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CHAPTER 88.53. - DEVELOPMENT AGREEMENTS

88.53.010. - Purpose of Chapter.

88.53.020. - Application.

88.53.030. - Development Agreement Hearings.

88.53.040. - Content of Development Agreement.

88.53.050. - Execution and Recordation.

88.53.060. - Effect of Development Agreement.

88.53.070. - Amendments or Extensions to Development Agreements.

88.53.010. - Purpose of Chapter.

This chapter establishes procedures and requirements for the review and approval of development agreements, consistent with Government Code Sections 65864, et seq.

88.53.020. - Application.

A.

Filing.

Any person having legal or equitable interest in real property for the development of the property may request and apply through the director to enter into a development agreement provided that the application is made on forms approved, and contains all information required, by the director.

B.

Processing.

The director is hereby empowered to receive, review, process and prepare, together with recommendations for commission and council consideration, all applications for development agreements.

C.

Application Filing and Processing.

1.

An application for a development agreement shall be filed and processed in compliance with Chapter 88.50 (Planning Permit Filing and Processing).

2.

The application shall be accompanied by the information identified in the department handout for development agreement applications.

88.53.030. - Development Agreement Hearings.

A.

Commission Consideration.

Upon finding the application for a development agreement complete, the director shall set the application and draft agreement, together with staff recommendations, for a public hearing before the commission in compliance with Chapter 88.58 (Public Hearings). Following conclusion of the public hearing, the commission shall make a written recommendation to the council.

B.

Council Consideration.

Upon receipt of the commission's recommendation, the city clerk shall set the application, draft agreement, and written report for public hearing before the council in compliance with Chapter 88.58 (Public Hearings). Following conclusion of the public hearing, the council shall approve, conditionally approve or disapprove the application and draft agreement.

C.

Required Findings for Approval.

The approval of a development agreement shall require that the review authority first find that the agreement and approved development are consistent with the general plan.

D.

Council Action.

Should the council approve or conditionally approve the application and draft agreement, it shall as a part of its action, direct the preparation of a final development agreement embodying the terms and conditions of the draft as approved or conditionally approved, and an ordinance authorizing execution of the development agreement by the city manager.

E.

Ordinance Content.

The ordinance shall contain findings that the development agreement is consistent with this chapter, the general plan, and any applicable specific plans.

88.53.040. - Content of Development Agreement.

A.

Mandatory Contents.

A development agreement entered into in compliance with this chapter shall contain the mandatory provisions specified by state law (Government Code Section 65865.2 [Agreement contents]), including the following specific provisions.

1.

The duration of the agreement.

2.

The permitted uses of the property.

3.

The density or intensity of permitted uses.

4.

The maximum height and size of proposed structures.

5.

Provisions for reservation or dedication of lands for public purposes.

6.

The development agreement may also contain the following information:

a.

Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, provisions, and requirements to not prevent development of land for the purposes and level of use set forth in the agreement.

b.

Requirements that construction be commenced within a specified time period, and that the project or any phase thereof be completed within a specified time frame.

B.

Permissive Contents.

A development agreement entered into in compliance with this chapter may contain the permissive provisions specified by state law (Government Code Section 65865.2 [Agreement contents]).

88.53.050. - Execution and Recordation.

A.

Effective Date.

The city shall execute development agreements on or after the effective date of the ordinance approving the agreement.

B.

Recordation.

A development agreement shall be recorded in the office of the county recorder no later than ten days after it is executed.

88.53.060. - Effect of Development Agreement.

A.

Applicable Regulations.

Unless otherwise provided by the development agreement itself, the rules, regulations, and official policies governing allowed uses of the land, density and intensity of use, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement.

B.

Additional Requirements.

A development agreement does not prevent the city, in subsequent actions, from applying new rules, regulations, and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the city from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations and policies.

88.53.070. - Amendments or Extensions to Development Agreements.

A.

Changes to Approved Development.

If any development agreement is amended during its term, any change shall be consistent with the provisions of the general plan and any applicable specific plan.

B.

Extension of Agreement.

If the term of a development agreement is extended, any development that occurs after the original expiration date shall be consistent with the provisions of the general plan as of the adoption date of the amended development agreement.

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CHAPTER 88.54. - NONCONFORMING USES, STRUCTURES, AND PARCELS

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88.54.070. - Nonconforming Site Development.

88.54.080. - Unlawful Uses and Structures.

88.54.100. - Required Termination of a Nonconforming Use, Structure, or Site Improvement.

88.54.110. - Nuisance Abatement.

88.54.010. - Purpose of Chapter.

This chapter establishes uniform provisions for the regulation of nonconforming land uses, structures, and parcels.

A.

Within the zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.

B.

It is the intent of this Development Code to discourage the long-term continuance of nonconformities, but to permit them to exist under limited conditions.

C.

This chapter does not apply to land uses, structures, and parcels that were illegally established, constructed, or divided. These are instead subject to remedies provided by the Municipal Code.

88.54.020. - Restrictions on Nonconforming Uses and Structures.

Nonconforming uses and structures shall comply with the requirements of this section.

A.

Nonconforming Uses of Land.

A nonconforming use of land, or a nonconforming use within a structure, may be continued, transferred, or sold, only as follows. Where applicable, a nonconforming use of land shall also comply with Section 88.54.100 (Required Termination of a Nonconforming Use).

1.

Prohibited Activities for a Nonconforming Use. An owner or tenant of a nonconforming use shall not:

a.

Enlarge or increase the nonconforming use;

b.

Extend the nonconforming use to occupy a greater area of land than occupied by the use at the time it become nonconforming; or

c.

Move the nonconforming use, in whole or in part, to any other location on the site.

2.

Change of Use. A nonconforming use shall not be changed or expanded, except to reduce the extent of its nonconformity or to remove it from the site.

3.

Loss of nonconforming Use Status. Except where a land use was authorized by use permit, without any further action by the city, a nonconforming use shall not retain the benefits under this chapter if:

a.

The nonconforming use ceases for any reason for one year or more;

b.

The structure in which the nonconforming use is conducted or maintained is moved any distance on the site for any reason, or is removed from the site; or

c.

The structure in which the nonconforming use is conducted or maintained is destroyed. For the purposes of this section, "destroyed" means destruction by any means to more than 75 percent of the replacement value of the structure, excluding the value of the land.

4.

Additional Uses. Additional conforming uses may be allowed on the site of a nonconforming use only in the case of a multi-tenant structure or site, or where the nonconforming use is first discontinued, and any replacement use complies with all applicable provisions of this Development Code.

5.

Replacement Uses. The use of the site after the discontinuance or removal of a nonconforming use shall comply with all applicable requirements of this Development Code and the applicable zoning district, including all Development Standards, except as provided by Section 88.54.040 for dwelling units.

B.

Nonconforming Structures.

A nonconforming structure may be altered or replaced as follows:

1.

Additions or Alterations. A nonconforming structure may undergo additions or alterations, normal maintenance and repairs, including painting, interior and exterior wall surface repair, window and roof repair, and fixture replacement, provided that:

a.

The additions and alterations, and/or repairs comply with all applicable provisions of this Development Code; and

b.

The cost of the work as determined by the building permit does not exceed 50 percent of the assessed value of the structure in any 24-month period, as determined by the county assessor.

c.

An addition to a house with a nonconforming side yard setback shall encroach no further into the required setback than the existing house, and shall comply with the minimum California Building Standards Code requirements for side yards.

An addition or alteration that does not comply with subsection B.1.b. shall require that the entire structure be brought into compliance with all applicable standards of this Development Code; except that a nonconforming single-family dwelling shall be required only to be brought into compliance with all requirements of this Development Code applicable to front and street side setbacks, and street-facing facades.

2.

Replacement After Destruction. A nonconforming structure that is destroyed by any means to more than 75 percent of its replacement value excluding the value of the land shall be reconstructed or replaced only in compliance with all applicable provisions of this Development Code, except as provided by Section 88.54.040 for residential structures.

3.

Seismic Retrofitting/Building Code Compliance. Repairs or alterations otherwise required by law shall be allowed in the following circumstances:

a.

Reconstruction required to reinforce unreinforced masonry structures shall be allowed without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards; and

b.

Reconstruction required to comply with California Building Standards Code requirements shall be allowed without cost limitations, provided the retrofitting/Code compliance is limited exclusively to compliance with earthquake safety standards, as identified in subsection B.3.a, above and other applicable building code requirements, including state law (e.g., Title 24, California Code of Regulations, etc).

(Ord. No. 10-01, § 21, 3-1-10)

88.54.030. - Nonconforming Signs.

Requirements for nonconforming signs are provided by Section 88.38.080 (Nonconforming Signs).

88.54.040. - Exemptions from Limitations on Nonconformities.

A.

Residential Uses.

A dwelling that is a nonconforming use or a nonconforming structure shall comply with the following requirements, in addition to other applicable provisions of this chapter. In the event of any conflict between the provisions of this section and other requirements of this chapter, this section shall control.

1.

Single-Family Homes, Multi-Family Structures. A nonconforming single-family or multi-family dwelling that has been involuntarily damaged or destroyed, may be reconstructed or replaced with a new structure using the same development standards that applied to the damaged or destroyed structure (e.g., setbacks, building height, and density standards).

2.

Mobile Homes. A nonconforming mobile home may be replaced with a new, or newer and larger mobile home placed in the same location as the former unit.

3.

Code Compliance. All new construction shall comply with current Building, Electrical, Plumbing, and Fire Code requirements.

B.

Public Facilities and Utilities.

Nothing in this chapter shall be construed to require the discontinuance, removal, or termination, or to prohibit the alteration, expansion, maintenance, modernization, rebuilding, reconstruction, repair, or replacement of a publicly owned structure or utility.

C.

Azusa Pacific University (APU).

The APU property designated on the zoning map in the INS zone is exempt from the regulations of this chapter during the period prior to the adoption of a specific plan by the city for the APU holdings.

D.

Nonresidential Wall/Fence Height within Front Setback.

Where a nonconforming front setback has been established by the location of an existing surface parking lot, said setback line shall function as the front setback for the purpose of regulating allowable fence or wall heights.

(Ord. No. 06-06, § 1B, 8-7-06)

88.54.050. - Nonconforming Parcels.

A.

Determination of Nonconforming Status.

A nonconforming parcel of record that does not comply with the access, area, or dimensional requirements of this Development Code for the zoning district, shall be considered to be a legal building site if it meets one of the criteria specified by this section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.

1.

Approved Subdivision. The parcel was created through a subdivision approved by the city.

2.

Individual Parcel Legally Created by Deed. The parcel is under one ownership of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming.

3.

Variance or Lot Line Adjustment. The parcel was approved through the variance procedure (Section 88.51.070) or its current configuration resulted from a legally granted lot line adjustment.

B.

Use of Nonconforming Parcels.

Nonconforming parcels shall be developed and used only in compliance with all applicable provisions of this Development Code.

C.

Further Subdivision Prohibited.

Where structures have been erected on a nonconforming parcel, the area where the structures are located shall not be later subdivided, nor shall lot lines be altered through lot line adjustment, so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Development Code, or in any way that makes the use of the parcel more nonconforming.

88.54.060. - Conformity of Uses Requiring Use Permits.

A.

Use Allowed With Use Permit Approval.

A land use that was legally established without a use permit, but would be required by current Development Code provisions to have use permit approval, shall be considered a nonconforming use and shall not be altered in any way unless a use permit is first obtained.

B.

Use No Longer Allowed with Use Permit Approval.

A land use that was established with use permit approval, but is not allowed with use permit approval by the current Development Code may continue in compliance with the original use permit, except where:

1.

The use is subject to termination in compliance with Section 88.54.100 (Required Termination of a Nonconforming Use); or

2.

The original use permit was revoked by the city.

88.54.070. - Nonconforming Site Development.

A site that does not conform to the current requirements of this Development Code for off-street parking (number or size of spaces, layout, etc.), landscaping, or other aspects of site layout and development not involving structures may continue to be occupied and used, provided that the approval of any proposed addition to an existing structure or a new structure on the site shall require that the nonconforming aspects of site development be corrected to comply with all applicable provisions of this Development Code.

88.54.080. - Unlawful Uses and Structures.

A.

Violations.

Uses and structures which did not comply with the applicable provisions of this Development Code or prior planning and zoning regulations when established are violations of this Development Code and are subject to the remedies provided by the Municipal Code.

B.

Illegal Uses and Structures Prohibited.

This chapter does not grant any right to continue occupancy of property containing an illegal use or structure.

C.

Permits Required.

The illegal use or structure shall not continue unless/until permits and entitlements required by this Development Code and the Municipal Code are first obtained.

88.54.100. - Required Termination of a Nonconforming Use, Structure, or Site Improvement.

A.

Amortization Schedule and Effect of Termination Requirement.

The council finds and determines that nonconforming uses, structures, and site improvements are contrary to the orderly development of the City of Azusa, and have the potential to adversely affect public health, safety, and welfare, and shall, therefore, be discontinued, or brought into conformity with all applicable provisions of this Development Code in compliance with this section.

1.

Amortization and Termination Required. A land use, structure, or site improvement that is made nonconforming by the adoption of this Development Code or an amendment to this Development Code shall be discontinued, or brought into conformity with all applicable provisions of this Development Code, within the following time periods from the date of the service of notice by the city in compliance with subsection B.

a.

A nonconforming land use located on a site within the DTC (Downtown - Town Center), DCC (Downtown - Civic Center), DTV (Downtown - Transit Village), or CFB (Foothill Boulevard Corridor) zones - 20 years,

b.

Adult business—Six months, or as extended in compliance with Chapter 88.40 (Adult Business Regulations).

c.

Auto wrecking and/or scrap yard—20 years.

d.

Contractor's storage yard—20 years.

e.

Outdoor shooting range—18 months; provided that the amortization period may be replaced by an executed development agreement.

f.

Surface mining operation—Five years, except where a vested right exists.

g.

Mobile recycling—Six months.

h.

Trash enclosure—One year.

2.

Amortization Schedule for Prior Nonconformities. An owner of property that is in receipt of an official city notice regarding the property's nonconformity before March 25, 2005 (the effective date of this Development Code), shall conform to the amortization schedule in effect at the time of the original notice. An owner of property that is in receipt of an official city notice regarding the property's nonconformance before March 25, 2005 shall complete the amortization appeal process by March 31, 2006, if an appeal is desired. The amortization appeal process is defined in Section 88.54.100.C and 88.54.100.D.

3.

Nuisance Abatement. A use that does not comply with this subsection shall be deemed a public nuisance and shall be abated accordingly, unless an extension is granted by the council in compliance with subsection F.

B.

Notice.

Upon determination that the provisions of this section apply to a given parcel of land, the director shall send a notice by certified mail, return receipt requested, to the owner as shown on the current tax assessor's rolls, shall cause the property to be posted with a similar notice, and shall publish the notice at least once in a newspaper of general circulation.

1.

The notice required by this subsection shall state the following:

a.

That the property in question is a nonconformity;

b.

The date of abatement established in subparagraph 1. (Amortization schedule), above; and

c.

That the date of abatement may be appealed to the council within 30 days of the date indicated on the notice.

2.

The city has no legal obligation to notify subsequent owners of an affected parcel

C.

Appeal.

1.
For those parcels deemed nonconforming as a result of this Development Code's implementation, the owner of any parcel upon which a nonconforming structure or use is being maintained may appeal the length and/or the classification of the required amortization period by submitting a written appeal, on a form provided by the director and accompanied by any required fee in compliance with the city's fee resolution, within 30 days of the date on the notice.
2.
For those parcels deemed nonconforming and receiving written notice prior to the adoption of this Development Code, the owner of any parcel upon which a nonconforming structure or use is being maintained may appeal the length and/or the classification of the required amortization period by submitting a written appeal, on a form provided by the director and accompanied by any required fee in compliance with the city's fee resolution. The appeal process must be completed by March 31, 2006.

D.

Hearing.

Within 60 days after receipt of an appeal, the council shall hold a public hearing to determine whether the nonconformity should be abated as indicated in the notice, or whether a time extension should be granted as provided in subsection F.

1.
Notice of the hearing shall be provided in the same manner as the notice of abatement, and shall also be provided by mail to the owners of abutting parcels.
2.
The council shall receive written and oral testimony at the hearing relating to the term of abatement. During the hearing, the owner shall be permitted to call witnesses and be represented by counsel.
3.
Council consideration of amortization period.
 - a.
For those parcels deemed nonconforming as a result of this Development Code's implementation - At the close of the hearing, the council shall determine whether the nonconformity should be abated, and whether the owner of the parcel can amortize the investment in the term for abatement required by subsection A., and if not, what term for abatement should be provided. The burden of proof shall be upon the owner to demonstrate, by a preponderance of the evidence,

that the owner is entitled to a longer abatement period than required by subsection A.

b.

For those parcels deemed nonconforming as a result of a previous Development Code's implementation - At the close of the hearing, the council shall determine whether the nonconformity should be abated, and whether the owner of the parcel can amortize the investment in the term for abatement required by the previous Development Code, and if not what term for abatement should be provided, not to exceed ten years. The burden of proof shall be upon the owner to demonstrate, by a preponderance of the evidence, that the owner is entitled to a longer abatement period than established by the previous Development Code. The criteria for granting an extension includes but is not limited to, value of buildings and other structures located on the parcel, compatibility with neighboring structures and uses, condition of structures located on the parcel, and condition of the property.

4.

In the case of a nonconforming use, the council shall also determine whether the structure accommodating the nonconforming use can economically be used in its present condition or can successfully be modified for a purpose allowed by the applicable zoning district.

5.

The council may require reasonable modifications or alterations to any nonconformity to improve the nonconformity's appearance or compliance with this Development Code, Municipal Code, or state law; except that any modification or alteration that would extend the useful life of the nonconformity is expressly prohibited.

E.

Decision and Order.

The decision of the council and supporting findings shall be in the form of a written order and shall be served upon the property owner personally or by certified mail, return receipt requested, within ten days after the decision is rendered. The order shall also be recorded in the office of the county recorder. The order shall be binding upon the owner, and the owner's successors, heirs, and assignees.

F.

Extension of time.

1.

The council may grant an extension of the time for abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner; and

2.

The council shall base its decision as to the length of the allowed amortization period on any competent evidence presented, including but not limited to the following:

a.

Criteria for extending amortization period.

Nonconforming Parcel Resulting from this Development Code	Nonconforming Parcel Resulting from Previous Development Code
The nature of the use	Value of buildings and other structures
The amount of the owner's investment in improvements	Compatibility of buildings, structures, and uses with neighboring structures and uses
The convertibility of improvements to allowed uses	
The character of the neighborhood	
The detriment, if any, caused to surrounding properties and the community by continuance of the nonconforming use.	
The amount of time needed to amortize the investment	

The depreciation schedule attached to the owner's latest Federal income tax return	
Provided that the findings can be made that an extension will not be detrimental to public health, safety, welfare, or future planning and development of the area.	

b.

Maximum Time Extension. The maximum extension of time for parcels made nonconforming as a result of a previous Development Code's implementation is ten years. However, the Director of Economic and Community Development may grant an additional seven (7) year amortization period, with the possibility of one more three-year extension, based on the criteria in Table 2.a.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 12-06, § 2, 11-19-12)

88.54.110. - Nuisance Abatement.

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the city, in compliance with the Municipal Code Chapter.

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CHAPTER 88.56. - APPEALS AND REVOCATIONS

88.56.010. - Purpose of Chapter.

88.56.020. - Appeal Subjects and Jurisdiction.

88.56.030. - Filing of Appeals.

88.56.040. - Processing of Appeals.

88.56.050. - Revocations.

88.56.060. - Revocation Procedures.

88.56.010. - Purpose of Chapter.

This chapter establishes procedures for the appeal and review of determinations of the director, zoning administrator, or commission.

88.56.020. - Appeal Subjects and Jurisdiction.

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows.

A.

Ordinance Administration and Interpretation.

The following determinations and actions of the director and department staff may be appealed to the commission and then to the council:

1.

Determinations on the meaning or applicability of the provisions of this Development Code that are believed to be in error, and cannot be resolved with staff; and

2.

Any determination that a permit application or information submitted with the application is incomplete, in compliance with state law (Government Code Section 65943).

B.

Permit and Hearing Decisions.

Decisions by the director or zoning administrator may be appealed to the commission. Decisions by the commission may be appealed to the council.

88.56.030. - Filing of Appeals.

A.

Eligibility.

An appeal may be filed by:

1.

Any person affected by an administrative determination or action by the director, as described in Section 88.56.020, above.

2.

In the case of a planning permit or hearing decision described in Section 88.56.020, above, by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns before the hearing.

3.

The city council, by a majority vote, may call up a decision of the director, zoning administrator, or planning commission.

B.

Timing and Form of Appeal.

Appeals shall be filed with the department within 20 calendar days following the final date of the determination or action being appealed. All appeals shall be submitted in writing, together with the name, address, phone number, and signature of the appellant, and the filing fee required by the council's fee resolution. The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.

C.

Scope of Planning Permit Appeals.

An appeal of a decision by the director, zoning administrator, or commission on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

D.

Rights.

Pending a decision on an appeal in compliance with this Development Code, all rights emanating from the permit, license, or other entitlement that is the subject of the appeal, and all relevant time periods, shall be suspended.

E.

Multiple Actions.

In the event an appeal is filed regarding a decision on one of multiple permits or city approvals concurrently granted for a single project (for example, the approval of a use permit is appealed on a project for which a negative declaration was approved at the same time), all concurrently granted city permits and approvals for the project shall be automatically appealed, and shall be considered and acted upon in compliance with this chapter.

88.56.040. - Processing of Appeals.

A.

Scheduling of Hearing.

After an appeal has been received in compliance with Section 88.56.030, the director shall schedule the matter for a commission agenda, or the city clerk shall schedule the matter for a council agenda, as applicable to the appeal.

B.

Report.

After the appeal hearing has been scheduled, the director shall prepare a report on the matter, and forward the report to the appropriate appeal body.

C.

Joining an Appeal.

Only those persons who file an appeal within the 20-day appeal period in compliance with Section 88.56.030 shall be considered appellants of the matter under appeal.

1. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Section 88.56.030
2. No person shall be allowed to join an appeal after the end of the 20-day appeal period.

D.

Findings and Decision.

1. General Procedure. The appeal body shall conduct a public hearing in compliance with Chapter 88.58 (Public Hearings).
 - a. Scope of Review. When reviewing an appeal the review authority may consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the entitlement or decision being appealed.
 - b. New Evidence. If new or different evidence is presented during the appeal hearing, the commission or council, may refer the matter back to the director or commission, as applicable, for a report on the new or different evidence prior to a final decision on the appeal.
 - c. Decision. After a public hearing, the appeal body may:
 - (1) Approve, modify, or disapprove the action appealed either in whole or in part, based on the record on appeal and the evidence received at the hearing on appeal; and
 - (2) Adopt additional conditions of approval deemed reasonable and necessary; or
 - (3) Disapprove the planning permit approved by the previous review authority, even if the appeal only requested modification or elimination of one or more conditions of approval.
2. Appeals to the Council. A decision by the commission may be appealed to the council as provided by Section 88.56.030 (Filing of Appeals), above.
 - a.

Authority of Council. The council shall have the authority to approve, modify, or disapprove the action appealed, either in whole or in part, based on the record on appeal and the evidence received at the hearing on appeal. The appeal may be upheld by a majority of council members when a quorum of at least three members is present. The lack of an affirmative majority vote on the appeal, or a tie vote, shall constitute denial of the project appealed.

b.

Subdivisions. Appeals on subdivision applications are governed by Municipal Code Chapter .

c.

Referral. The council may refer any appeal to the commission for a report and recommendation, or for further proceedings. In this event, if the commission changes its decision based on new evidence, and the appeal is thereafter returned to the council, the appeal shall be deemed to be from the decision of the commission as modified.

d.

Finality of Decision. The findings, decision, and action of the council on an appeal shall be final.

E.

Effective Date of Appeal Decision.

A decision by the commission on an appeal is effective on the 21st day after the decision, when no appeal to the decision has been filed with the council. A decision by the council is effective as of the date of the decision.

88.56.050. - Revocations.

Upon determination that there has been a violation of the terms or conditions of any permit or approval granted under this chapter 88 (Development Code), or if a determination is made that a permit or approval was obtained by deception or fraud, or has been determined to be a public nuisance, the director, planning commission, or city council shall have the authority to initiate revocation proceedings.

(Ord. No. 06-06, § 1B, 8-7-06)

88.56.060. - Revocation Procedures.

A.

The director shall schedule a hearing before the zoning administrator, planning commission, or city council, whichever authority commenced the original proceedings approving the permit application.

B.

At least ten days prior to the hearing, written notice of the hearing shall be served to the owner of the property for which the permit or approval was granted. The notice may be served either in person or by registered mail, return receipt requested.

C.

At the hearing, the director shall present evidence supporting the motion for permit or approval revocation. The owner of the property subject to the hearing shall be given the opportunity to present reasons why the permit or approval shall not be revoked.

D.

The hearing body shall make a decision regarding the revocation based upon the information presented at the hearing and shall make findings and report its decision in a formal and numbered resolution. The property owner shall have the same right of appeal as is applicable for the original permit or approval.

(Ord. No. 06-06, § 1B, 8-7-06)

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CHAPTER 88.58. - PUBLIC HEARINGS

88.58.010. - Purpose of Chapter.

88.58.020. - Notice of Hearing.

88.58.030. - Scheduling of Hearing.

88.58.040. - Review Authority Decision and Notice.

88.58.050. - Recommendation by Commission.

88.58.060. - Effective Date of Decision.

88.58.070. - Hearing Procedures.

88.58.010. - Purpose of Chapter.

This chapter establishes procedures for public hearings before the zoning administrator, commission, and council. When a public hearing is required by this Development Code, public notice shall be given and the hearing shall be conducted as provided by this chapter.

88.58.020. - Notice of Hearing.

When a planning permit or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with state law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), as applicable.

88.58.030. - Scheduling of Hearing.

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA), the matter shall be scheduled for public hearing on a Commission, or Council agenda (as applicable).

88.58.040. - Review Authority Decision and Notice.

A.

Decision.

1.

The review authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later meeting agenda in compliance with Section 88.58.070 (Hearing Procedures).

2.

Following the director's review, or at the conclusion of a hearing conducted by the director may instead refer the matter to the commission for determination. A referral will require a new noticed hearing before the commission.

3.

The decision of the council on any matter shall be final.

B.

Notice of Decision.

After the final decision or recommendation by the review authority, notice of the decision shall be mailed to the applicant, and the property owner, if different from the applicant.

88.58.050. - Recommendation by Commission.

At the conclusion of a public hearing on a general plan amendment, a specific plan, the zoning map, or this Development Code, the commission shall forward a recommendation, including all required findings, to the council for final action.

88.58.060. - Effective Date of Decision.

A decision of the director or commission (other than a recommendation in compliance with Section 88.58.050) is final and effective on the 21st day following the decision unless an appeal is filed in compliance with Chapter 88.56 (Appeals).

88.58.070. - Hearing Procedures.

A hearing shall be held at the date, time, and place described in the required public notice.

A.

Hearing Comments.

During a public hearing the applicant for a project shall have the right to be represented, provide testimony, present evidence, and the right to ask questions of

opposing witnesses. All other persons shall have the right to comment on any relevant aspect of the application under consideration.

B.

Action of Hearing Body.

Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue or take under advisement the subject of the public hearing.

C.

Continuances.

If a hearing cannot be completed on the scheduled day, the presiding councilperson or commissioner, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. Additional notice for the continued hearing is not required.

D.

Application Denial - Re-Application.

If an application has been denied, no new application for the same or similar request may be accepted within one year of the denial, unless the director finds that the conditions surrounding the application have sufficiently changed to warrant a new application.

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ARTICLE 6. - ENFORCEMENT AND PENALTIES FOR THE DEVELOPMENT CODE

CHAPTER 88.60. - ENFORCEMENT AND PENALTIES

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CHAPTER 88.60. - ENFORCEMENT AND PENALTIES

88.60.010. - Purpose.

88.60.020. - General Enforcement Authority Regarding the Development Code.

88.60.030. - Penalties.

88.60.040. - Permit Revocation Authority and Procedures.

88.60.050. - City Attorney Duties.

88.60.010. - Purpose.

The purpose of this article is to promote the public health, safety and welfare by establishing the procedural and legal means to enforce the provisions of this Development Code. In addition, the article will identify general penalties and remedies for such violations.

88.60.020. - General Enforcement Authority Regarding the Development Code.

(a)

In addition to the enforcement authority provided in [Chapter 1](#) of the Municipal Code, the city manager or designated code enforcement official shall have the authority to promulgate policies reasonably necessary to implement the intent and provisions of the Development Code including all provisions of the building, electrical, plumbing, and mechanical regulations. The city manager or designated code enforcement official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Development Code.

(b)

Violations of this Development Code may also be enforced by using any of the enforcement remedies referred to in [Chapter 1](#) of the Municipal Code and in this article. This article and any other applicable sections of the Municipal Code shall be read together in any administrative or judicial proceeding to form the basis of a Development Code violation. General enforcement definitions that may govern the application of this article are also found in [Chapter 1](#) of the Municipal Code.

(c)

It shall be the duty of the city manager, economic and community development director, assistant director of community development, the building official and the community improvement officer to enforce the provisions of this title.

88.60.030. - Penalties.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any real or personal property or portion thereof in the city or cause the same to be done contrary to or in violation of any provisions of this title. Likewise, it shall be unlawful for any person to carry out the use authorized by any entitlement application, building permit or grading permit in violation of any of the conditions of approval attached to such entitlement, which are incorporated by reference in this title. Any person violating any such provisions or failing to comply with any of the mandatory requirements of this article or any code adopted by reference by this title or any other city ordinance shall be guilty of a misdemeanor, unless such violation is specifically designated in this title as constituting an infraction, provided that where the city attorney or other prosecutor determines that such action would be in the interests of justice, the city attorney or other prosecutor may prosecute any such offense as an infraction. In the event a notice to appear is prepared as a misdemeanor, the city attorney or other prosecutor may nonetheless prosecute any such offense as an infraction. Violators shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code, or any provision

of any code adopted by reference by this Code, or of any other city ordinance, is committed, continued, or permitted by such person, and may be punished accordingly.

In addition, the city manager or designated code enforcement official may also seek criminal or civil injunctive relief and civil penalties in the Superior Court or pursue any administrative remedy provided in [Chapter 1](#) of the Municipal Code, including administrative abatement, revocation of permits, recordation of notice of violation, and withholding of issuance of city permits.

88.60.040. - Permit Revocation Authority and Procedures.

Except as otherwise provided, if the city manager determines that there has been a violation of the terms, conditions, lawful requirements, or provisions of any development permit, construction permit, or approval issued by the city, the city manager may, in addition to any other remedies provided in the municipal code or in this article, issue a notice of intent to revoke in accordance with [Chapter 88.56](#).

88.60.050. - City Attorney Duties.

The city attorney, upon request of the city council, shall institute any necessary legal proceedings to enforce the provisions of this title, and he or she is authorized, in addition to the remedy provided in this chapter, to institute an action for an injunction to restrain or any other appropriate action or proceeding to enforce such provisions.

Azusa, California, Code of Ordinances >> Chapter 88 - DEVELOPMENT CODE >> ARTICLE 7. - GLOSSARY >>

ARTICLE 7. - GLOSSARY

This article provides definitions of certain technical terms and phrases used in this Development Code, including the land use types listed as allowable in [Article 2](#) (Urban Standards).

[CHAPTER 88.70. - DEFINITIONS](#)

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CHAPTER 88.70. - DEFINITIONS

[88.70.010. - Purpose.](#)

[88.70.020. - Definitions of Specialized Terms and Phrases.](#)

88.70.010. - Purpose.

This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in

this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or in other provisions of the City of Azusa Municipal Code, the director shall determine the correct definition.

88.70.020. - Definitions of Specialized Terms and Phrases.

As used in this Development Code, the following terms and phrases shall have the meaning given in this section, unless the context in which they are used clearly requires otherwise.

A.

Definitions, "A."

Abut. Having property lines, street lines, or zoning district lines in common.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. See also "Agricultural Accessory Structure," and "Residential Accessory Uses and Structures."

Accessory Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel (i.e., less than 50 percent of the floor area of the primary use, etc.), which does not alter the primary use nor serve property other than the parcel where the primary use is located.

Adult Day Care. See "Day Care."

Adult Business. See [Chapter 88.40](#) (Adult Business Regulations).

Affordable Rent. Monthly housing expenses, including a reasonable allowance for utilities, for rental units reserved for very low or low income households, not exceeding the following calculations:

1.

Low Income: 80 percent of median income as defined by state law (Health and Safety Code Section 500717.5) and the HUD income limits.

2.

Very Low Income: 50 percent of median income as defined by state law (Health and Safety Code Section 50105) and the HUD income limits.

Affordable Sales Price. A sales price at which very low and low income households can qualify for the purchase of designated dwelling units, calculated on the basis of underwriting standards of mortgage financing available for the development.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with city employees, committees, commissions, and the council, regarding matters regulated by this Development Code.

Agricultural Accessory Structure. A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

Alley. A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

Allowed Use. A use of land identified by [Article 2](#) (Urban Standards)) as a permitted or conditional use that may be established with planning permit and, where applicable, design review and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Ambulance, Taxi, or Limousine Dispatch Facility. A base facility where multiple taxis and/or limousines are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls.

Animal Keeping. See [Section 88.42.040](#) (Animal Keeping).

Apartment. See "Multi-Family Housing."

Applicant. Any person who is filing an application requesting an action who is:

1.
The owner or lessee of property;
2.
A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the city; or
3.
The agent of either of the above who presents written authorization from the property owner to file an application with the city.

Approval. Includes both approval and approval with conditions.

Architectural Feature. An exterior building feature including roof, windows, doors, porches, etc.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Assessed Value. The value of a structure as shown in the records of the county assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required use permit.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Gas Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories.

Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair. See "Vehicle Services."

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-up ATMs; see "Drive-Through Services."

B.

Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies

credit agencies

holding (but not primarily operating) companies

lending and thrift institutions

other investment companies

securities/commodity contract brokers and dealers

security and commodity exchanges

vehicle finance (equity) leasing agencies

See also, "Automated Teller Machine." Does not include check cashing stores or pawn shops, which are instead defined under "Personal Services - Restricted."

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include

beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities. Does not include adult oriented businesses.

Bed and Breakfast Inn (B&B). See "Lodging."

Broadcasting Studio. Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities".

Building and Landscape Materials Sales. A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

Building Code. The California Building Standards Code, as it may be amended from time-to-time.

Building Frontage. A building wall facing a parcel boundary that abuts a public right-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way. See Figure [6-1](#).

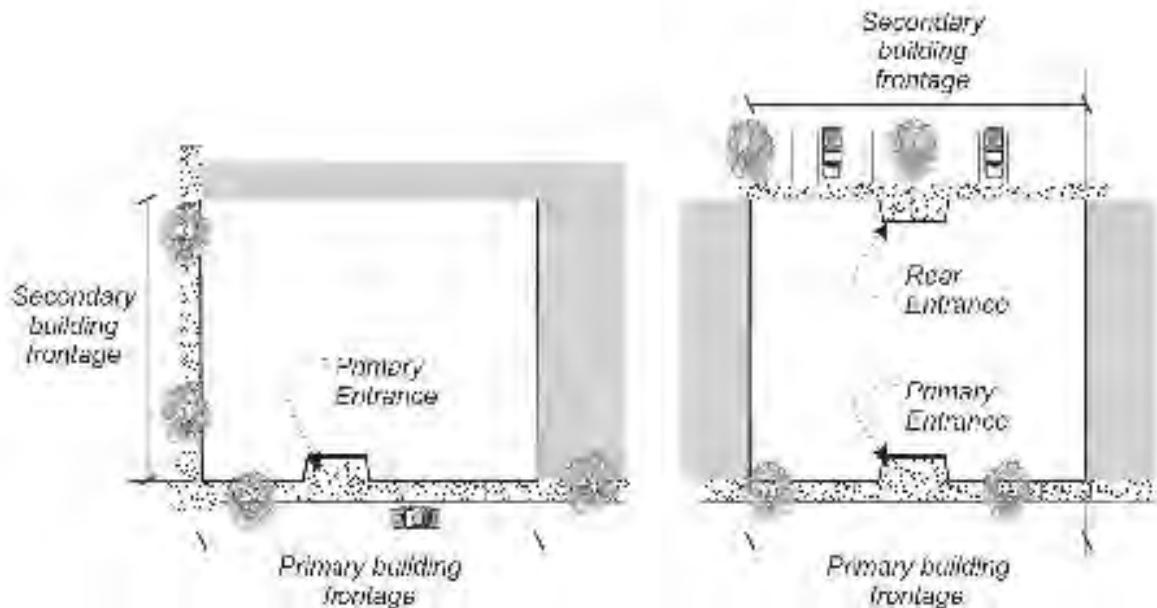


Figure 6-1 - Building Frontages

Building Height. See [Section 88.30.040](#) (Height Limits and Exceptions).

Business Support Service. An establishment within a building that is oriented toward providing services to other businesses, although it may also serve the general public. Examples of these services include:

blueprinting

computer-related services (rental, repair)

copying and quick printing services

film processing and photofinishing (retail)

outdoor advertising services

mailing and mail box services

protective services (other than office related)

security systems services

C.

Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the state.

Caretaker Quarters. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site. The caretaker quarters may also accommodate family members of the caretaker.

Carriage House. A secondary residential unit located over a detached garage. See also "Second Unit."

Catering Service. A business that prepares food for consumption on the premises of a client, and is not part of a restaurant (a restaurant may include catering services, but as part of a restaurant, catering is not considered a separate land use).

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Child Day Care Center. See "Day Care."

City. The City of Azusa, State of California, referred to in this Development Code as the "City."

City Council. The Azusa City Council, referred to in this Development Code as the "Council."

Club, Lodge, Private Meeting Hall. This use is a subset of the land use type identified as "meeting facilities, public and private." This use includes permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations

civic, social and fraternal organizations

labor unions and similar organizations

political organizations

professional membership organizations

other membership organizations

Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys

coin-operated amusement arcades

dance halls, clubs and ballrooms, not including alcohol sales (see "night club")

electronic game arcades (video games, pinball, etc.)

ice skating and roller skating

internet cafes

pool and billiard rooms as primary uses

racquetball courts for hourly rental

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are

considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Commercial Recreation Facility - Outdoor. A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

amusement and theme parks

batting cages

equestrian facilities

go-cart tracks

golf driving ranges

miniature golf courses

racquetball courts for hourly rental

water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.

Communications Facility. See "Telecommunications Facilities."

Community Center. A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by community residents.

Condominium. As defined by Civil Code Section 1715, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.), which may be in conjunction with a hotel.

Construction Contractor. Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities. Office-only facilities

with no on-site vehicle, equipment, or materials storage are included under the definition of "Office - Business/Service."

Construction and Heavy Equipment Sales and Rental. Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Convenience Store. See "Neighborhood Market/Convenience Store."

Corner Cut-Off Area. See Section 88.30.040.E (Height Limits and Exceptions - Height limit at street corners).

County. The County of Los Angeles, State of California.

Courtyard Housing. See "Multi-Family Housing."

Crop Production, Horticulture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

field crops

flowers and seeds

fruits

grains

melons

ornamental crops

tree nuts

trees and sod

vegetables

wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include greenhouses which are instead defined under "Plant Nursery," and "Residential Accessory Use or Structure," or containerized crop production, which is instead defined under "Plant Nursery." Does not include non-commercial home gardening, which is allowed as an accessory use in all zoning districts without city approval.

D.

Definitions, "D."

Day Care. Facilities that provide non-medical care and supervision of adults or minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1.

Day Care Center. Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

2.

Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

3.

Large Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of ten years who reside in the home.

4.

Small Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of ten years who reside in the home.

5.

Adult Day Care. A state-licensed facility that provides nonmedical care and supervision for more than six adults for periods of less than 24 hours for any client.

Density. The number of housing units per gross acre, unless otherwise stated, for residential uses.

Density Bonus. As defined by State law (Government Code Section 65915 et seq.), an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the owner/developer of a housing project who agrees to construct a prescribed percentage of dwelling units that are affordable to households of very low, low, and/or moderate income and/or senior citizens. When determining the number of dwelling units that

shall be affordable, the units authorized by the density bonus shall not be included in the calculation.

Department. The City of Azusa Community Development Department, referred to in this Development Code as the "Department."

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act (commencing with Government Code Section 66410), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

Development Agreement. A contract between the city and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to city policies, rules, and regulations after project approval. In return, the city may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Development Code. The City of Azusa Development Code, [Title 88](#) of the Azusa Municipal Code, referred to herein as "this Development Code."

Diameter of a Tree. Trunk diameter measured at 4.5 feet above the ground (also known as "Diameter at Breast Height," or "DBH").

Director. The City of Azusa Community Development Director, or designee of the director.

Discretionary Permit. A city land use review and entitlement process where the review authority exercises discretion in deciding to approve or disapprove the permit. Includes minor use permits, use permits, minor variances, variances, design review approval, demolition permits, and subdivision maps.

Diseased Tree. A tree afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, root fungus, structural defects or weaknesses.

District. See "Zoning District."

Drip line. A line that may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the trees. When depicted on a map, the drip line will appear as an irregular shaped circle that follows the contour of the tree's branches as seen from overhead.

Drive-Through Retail or Service. A facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, dry cleaners, etc., but do not include automated teller machines (ATMs), gas stations or other vehicle services, which are separately defined.

Duplex. See "Multi-Family Housing."

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent house-keeping unit, occupied by or intended for one household on a long-term basis.

E.

Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping" as regulated by [Section 88.42.040](#).

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

Extended Hour Retail. Any business that is open to the public between the hours of 9:00 p.m., and 7:00 a.m.

F.

Definitions, "F."

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls.

1.

Open Wire Fence. A fence through which fenced areas remain visible because of the wire mesh used for the fence. Includes chain link fencing, deer fencing, etc.

2.

Safety Fence. A fence constructed to prevent access to a hazard or hazardous area.

3.

Razor or Concertina Wire. Sharp fencing materials that are designed to lacerate animals or unauthorized persons attempting to climb or cross the fence through other than a gate.

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

Farmers Market. The temporary use of a site for the outdoor sales of food and farm produce items from vehicles, in compliance with California Food and Agriculture Code Sections 1392 et seq.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Flat. See "Multi-Family Housing."

Flea Market. See "Swap Meet, Flea Market."

Fourplex. See "Multi-Family Housing."

Frontage Type. See [Section 88.29.020](#) (Frontage Type Requirements).

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Furniture, Furnishings and Appliance Store. A store that primarily sells the following products and related services, that may also provide incidental repair services:

computers and computer equipment

draperies

floor coverings

furniture

glass and chinaware

home appliances

home furnishings

home sound systems

interior decorating materials and services

large musical instruments

lawn furniture

movable spas and hot tubs

office furniture

other household electrical and gas appliances

outdoor furniture

refrigerators

stoves

televisions

G.

Definitions, "G."

Garage, or Carport. Covered parking spaces for automobiles or other vehicles, where the size of the parking space complies with the provisions of [Chapter 88.36](#) (Parking and Loading).

1.

A garage is an attached or detached accessory structure with a door, fully enclosed.

2.

A carport is an attached or detached accessory structure enclosed on two or three sides, without a door.

General Plan. The City of Azusa General Plan, including all its elements and all amendments thereto, as adopted by the city council in compliance with Government Code Section 65300 et seq., and referred to in this Development Code as the "General Plan."

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

antique stores

art galleries, retail

art supplies, including framing services

artisan shops

auction rooms

auto parts (not including installation services)

bakeries, retail

bicycles

books, magazines, and newspapers

cameras and photographic supplies

clothing, shoes, and accessories

collectibles (cards, coins, comics, stamps, etc.)

department stores

drug stores and pharmacies

dry goods

fabrics and sewing supplies

florists and houseplant stores (indoor sales only—outdoor sales are "building and landscape materials sales")

hobby materials

jewelry

luggage and leather goods

musical instruments, parts and accessories

orthopedic supplies

religious goods

second hand stores (not pawnshops, which are included under "personal services - restricted")

small wares

specialty shops

sporting goods and equipment

stationery

toys and games

variety stores

video stores

Grade. The ground surface on the site immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Groceries, Specialty Foods. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store.

Guest House. Living quarters within an accessory building located on the same premises as the primary building - for use by temporary guests of the occupants of the premises - having no kitchen facilities and not rented or otherwise used as a separate dwelling. A guest house legally existing prior to February 19, 1992 shall be allowed as a permitted use.

H.

Definitions, "H."

Habitable Space. Space within a dwelling unit for living, sleeping, eating, or cooking.

Hazard Mitigation. The following terms and phrases are defined for the purposes of [Section 88.30.030](#) (Hazard Mitigation).

1.

Critical Facility. A public facility whose continued functioning is necessary to maintain public health and safety following a disaster, and those where damage or failure could pose hazards to life and property well beyond their immediate vicinity. Examples include police and fire command and equipment centers, hospitals, and emergency shelters.

2.

High-Occupancy Facility. A public or private structure used for housing or the assembly of large groups. City employees, citizens, and visitors, for the most part, are subjected to involuntary risk when they are in or near these facilities. These people also depend upon the proper function of these facilities in times of emergency. Therefore, it is very important that these three classes of facility perform well during natural hazard events, such as earthquakes that may cause severe groundshaking and liquefaction.

3.

Sensitive Facility. A facility used for the manufacture, storage or sale of hazardous materials, and socially significant facilities such as schools, nursing homes, and housing for the elderly, disabled, or mentally ill.

Health/Fitness Facility. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

Height. See [Section 88.30.040](#) (Height Limits and Exceptions).

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property. See [Section 88.42.100](#) (Home Occupations).

Hotel or Motel. See "Lodging."

Household Pets. The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the director, accessory to a residential use.

I.

Definitions, "I."

Indoor Swap Meet. See "Swap Meet, Flea Market."

Intensification of Use. A change in the use of a structure or site, where the new use is required by this Development Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generates more activity on the site.

Interior Property Line. See "Lot Features."

J.

Definitions, "J."

Junk Yard. See "Recycling Facility - Scrap and Dismantling Yards."

K.

Definitions, "K."

Kennel, Animal Boarding. A commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. See also "Veterinary Clinic, Animal Hospital."

Key Lot. See "Lot, or Parcel - Key Lot."

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: refrigerator, stove, oven, range top, dishwasher, kitchen sink.

L.

Definitions, "L."

Laboratory - Medical, Analytical. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Landing. A platform within a stairway where the stairway changes direction.

Landscape Standards. The following terms are defined for the purposes of [Chapter 88.34](#) (Landscape Standards).

1.

Arborist. 1) A person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) other qualified professionals who the director determines have gained through experience the qualifications to identify, remove, or replace trees.

2.

Drought Resistant Cool Season Grass. Cool season grasses which can tolerate drought stress. These grasses usually require high water use irrigation scheduling to stay green and vital, but will survive under limited water (e.g., turf-type tall fescues, Medallion, and Rebel).

3.

Functional Need (For Turf). Turf planting which serves a functional or practical need rather than purely aesthetic purpose. Examples include: athletic fields and pedestrian circulation areas.

4.

High Water Use Plantings. Annuals, container plantings, and plants recognized as high water use (e.g., Rhododendrons or Birch) or plants documented as having a plant factor greater than 0.6.

5.

Hydrozone. A landscape area having plants with similar water needs. Typically, a hydrozone is served by a valve or set of valves with the same type of irrigation hardware and schedule.

6.

Irrigation Circuit. A section of an irrigation system, including the piping and sprinkler heads or emitters, that is operated by a single remote control valve.

7.

Landscaped Area. The parcel area less building footprints, driveway, parking areas, paved walks and patios, and undeveloped open space of designated natural areas. Project landscaped area includes all areas under irrigation, water features, and hardscape other than those noted above.

8. **Low Water Use Plants.** Plants which are recognized as drought resistant or low water use when established, or plants documented as having a plant factor less than or equal to 0.6.
9. **Microclimate.** A section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).
10. **Non-Mechanically Compacted Soil.** Soil which has not undergone engineered compaction procedures.
11. **Organic Amendment.** Any fully organic material added to the soil to improve soil structure, and other physical properties of the soil (e.g., compost, composted sawdust, peat moss, and redwood soil conditioner).
12. **Overspray.** Water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).
13. **Plant Factor.** A number which represents the portion of reference evapotranspiration used by a particular plant. For example, a shrub with a plant factor of 0.5 uses 50 percent of reference evapotranspiration; a tree with a plant factor of 1.2 uses 120 percent of reference evapotranspiration.
14. **Porous Mulch.** A loose material which is applied to the soil surface to reduce evaporation and retard weed growth (e.g., compost, decomposed granite, straw, wood chips).
15. **Rain Shut-Off Device.** A device which automatically shuts the irrigation system off when a measurable amount of rain occurs.
16. **Reference Evapotranspiration.** A standard calculation of the quantity of water transpired by a reference crop and evaporated from adjacent soil surfaces as measured by the California Irrigation Management Information System (CIMIS) of weather stations.
17. **Registered Historical Site.** A site that is registered as historically significant through either national, state, city or county registries.

18.

Runoff. Water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.

19.

Water Feature. Ornamental or functional body of water (e.g., a fountain, pool, or pond).

20.

Water Saving Techniques (to Mitigate Runoff from Slopes). Landscape design techniques which either allows irrigation to be applied at a rate close to the infiltration rate of the soil or which captures and recycles runoff.

Large Family Day Care Home. See "Day Care."

Library, Museum. Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Live Entertainment. Music, comedy, readings, dancing, acting, or other entertainment performed on a site three or more days during a calendar year. This use includes dancing by patrons to live or recorded music.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1.

Complete kitchen space and sanitary facilities in compliance with the California Building Standards Code; and

2.

Working space reserved for and regularly used by one or more occupants of the unit.

See [Section 88.42.110](#) (Live/Work Units).

Lodging.

1.

Bed and Breakfast Inn (B&B). A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable environmental health department regulations.

2.

Hotel or Motel. A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically

include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is the gross area of the lot, exclusive of easements for streets or driveways that are not for the exclusive use of the lot on which the easement is located.

Lot, or Parcel. A recorded lot or parcel of real property, lawfully created as required by applicable Subdivision Map Act and city ordinance requirements, including this Development Code. Types of lots include the following. See Figure 6-2 (Lot Types).

1.

Corner Lot. A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 175 degrees. If the intersection angle is more than 175 degrees, the lot is considered an interior lot.

2.

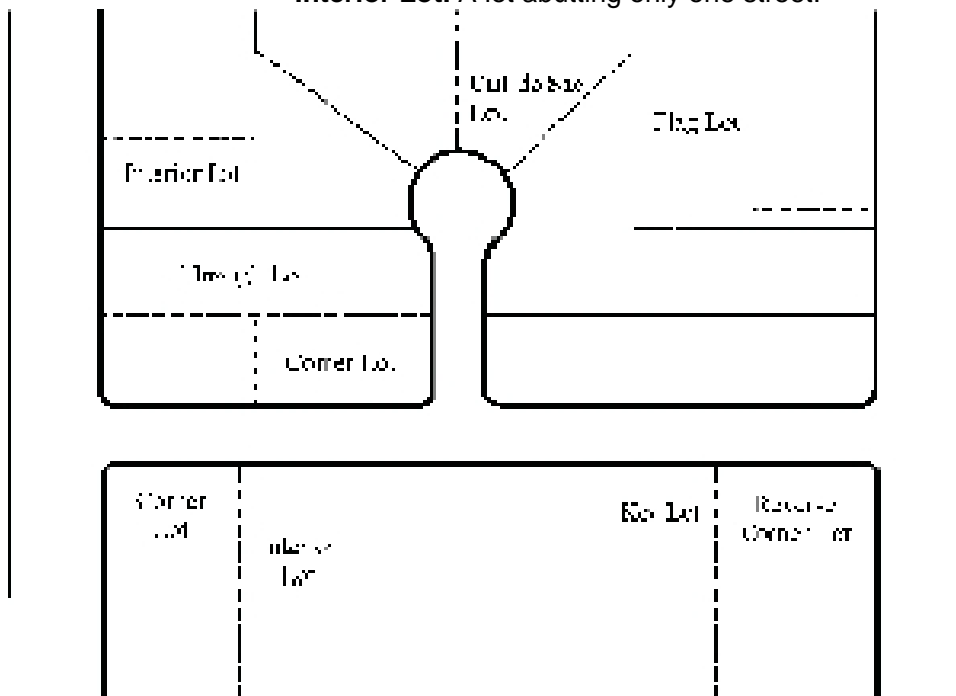
Double-Frontage Lot. A lot with frontage on two generally parallel streets.

3.

Flag Lot. A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

4.

Interior Lot. A lot abutting only one street.



88.70.020 Figure 6-2 - Lot Types

5.

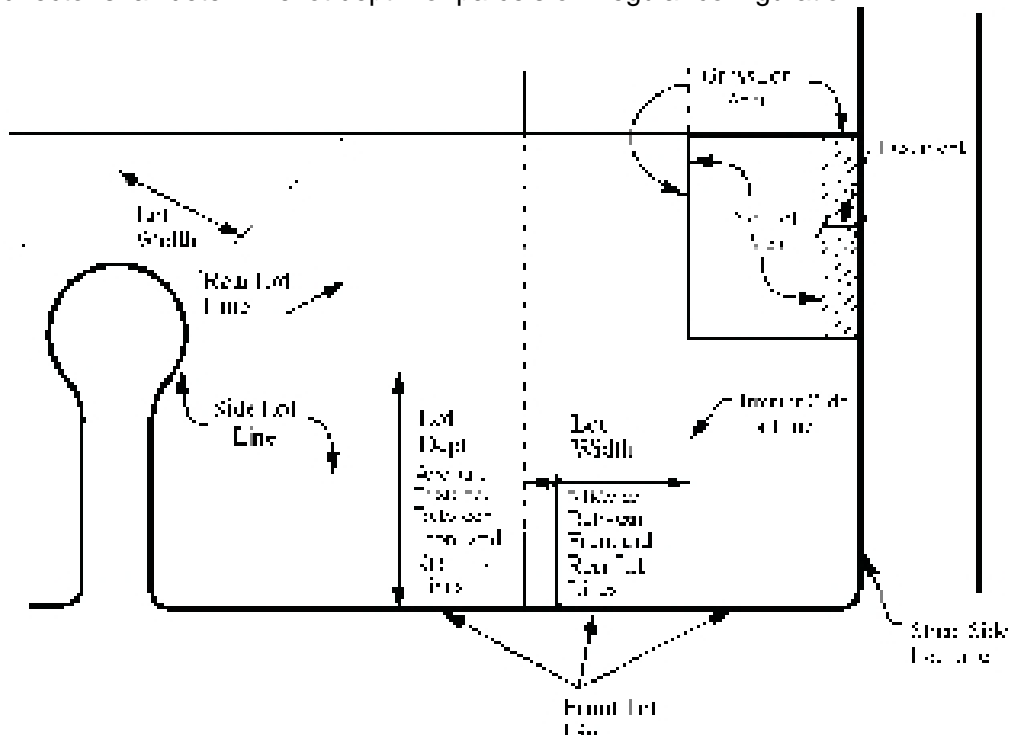
Key Lot. An interior lot, the front of which adjoins the side property line of a corner lot.

6.

Reverse Corner Lot. A corner lot, the rear of which abuts a key lot.

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 6-3 (Lot Features). The director shall determine lot depth for parcels of irregular configuration.



88.70.020 Figure 6-3 - Lot Features

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way.

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 6-3 (Lot Features)):

1.

Front Lot Line. On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, or

for an irregularly shaped corner lot, the front lot line shall be determined by the director.) on a double-frontage lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2.

Interior Lot Line. Any lot line not abutting a street.

3.

Rear Lot Line. A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

4.

Side Lot Line. Any lot line that is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 6-3 (Lot Features). The director shall determine lot width for parcels of irregular shape.

M.

Definitions, "M."

Maintenance. See "Repair and Maintenance."

Maintenance Service, Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Manufacturing/Processing - Heavy. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following.

1.

Chemical Product Manufacturing. An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.

2.

Concrete, Gypsum, and Plaster Product Manufacturing. An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."

3.

Glass Product Manufacturing. An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under ("Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing").

4.

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) ("Lumber and Wood Product Manufacturing").

5.

Petroleum Refining and Related Industries. Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").

6.

Plastics, other Synthetics, and Rubber Product Manufacturing. The manufacture of rubber products including; tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass

manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").

7.

Primary Metal Industries. An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.

8.

Pulp and Pulp Product Manufacturing. An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper ("Manufacturing - Light" - Paper Product Manufacturing).

9.

Textile and Leather Product Manufacturing. An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:

coating, waterproofing, or otherwise treating fabric

dressed and dyed furs

dyeing and finishing fiber, yarn, fabric, and knit apparel

leather-tanned, curried, and finished

manufacture of knit apparel and other finished products from yarn

manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles

manufacturing of woven fabric, carpets, and rugs from yarn

preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage

scouring and combing plants

upholstery manufacturing

yarn and thread mills

Manufacturing/Processing - Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.

1.

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

2.

Clothing and Fabric Product Manufacturing. An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing - Heavy - Textile and Leather Product Manufacturing."

3.

Electronics, Equipment, and Appliance Manufacturing. An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines

aviation instruments

computers, computer components, peripherals

electrical transmission and distribution equipment

electronic components and accessories, semiconductors, integrated circuits, related devices

electrical welding apparatus

lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting

industrial controls

instruments for measurement, testing, analysis and control, associated sensors and accessories

miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and

electro-

therapeutic apparatus, electrical equipment for internal combustion engines

motors and generators

optical instruments and lenses

photographic equipment and supplies

radio and television receiving equipment

surgical, medical and dental instruments, equipment, and supplies

storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs),

computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.

surveying and drafting instruments

telephone and telegraph apparatus

transformers, switch gear and switchboards

watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

4.

Food and Beverage Product Manufacturing.

bakeries, wholesale

bottling plants

breweries

candy, sugar and confectionery products manufacturing

catering services separate from stores or restaurants

coffee roasting

dairy products manufacturing

fats and oil product manufacturing

fruit and vegetable canning, preserving, related processing

grain mill products and by-products

meat, poultry, and seafood cooking, canning, curing, byproduct processing

soft drink production

miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant (see "Bar/Tavern," and "Night Club").

5.

Handcraft Industries, Small-Scale Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.

6.

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

7.

Paper Product Manufacturing. An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").

8.

Photo/Film Processing Lab. A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.

9.

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

agents, merchandise or commodity brokers, and commission merchants

assemblers, buyers and associations engaged in the cooperative marketing of farm products

merchant wholesalers

stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

Manufacturing/Processing - Medium Intensity. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following.

1.

Furniture and Fixtures Manufacturing, Cabinet Shop. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Manufacturing - Heavy."

2.

Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry

cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

3.

Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

containers, pallets and skids

manufactured and modular homes

matches (wood)

milling operations

trusses and structural beams

turning and shaping of wood products

wholesaling of basic wood products

wood product assembly

Does not include craft-type shops ("Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixture Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").

4.

Machinery Manufacturing. An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").

5.

Metal Products Fabrication, Machine and Welding Shops. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

blacksmith and welding shops

plating, stripping, and coating shops

sheet metal shops

machine shops and boiler shops

6.

Motor Vehicles and Transportation Equipment. Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").

7.

Stone and Cut Stone Product Manufacturing. An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("Handcraft industries, Small-scale Manufacturing").

8.

Structural Clay and Pottery Product Manufacturing. An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see "Handcraft Industries and Small Scale Manufacturing," "Home Occupations").

Map Act. See "Subdivision Map Act."

Material Recovery Facility. A material recovery facility is a specialized processing facility that receives and separates recyclable materials, municipal solid waste, green waste and related items. It also prepares the recyclables for marketing to end-user manufacturers and prepares the municipal solid waste and green waste for further disposal. A transfer station may be included.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types.

1.

Backlots/Outdoor Facilities. Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.

2.

Indoor Support Facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.

3.

Soundstages. Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Median Income. The annual, area median income applicable to the County, adjusted for family size in compliance with adjustment factors adopted by the United States Department of Housing and Urban Development (HUD). In the event that HUD no longer establishes median income levels at the time of conveyance of a unit, the city will determine by resolution, by any other recognized method of computing median income, the median income for purposes of this Development Code. The determination by the city shall be final and nonappealable.

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices with four or more licensed practitioners and/or medical specialties

out-patient care facilities

urgent care facilities

other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital

services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.

Meeting Facility, Public or Private. A facility for public or private meetings, not including sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"), or convention centers (see "Conference/Convention Facility"). Includes clubs, lodges, and private meeting halls, community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, grange halls, union halls, etc. Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by [Article 2](#) (Urban Standards).

Mixed-Use Project. A project that combines both commercial and residential uses, where the residential component is typically located above the commercial. See [Section 88.42.120](#) (Mixed Use Projects).

Mixed-Use Project - Phased. A mixed-use project developed in two or more phases pursuant to a master plan on sites greater than three acres containing existing buildings, where some of the existing buildings are to be retained during one or more phases, and where the final phase of the master plan meets the Urban Form goals and policies of the General Plan.

Mobile Home, Manufactured Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. See Sections [88.42.128](#) (Mobile Homes Outside of Mobile Home Parks), and [88.42.130](#) (Mobile Home Parks).

Mobile Home, Boat, or RV Sales. Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. May include a common storage area for recreational vehicles owned by residents only. See [Section 88.42.130](#) (Mobile Home Parks).

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

Motel. See "Hotel or Motel."

Multi-Family Housing. A dwelling unit that is part of a structure containing one or more other dwelling units, or a non-residential use. An example of the latter is a mixed-use project

where, for example, two or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family housing types include the following.

1.

Court. A group of dwelling units arranged to share one or more common courtyards, where the individual units are townhouses or rowhouses, flats, or flats over or under flats or townhouses.

2.

Duplex, Triplex, or Fourplex. A structure containing two, three, or four dwelling units, respectively, where no unit is located over another unit.

3.

Flat. A single-floor dwelling unit in a structure with other dwelling units.

4.

Townhouse. A structure containing two or more two-story attached dwellings, with the "stoop" frontage type, where no unit is located over another unit.

5.

Rowhouse. Two or more detached two-story dwellings with zero side setbacks, and property lines between the units.

6.

Stacked Flats. A structure containing five or more single-floor dwelling units that is none of the housing types in 1. through 5. above, where dwelling units are located above other dwelling units.

Multi-Tenant Center. A group of three or more retail establishments located with a building, or group buildings which share a parking facility. A Multi-tenant Center may include office, service, and other uses permitted with the zone, provided that the majority of the floor area of the Center must be occupied by general retail uses.

N.

Definitions, "N."

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Neighborhood Market/Convenience Store. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to the daily shopping needs of nearby residents.

Night Club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

Noise. Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is "unwanted sound."

1.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five and ten dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.

2.

dB, Decibel. A unit used to express the relative intensity of a sound as it is heard by the human ear.

3.

dBA. The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of ten dBA doubles the perceived loudness though the noise is actually ten times more intense.

4.

Ldn. Day-Night Average Sound Level. The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a ten dB weighting applied to night-time sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.

5.

Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure and is the basis for the descriptors used in current standards, such as the 24-hour CNEL used by the State of California.

6.

L10. A statistical descriptor indicating peak noise levels, i.e. the sound level exceeded 10 percent of the time. It is a commonly used descriptor of community noise, and has been used in Federal Highway Administration standards and the standards of some cities and counties.

7.

Noise Attenuation. Reduction of the level of a noise source using a substance, material, or surface, such as earth berms and/or solid concrete walls.

8.

Noise Contour. A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 Ldn contour (measured in dBA) require noise attenuation in residential development.

Nonconforming Parcel. A parcel that was legally created, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

Nonconforming Sign. A sign that lawfully existed prior to the effective date of this Development Code or amendment, but does not comply with the current sign regulations of this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not comply with the current setback, height limit, and/or other applicable requirements of this Development Code.

Nonconforming Use. A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Development Code or amendment, but does not conform to the current Development Code requirements for allowable land uses within the applicable zoning district.

O.

Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant or business.

Off-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office.")

1.

Accessory. Office facilities that are incidental and accessory to another business or sales activity that is the primary use.

2.

Business/Service. Establishments providing direct services to consumers or clients, typically with higher client volumes than experienced by the other types of offices listed. Examples of these uses include employment agencies, insurance agent offices, real estate offices, social service organizations, travel agencies, utility company offices, tax preparation offices, etc. This does not include "Bank, Financial Services," which is separately defined.

3.

Government. Administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."

4.

Processing. Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include:

airline, lodging chain, and rental car company reservation centers

computer software and hardware design and development

consumer credit reporting

data processing services

health management organization (HMO) offices where no medical services are provided

insurance claim processing

mail order and electronic commerce transaction processing

telecommunications facility design and management

telemarketing

5.

Professional. Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services

advertising agencies

attorneys

commercial art and design services

construction contractors (office facilities only)

counseling services

court reporting services

detective agencies and similar services

design services including architecture, engineering, landscape architecture, urban planning

educational, scientific and research organizations

financial management and investment counseling

literary and talent agencies

management and public relations services

media post production services

news services

photographers and photography studios

psychologists

secretarial, stenographic, word processing, and temporary clerical employee services

security and commodity brokers

writers and artists offices

6.

Temporary. A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

7.

Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office-Supporting Retail. A retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of merchandise include:

Books

Computer equipment

Flowers

Newspapers and magazines

Office supplies, stationery

On-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed on-site.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Ordinary Maintenance and Repair. Work for which a building permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Display and Sales. Permanent outdoor sales and rental establishments including auction yards, flea markets, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of vehicles/equipments, and other uses where the business is not conducted entirely within a structure. Does not include the sale of automobiles and recreational vehicles ("Auto and Vehicle Sales and Rental") or mobile homes ("Mobile Home, Boat, or RV Sales"). Outdoor retail sales and activities shall comply with the standards for "Outdoor Displays and Sales" in [Section 88.42.150](#).

Outdoor Shooting Range. A facility where owners of pistols and/or rifles may lawfully engage in target practice.

Outdoor Storage. See "Storage - Outdoor."
P.

Definitions, "P."

Parcel. See "Lot, or Parcel."

Park, Playground. A public outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parking Facility - Public or Commercial. A parking lot or structure operated by the city, or a private entity providing parking for a fee, where the duration of parking for any vehicle is less than 24 hours. The parking of any vehicle for more than 24 hours is instead defined as "Vehicle Storage." Does not include towing impound and storage facilities, which are instead defined under "Vehicle Storage".

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1.

Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;

2. Design amenities related to the street level such as awnings, paseos, arcades;
3. Visibility into buildings at the street level;
4. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping; and
8. Street furniture.

Pedestrian Oriented Use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and social interaction.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops

clothing rental

dry cleaning pick-up stores with limited equipment

home electronics and small appliance repair

laundromats (self-service laundries)

locksmiths

massage (licensed, therapeutic, non-sexual)

pet grooming with no boarding

shoe repair shops

spas

tailors

tanning salons

These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- fortune tellers
- palm and card readers
- pawnshops
- psychics
- spas and hot tubs for hourly rental

Planning Commission. The City of Azusa Planning Commission, appointed by the Azusa City Council in compliance with Government Code Section 65101, referred to throughout this Development Code as the "Commission."

Planning Permit. Authority granted by the city to use a specified site for a particular purpose. "Planning permit" includes use permits, minor use permits, temporary use permits, variances, minor variances, design review, sign permits, master sign plans, and zoning clearances, as established by [Article 5](#) (Development Code Administration and Procedures), and [Chapter 88.38](#) (Signs), of this Development Code.

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Primary Residence. A dwelling unit where a household resides during the entire year. One or more periods when the household is vacationing do not invalidate primary residency, provided that the unit is not rented to another party during a vacation.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Private Residential Recreation Facility. A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, park and sport court facilities. Does not include golf courses and country clubs, which are separately defined.

Property Line. The recorded boundary of a parcel of land. See also "Lot Features."

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Public Safety Facility. A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

Q.

Definitions, "Q."

Qualifying Resident. A person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

R.

Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1.
Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; and
2.
Contains 400 square feet or less of gross area measured at maximum horizontal projections; and
3.
Is built on a single chassis; and
4.
Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a

higher density, more intensively developed use than camp-grounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1.

Collection Facility. A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

a.

Small Collection Facility

i.

Includes reverse vending machines;

ii.

Small collection facilities which occupy an area of 600 square feet or less;

iii

May include a mobile unit;

b.

Large Collection Facility. Large collection facilities occupy an area of more than 600 square feet and/or include permanent structures.

2.

Mobile Recycling Unit. An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

3.

Processing Facility. An entirely indoor facility for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Also includes the disassembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable waste materials, other than motor vehicles and/or motor vehicle parts.

4.

Recycling or Recyclable Material. Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

5.

Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash

refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight

6.

Scrap and Dismantling Yards. See "Scrap and Dismantling Yard."

Repair Service - Equipment, Large Appliances, etc. A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services", the repair of small home appliances and electronic equipment, which is included under "Personal Services", or maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services."

Repair and Maintenance. Repair and maintenance includes work on a building or other structure involving: cleaning; interior and exterior painting; re-roofing; the patching of cracks, holes, and other damage to interior and exterior walls; the replacement or repair of electrical or plumbing fixtures and lines; but does not include changes to any structural member.

Research and Development (R&D). A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities, and where no more than 30 percent of the total floor area is office. Includes pharmaceutical, chemical and biotechnology research and development. Does not include medical laboratories, or soils and other materials testing laboratories (see "Laboratory", and also "Medical Service - Clinic, Urgent Care" for accessory medical laboratories).

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

garages

gazebos

greenhouses (non-commercial)

patio covers

spas, hot tubs, and saunas

storage sheds

studios

swimming pools

tennis and other on-site sport courts

workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, which are separately defined; guest houses, which are included under the definition of second units; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities"). See [Section 88.42.020](#) (Accessory Structures).

Residential Care. A single-family dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined. Residential Care also includes supportive housing, which is defined as housing with no limit on length of stay that is occupied by a special needs population, and that is linked to regular onsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, [Chapter 6](#), Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1.

Assisted Living Facility. A residential building or buildings that also provide housing, personal and health care, as permitted by the department of social services, designed to respond to the daily, individual needs of the residents.

Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.

2.

Independent Living Center/Senior Apartment. Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3.

Life Care Facility. Sometimes called continuing care retirement communities, or senior continuum of care complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life care facilities require multiple licensing from the state department of social services, the state department of health services, and the state department of insurance.

Residential Component of Mixed Use Project. The residential use that is combined with a non-residential use on the same site or within the same structure to establish a mixed use project. See "Mixed Use Project."

Restaurant, Cafe, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. May also include catering services (the preparation of food for consumption on a premises selected by the client).

Retail Complex. A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Review Authority. The individual or official city body (the community development director, planning commission, or city council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in [Article 5](#) (Development Code Administration and Procedures).

Rooming or Boarding House. A dwelling or part of a dwelling where lodging is furnished for compensation to five or more persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under "Organizational House."

Rowhouse. See "Multi-Family Housing."

S.

Definitions, "S."

School. A public or private academic educational institution, including:

boarding school

community college, college, or university

elementary, middle, and junior high schools

high school/secondary school

military academy

Also includes schools providing specialized education/training. Examples include the following:

art school

ballet and other dance school

business, secretarial, and vocational school

computers and electronics school

drama school

driver education school

establishments providing courses by mail

language school

martial arts

music school

professional school (law, medicine, etc.)

seminaries/religious ministry training facility

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studios - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Scrap and Dismantling Yard. An outdoor establishment primarily engaged in dismantling motor vehicles for scrap, and the incidental wholesale or retail sales of parts from the vehicles. Also includes junk and salvage yards recycling that do not comply with the definition of "Recycling - Processing Facility." Does not include: places where these activities are conducted entirely within buildings; the sale of operative used cars; or landfills or other waste disposal sites. No new scrap and dismantling yards are allowed in the city.

Second Hand Store. A retail store that buys and sells used products and consignment goods, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects. Does not include bookstores ("Retail Stores"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales"); junk dealers, or scrap/dismantling yards (Recycling Facilities - Scrap and Dismantling Yards"); the sale of antiques and collectibles ("Retail Stores"); the sale of cars and other used vehicles ("Auto and Vehicle Sales, Leasing, and Rental, Used"); or pawnshops ("Personal Services - Restricted"). Does not include the sale of used items when the volume of such products offered for sale on the premises is 30 percent or less of the total volume offered for sale (for example video rental stores selling some used videos, record stores selling some used records and/or CDs, etc.).

Second Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. Includes guest houses. See also "Carriage House."

Senior Citizen Apartments. An apartment project where occupancy is restricted to persons of 55 years of age or older.

Service Station. A retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by [Article 2](#) (Urban Standards), a gas station may also include a "Convenience Store," "Vehicle Services," and/or trailer rental ("Auto and Vehicle Sales or Rental"), which are separately defined.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also "Yard," and Section [88.30.060](#) (Setback Requirements and Exceptions).

Shopping Center. A primarily retail commercial site, where only 15 percent of allowed uses are non-retail and, on sites where the gross lot size is eight acres or more, at least one retail space has a minimum of 15,000 square feet in area, with three or more separate businesses sharing common pedestrian and parking areas.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means,

including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

1.

A-Frame Sign. A portable "sandwich board" sign.

2.

Abandoned Sign. A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

3.

Animated or Moving Sign. A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

4.

Awning Sign. A sign copy or logo attached to or painted on an awning.

5.

Banner, Flag, or Pennant. Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

6.

Bench Sign. Copy painted on a portion of a bench.

6a.

Business or Commercial Entity. A business or commercial endeavor that engages in activities as a means of livelihood or profit, or an entity which engages in such activities.

7.

Cabinet Sign (Can Sign). A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.

8.

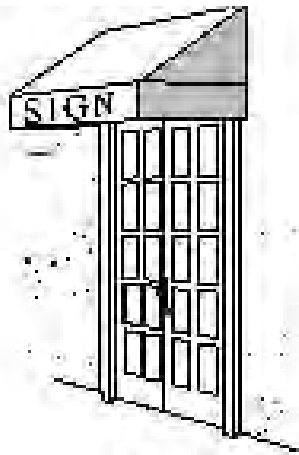
Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

9.

Directional Sign. A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

10.

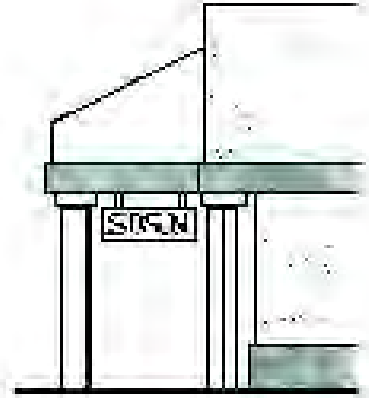
Directory Sign. A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.



Awning



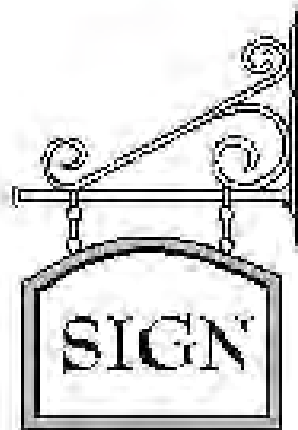
Wall



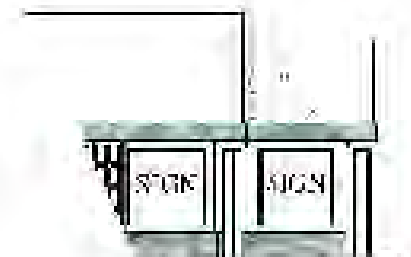
Suspended



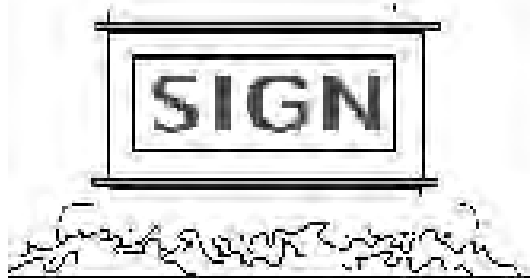
Roof



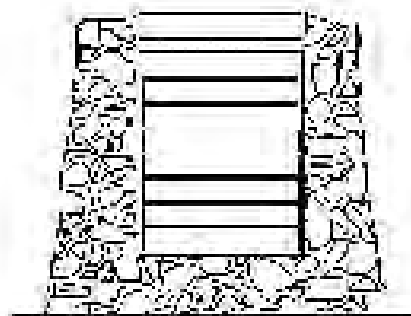
Projecting



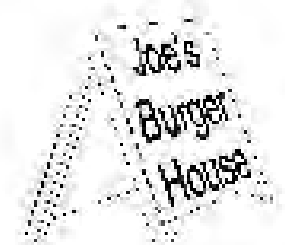
Window



Freestanding/Monument



Multi-Tenant/Monument



Portable Sidewalk Sign

88.70.020 Figure 6-4 - Examples of Types of Signs

10a.

Display of Goods. The exhibition of objects or merchandise for public view.

11.

Double-Faced Sign. A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

12.

Electronic Reader Board Sign. A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

13.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

14.

Freestanding Sign. A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

15.

Illegal Sign. A sign that includes any of the following:

a.

A sign erected without complying with all regulations in effect at the time of its construction or use;

b.

A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;

c.

A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;

d.

A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

e.

- A sign which is a danger to the public or is unsafe;
 - f.
 - A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the city; or
 - g.
 - A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.

16.

Indirectly Illuminated Sign. A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

17.

Internally Illuminated Sign. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

18.

Marquee (Canopy) Sign. A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

19.

Monument Sign. An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

20.

Multi-Tenant Sign. An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

21.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.

21a.

On-Site Human Directional and Advertising Sign. A temporary sign that is held, carried, or supported by a person while on the same property as the sign directs or advertises, but does not include a sign or words or pictures featured on an article of clothing worn by said person.

22.

Off-Site Directional Sign. A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.

22a.

Off-Site Human Directional and Advertising Sign. A temporary sign that is held, carried, or supported by a person while on a property that is different than the sign directs or advertises or on public right-of-ways or streets, but does not include a sign or words or pictures featured on an article of clothing worn by said person.

23.

Off-Site Sign. A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign, or that identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, is not a principal item for sale or manufactured on the premise.

24.

Permanent Sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

25.

Political or Social Issue Sign. A sign that addresses:

a.

The passage or defeat of a measure appearing on the ballot in any national, state, or local election;

b.

The election or defeat of any candidate for any public office in any national, state, or local election; or

c.

An international, national, state, or local political or social issue.

26.

Pole/Pylon Sign. An elevated freestanding sign, typically supported by one or two poles or columns.

27.

Portable Sign. A sign that is not permanently affixed to a structure or the ground.

28.

Projecting Sign. A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.

28a.

Public Right-of-Way. The area in, upon, above, beneath, or across any public street, road, lane, court, alley, boulevard, sidewalk, pathway, park,

open space, landscape lot, drainage facility, easement or other public place or property within the City, as it now or hereafter exists.

29.

Real Estate Sign. A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

30.

Roof Sign. A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

31.

Temporary Sign. A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

32.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

33.

Wall Sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

34.

Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Single-Family Dwelling. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Standards Code and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Single Room Occupancy (SRO) Facility. A facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 300 square feet.

These dwelling units may have kitchen or bathroom facilities and offered on a monthly basis or longer.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall.

Small Family Day Care Home. See "Day Care."

Social Service Organization. A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, or "Residential Care," which are separately defined.

Sports and Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Sports and Active Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, softball, soccer)

health and athletic club outdoor facilities

skateboard parks

swimming pools

tennis and other sport courts (e.g., handball, squash)

Stacked Flats. See "Multi-Family Housing."

Storage - Accessory. The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage - Personal Storage Facility. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck or Freight Terminal").

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. The term "story" shall not include a basement or a subterranean parking garage so long as the finished floor level directly above the basement or garage is six feet or less above grade, as defined in the California Building Code, for more than 50 percent of the total perimeter or not more than 12 feet above grade at any point. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

One-half story means a story with a sloping roof, the area of which story at a height of five feet above the floor does not exceed one-half of the floor area of the story immediately below it.

Street. A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this subsection.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings," but does not include swimming pools or in-ground spas.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include adult businesses.

Studio Unit. A residential unit where living and sleeping space is combined in a single room.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Los Angeles County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be

considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Improvements. Subdivision improvements include but are not limited to streets, storm drainage facilities, sanitary sewers, water supply facilities, electric and gas lines.

Subdivision Map Act, or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Surface Mining. The following terms and phrases are defined for the purposes of [Chapter 88.44](#) (Surface Mining and Reclamation).

1.

Exploration or Prospecting. The search for minerals by geological, geophysical, geochemical or other techniques, including but not limited to sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

2.

Mined Lands. The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in surface mining operations are located.

3.

Minerals. Any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic substances including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

4.

Mining Waste. The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from or displaced by surface mining operations.

5.

Operator. Any person who is engaged in surface mining operations himself or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

6.

Overburden. Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

7.

Reclamation. The process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

8.

State Board. The State Mining and Geology Board, in the Department of Conservation.

9.

State Geologist. The individual holding office as structured in Public Resources Code 677.

10.

Surface Mining Operations. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits; open-pit mining of minerals naturally exposed; mining by the auger method; dredging and quarrying; or surface work incident to an underground mine. Surface mining operations include:

a.

In-place distillation, retorting or leaching;

b.

The production of mined resources and the disposal of mining waste;
and

c.

Prospecting and exploratory activities.

Swap Meet, Flea Market. The sale of used and/or new merchandise by individual vendors in a temporary or permanent facility operated and managed by a different proprietor or business entity, provided that the operator may also be engaged in sales. An indoor swap meet or flea market occupies a building typically designed for retail sales with tables, booths, or other spaces for the individual vendors.

T.

Definitions, "T."

Tattoo and Body Piercing Parlor. Establishments engaged in the act of placing an indelible mark or figure upon the human body by insertion of pigment under the skin or by product of scars. Also includes body piercing as a primary use.

Telecommunications Facility. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections. The following terms and phrases are defined for the purposes of [Chapter 88.46](#) (Telecommunications Facilities).

1.

Antenna. Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.

2.

Co-Location. The location of two or more wireless, hard wire, or cable communication facilities on a single support structure or otherwise sharing a common location. Co-location shall also include the location of communication facilities with other facilities (e.g., water tanks, light standards, and other utility facilities and structures).

3.

Communication Facility. An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.

4.

Equipment Cabinet. A cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.

5.

Monopole. A single freestanding pole, post, or similar structure, used to support equipment associated with a single communication facility.

6.

Multipoint Distribution Service. A microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any

interpretative decisions thereof issued by the Federal Communications Commission.

7.

Service Provider. Any authorized provider of communication services.

8.

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited time, typically less than 12 months.

Theater. An indoor facility for group entertainment, other than sporting events. Examples of these facilities include:

civic theaters, and facilities for "live" theater and concerts

movie theaters

See also "Sports and Entertainment Assembly."

Townhouse. See "Multi-Family Housing."

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Triplex. See "Multi-Family Housing."

Truck or Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

freight forwarding services

freight terminal facilities

joint terminal and service facilities

overnight mail processing facilities

packing, crating, inspection and weighing services

postal service bulk mailing distribution centers

transportation arrangement services

trucking facilities, including transfer and storage

U.

Definitions, "U."

Use. See "Land Use."

Use, Primary. See "Primary Use."

Utility Facility. A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091:

corporation and maintenance yards.

electrical substations and switching stations

natural gas regulating and distribution facilities

public water system wells, treatment plants and storage

telephone switching facilities

wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

V.

Definitions, "V."

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1.

Major Repair/Body Work. These establishments include towing, collision repair, other body work, and painting services; tire recapping.

2.

Minor Maintenance/Repair. Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles (RVs), construction equipment, and/or other motor vehicles. For the purposes of this definition, "storage" means the parking of a vehicle for 24 hours or more. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes impound and towing service yards, where towed vehicles are temporarily parked or stored prior to repair or other disposition. Does not include commercial parking lots (defined under "Parking Facility, Public or Commercial"), or dismantling yards (defined under "Scrap and Dismantling Yards").

Veterinary Clinic, Animal Hospital. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also "Kennel, Animal Boarding."

W.

Definitions, "W."

Warehouse. See "Storage - Warehouse, Indoor Storage."

Warehouse Retail. A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

X.

Definitions, "X."

No specialized terms beginning with the letter "X" are defined at this time.

Y.

Definitions, "Y."

Yard. An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See also "Setback," and Section [88.30.060](#) (Setbacks Requirements and Exceptions):

1.

Front Yard. An area extending across the full width of the lot between the front lot line and the primary structure.

2.

Rear Yard. An area extending the full width of the lot between a rear lot line and the primary structure.

3.

Side Yard. An area between a side lot line and the primary structure extending between the front and rear yards.

Z.

Definitions, "Z."

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

(Ord. No. 06-06, § 1B, 8-7-06; Ord. No. 08-07, § 11, 6-16-08; Ord. No. 10-01, § 22, 3-1-10; Ord. No. 11-04, § 2, 4-18-11; Ord. No. 11-016, § 8, 10-24-11)